

# Record of Cabinet decisions

**Tuesday, 30 March 2021**

**3.00pm to 4.50pm**

**Date of publication: 31 March 2021**

**Subject to call-in these decisions will be effective from 12 April 2021  
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	
	Teri Reynolds, Democratic Services Officer	

## **Apologies for absence**

There were none.

## **Record of decisions**

The record of the meeting held on 2 March 2021 was agreed by the Cabinet and signed by the Leader as a correct record.

## **Cabinet, 30 March 2021**

### **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 item 5 (Pentagon Centre – Update) and item 6 (Kyndi Limited – Business Plan) because he is the Chairman of both Medway Development Company and Kyndi Ltd. Councillor Doe relied on a dispensation granted by the Councillor Conduct Committee to enable him to take part in discussion and voting on both items.

Councillor Adrian Gulvin declared an OSI in agenda item 5 (Pentagon Centre – Update) because he is a Director of Medway Development Company. Councillor Gulvin relied on a dispensation granted by the Councillor Conduct Committee to enable him to take part in discussion and voting the item.

Councillor Rupert Turpin declared an OSI in agenda item 6 (Kyndi Limited – Business Plan) because he is a Director of Kyndi Ltd. Councillor Turpin relied on a dispensation granted by the Councillor Conduct Committee to enable him to take part in discussion and voting on the item.

#### Other interests

There were none.

### **Kent Downs Area of Outstanding Natural Beauty Management Plan Adoption**

#### **Background:**

This report explained that the Countryside and Rights of Way (CROW) Act 2000 required local authorities to produce, adopt and keep under review Management Plans for Areas of Outstanding Natural Beauty (AONB). The Kent Downs AONB covered part of the western and southern areas of Medway. Working through the Kent Downs AONB Unit and with other authorities in the Kent Downs AONB, a review had been undertaken to update the current plan for the period 2021 – 2026.

The report advised that all twelve local authorities with land area within the Kent Downs AONB were legally required to adopt the same AONB Management Plan.

The report proposed the adoption of the reviewed document, which strongly reflected the existing, already adopted plan and was the result of extensive participation and consultation, reflecting comments made by Medway Council.

The Plan presented for adoption was set out at Appendix 1 to the Report.

A Diversity Impact Assessment (DIA) had been carried out in relation to the Plan, as set out at Appendix 2 to the report.

## Cabinet, 30 March 2021

**Decision number:**

**Decision:**

- 39/2021**      **The Cabinet agreed to adopt the Kent Downs AONB Management Plan Review 2021-26 as set out at Appendix 1 to the report, subject to the agreement of the other eleven local authorities party to the Plan.**
- 40/2021**      **The Cabinet delegated authority to the Director of Place and Deputy Chief Executive, in consultation with the Portfolio Holder for Planning, Economic Growth and Regulation, to:**
- a) Address the minor amendments to the Kent Downs AONB Management Plan Review, 2021-2026 as highlighted in yellow in Appendix 1 to the report.**
  - b) Consider and approve reasonable minor changes made by the other eleven local authorities to the Plan during the adoption process.**
  - c) Consider and approve minor changes to the Plan for the purpose of presentation or improving clarity.**

### **Reasons:**

To meet the statutory requirements on the Council to prepare and revise an AONB Management Plan.

### **Pentagon Centre - Update**

#### **Background:**

This report provided the Cabinet with an update on the proposed re-development of the Pentagon Centre. The report set out that the Council was in advanced discussions with a public sector organisation to reconfigure and occupy an area of the Centre. The envisaged project would provide a rental income to the Council. It would also drive footfall to the Centre and improve the overall vitality of this strategic asset.

The proposal would dovetail with the bringing back into use of Mountbatten House and the other town centre improvements planned to be delivered over the next 2-3 years. Part of the original strategy was to redevelop an area of the Centre, which was currently under-performing as lettable space, to provide additional leisure facilities in Chatham. However, due to changes in demand in the leisure market, a prospective tenant had withdrawn their interest and this was no longer considered a viable redevelopment or letting option for the Council.

## **Cabinet, 30 March 2021**

The report set out that a new repurposing strategy had therefore been produced to bring alternative uses into this area, reducing the amount of retail and thereby increasing the sustainability and profitability of the ground floor retail.

Consultation was due to begin shortly with the current occupiers who would be affected to establish whether they could be offered alternative premises in the Pentagon Centre. One of the options for alternative premises that the Council was actively considering could see a dedicated area retained for charitable and other third sector organisations to deliver their services.

Exempt Appendix 1 to the report set out the draft redevelopment proposal for the site.

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

**41/2021**      **The Cabinet approved progressing of the re-development proposal outlined at Exempt Appendix 1, including the RIBA stage 2 design works.**

**Reasons:**

The Council wants to regenerate Chatham and wants to support the economic renewal post Covid-19 of the “city centre” of Medway. By progressing this proposal the Council will be working towards its ambitions for a more vibrant and busy Pentagon Centre.

**Kyndi Limited - Business Plan**

**Background:**

This report provided the Cabinet with an updated Business Plan for Kyndi Limited (formerly known as Medway Commercial Group) for approval and also provided details of the company’s rebrand.

The report set out that the Cabinet had previously approved the new Business Strategy for Medway Commercial Group. This had informed the revised core business priorities and included proposals for rebranding the Company. The Board had approved the change of name from Medway Commercial Group to Kyndi Limited and from Medway Commercial Services to Kyndi Care Limited at a meeting in January 2021. The necessary changes were then made at Companies House in March 2021.

The report highlighted that the company was expected to make a net pre-tax profit of circa £600,000 in 2021 – 2022, with Exempt Appendix 1 to the report having set out Kyndi’s full Business Plan.

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

**42/2021**      **The Cabinet approved the Kyndi Business Plan as set out at Exempt Appendix 1 to the report.**

### **Reasons:**

Cabinet acting as the shareholder must approve the Business Plan presented. This will enable the regular monitoring against progress.

### **School Transport and Curriculum Appeals Committee - Referral to Cabinet**

#### **Background:**

This report set out the School Transport and Curriculum Appeals Committee's (STCAC) recommended change to the Education Travel Assistance Policy (ETAP). This asked the Cabinet to consider whether pupils who secure a place at a Medway grammar school on appeal should also be classed as grammar ability under the policy.

The report stated that as demand for Medway's grammar schools rose and school places filled by pupils who had been successful in the Medway Test, the opportunity for parents whose children were not assessed as being of grammar ability through the Test itself and the review process, to obtain a place at grammar school on appeal, was restricted to one or two schools which historically had a number of vacant places.

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

**43/2021**      **The Cabinet noted the recommendation from the School Transport and Curriculum Appeals Committee and the advice from officers and authorised officers to undertake public consultation on the proposed change and report the outcome back to the Cabinet for determination.**

### **Reasons:**

Amending the ETAP and making related budgetary decisions are matters for Cabinet.

### **Emotional Health and Wellbeing Contract and The Local Transformation Plan Update**

#### **Background:**

This report provided an update on the Medway Young person's Wellbeing Service contract and developments through the Local Transformation Plan for Children and

## Cabinet, 30 March 2021

Young People (CYP) Mental Health and Emotional Wellbeing for 2019/20. The report also highlighted the direction of travel for 2021 to 2024 in meeting NHS Long Term Plan targets for children and young people across Kent and Medway.

This report had been considered by the Children and Young People Overview and Scrutiny Committee on 7 January 2021 and by the Health and Wellbeing Board on 16 February 2021. The comments of these Committees were set out at sections 7 and 8 of the report.

**Decision number:**

**Decision:**  
The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee and the Health and Wellbeing Board set out at sections 7 and 8 of the report respectively.

The Cabinet noted the update report and direction of travel to produce the Local Transformation Plan (LTP) refresh by September 2021 as required by NHS England/Improvement, as set out in paragraph 2.5 of the report.

**44/2021** The Cabinet delegated authority to the Director of Public Health, in consultation with the Portfolio Holders for Adults' Services and Children's Services (Lead Member), to develop and finalise the Local Transformation Plan (LTP) refresh with the LTP Programme Board and submit it to NHS England/Improvement.

### Reasons:

To support the development and timeframe of an overarching plan across Kent and Medway which provides a framework for local decisions to be made with our local communities.

### Monitoring Officer Service to be provided to Kent and Medway Fire and Rescue Authority

#### Background:

This report sought authority from the Cabinet to make an agreement with the Kent and Medway Fire and Rescue Authority (KMFRA) to place Medway Council's Chief Legal Officer (CLO) at the disposal of KMFRA to assume the role of Monitoring Officer (MO) at KMFRA.

The current Monitoring Officer arrangement for KMFRA was due to end on 31 March 2021. The Chief Legal Officer and MO was satisfied that the contract negotiated price of £7,000 was reasonable to cover the MO duties. The appointment of Medway Council's Monitoring Officer with effect from 1 April 2021 had been approved by KMFRA members on 23 February 2021.

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The report noted that 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. On this occasion it was proposed that the call-in period be waived as the agreement was due to come into effect on 1 April 2021. The Chairman of the Business Support Overview and Scrutiny Committee had agreed that the decisions proposed were reasonable in all the circumstances and to them being treated as a matter of urgency and to waive call-in.

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

**45/2021**      **The Cabinet authorised the making of an agreement with Kent and Medway Fire and Rescue Authority (KMFRA) to place Medway Council's Chief Legal Officer at the disposal of KMFRA for the purpose of his designation as that authority's Monitoring Officer.**

**46/2021**      **The Cabinet agreed that decision number 45/2021 be considered urgent and therefore should not be subject to call-in.**

**Reasons:**

To enable KMFRA to fulfil their statutory requirement to appoint a Monitoring Officer and to provide an income to Medway Council.

### **Covid-19 Response and Recovery**

**Background:**

This report provided further information as to the Council's response to the Covid-19 (Coronavirus) global pandemic, following a report to a previous Cabinet meeting on 25 August 2020. It also further outlined the approach in the coming weeks as priorities around the Council's response altered to reflect the partial lifting of the lockdown and moves to restart the economy and reopen businesses and schools.

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

**The Cabinet noted the Council's response to the Covid-19 pandemic.**

**Reasons:**

To highlight the role that the Council has played in responding to Covid-19 as well as supporting the process in place for managing the restarting of services post lockdown and longer-term recovery.

**"Health Inequality in Medway" - Director of Public Health's Annual Report**

**Background:**

This report provided details of the Director of Public Health's Annual Public Health Report (APHR) for 2019/20. The report stated that this edition of the APHR focused on health inequalities that persisted within the Medway unitary authority boundary and set out:

- Key information relating to the causes of health inequalities
- Ways in which the Council was working with key stakeholders to act to address the key health inequality determinates
- Recommendations for future actions to address the root causes of health inequalities in Medway
- The manner in which the COVID-19 pandemic had impacted vulnerable groups in Medway and the Council's initial response to support its residents.

This report had been considered by the Health and Wellbeing Board on 16 February 2021 and by the Health and Adult Social Care Overview and Scrutiny Committee on 11 March 2021. The comments of these Committees were set out at sections 5 and 6 of the report.

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

**The Cabinet noted the comments of the Health and Wellbeing Board and the Health and Adult Social Care Overview and Scrutiny Committee set out sections 5 and 6 of the report respectively.**

**The Cabinet noted the Annual Public Health Report set out in Appendix 1 to the report, including its findings and recommendations.**

**Reasons:**

There is a statutory duty for Directors of Public Health to produce an Annual Report and Local Authorities to publish the report.

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**Leader of the Council**

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## **Cabinet, 30 March 2021**

**Date**

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