

Record of the decisions of the special meeting of the **CABINET** held at the Council Offices, Whitfield on Monday, 19 July 2021 at 11.00 am

Present:

Chairman: Councillor T J Bartlett

Councillors: D P Murphy
O C de R Richardson
C A Vinson

Also Present: Councillor E A Biggs
Councillor P M Brivio
Councillor K Mills
Councillor H M Williams

Officers: Chief Executive
Strategic Director (Corporate Resources)
Strategic Director (Operations and Commercial)
Head of Commercial Services
Head of Finance and Investment
Head of Governance
Kearsney Parks Project Manager
Strategic Project Manager (Infrastructure)
Planning Solicitor
Strategic Development Lead (Leisure)
Housing Development Officer
Democratic Services Officer

The formal decisions of the executive are detailed in the following schedule.

Record of Decisions: Executive Functions

| Decision Status | Record of Decision | Alternative options considered and rejected (if any) | Reasons for Decision | Conflicts of interest (if any) declared by decision maker(s) or consultees (if any) |
|---|--|--|---------------------------------------|---|
| CAB 18 19.7.21 Open Key Decisions No Call-in to apply Yes Implementation Date 27 July 2021 | <u>APOLOGIES</u> Apologies for absence were received from Councillors M Bates and N S Kenton. | None. | To note any apologies for absence. | |
| Decision Status | Record of Decision | Alternative options considered and rejected (if any) | Reasons for Decision | Conflicts of interest (if any) declared by decision maker(s) or consultees (if any) |
| CAB 19 19.7.21 Open Key Decisions No Call-in to apply Yes Implementation Date 27 July 2021 | <u>DECLARATIONS OF INTEREST</u> Councillor O C De R Richardson declared an Other Significant Interest in Agenda Item 7 (Market Square Project) by reason that his son owned the Elephant and Hind public house in the Market Square. Councillor T J Bartlett declared an Other Significant Interest in Agenda Item 8 (Indemnification of Leader of the Council in Respect of Application for Judicial Review – Land North-West of Pegasus, London Road, Sholden) by reason that the decision could potentially affect his personal financial position. | None. | To note any declarations of interest. | |

| Decision Status | Record of Decision | Alternative options considered and rejected (if any) | Reasons for Decision | Conflicts of interest (if any) declared by decision maker(s) or consultees (if any) |
|---|---|--|--|---|
| <p>CAB 20 19.7.21 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 27 July 2021</p> | <p><u>RELEASE OF SECTION 106 MONIES FROM AYLESHAM DEVELOPMENT FOR RECRUITMENT OF GROUNDS MAINTENANCE STAFF AND PROCUREMENT OF EQUIPMENT</u></p> <p>It was agreed:</p> <p>(a) That the Overview and Scrutiny Committee's recommendation, made at its meeting held on 12 July 2021 (Minute No 36), be accepted, as follows:</p> <p>That the decision of Cabinet taken on 5 July 2021 under CAB 15 should not be implemented until Cabinet has received a further report which clearly identifies both the geographic areas within the district in which the new resources are to be deployed and the appropriate means of financing the new resources, having regard to the principle that Section 106 monies received for the maintenance of the public realm in Aylesham cannot be used to defray expenditure incurred on grounds maintenance elsewhere in the district.</p> <p>(b) That Cabinet decision CAB 15 be amended in line with (a) above.</p> | <p>None.</p> | <p>The Overview and Scrutiny Committee, at its meeting held on 12 July 2021, considered Cabinet decision CAB 15 of 5 July 2021 and made a recommendation.</p> <p>(In accordance with the provisions of Section 100(B)(4)(b), the Chairman agreed that this item, which was not detailed on the agenda, should be considered as a matter of urgency in order to resolve the confusion surrounding Cabinet's decision.</p> | |
| Decision Status | Record of Decision | Alternative options considered and rejected (if any) | Reasons for Decision | Conflicts of interest (if any) declared by decision maker(s) or consultees (if any) |

| | | | | |
|--|---|--|--|---|
| <p>CAB 21 19.7.21 Open</p> <p>Key Decisions Yes</p> <p>Call-in to apply Yes</p> <p>Implementation Date 27 July 2021</p> | <p><u>FUTURE HIGH STREETS FUND</u></p> <p>It was agreed:</p> <p>(a) That the project be approved in principle, and the Council be permitted to receive the grant of £3,196,497 and to act as accountable body to the Ministry of Housing, Communities and Local Government.</p> <p>(b) That the expenditure of £1,700,000 that has been allocated within the current Capital Programme as match funding for the project be approved.</p> <p>(c) That £250,000 from the Capital Programme be set aside to support the next stage of the project, to be approved by the Strategic Director (Operations and Commercial), in consultation with the Portfolio Holder for Community and Corporate Property as required.</p> | <p>None.</p> | <p>Cabinet is requested to approve the acceptance of a 'Future High Streets' Fund grant from the Ministry of Housing, Communities and Local Government for a project that will deliver a creative centre at Bench Street and improvements to the underpass beneath the A20 in Dover. This project is one of a number of initiatives being pursued by the Council to transform Dover's high street and town centre.</p> | |
| <p>Decision Status</p> | <p>Record of Decision</p> | <p>Alternative options considered and rejected (if any)</p> | <p>Reasons for Decision</p> | <p>Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)</p> |
| <p>CAB 22 19.7.21 Open</p> <p>Key Decisions No</p> | <p><u>ELECTRIC HEATING AND PHOTO-VOLTAIC INSTALLATIONS AT AFFORDABLE HOUSING DEVELOPMENTS AT KIMBERLEY CLOSE, DOVER AND STOCKDALE GARDENS, DEAL</u></p> <p>It was agreed:</p> | <p>None.</p> | <p>At its meeting held on 5 July 2021, Cabinet deferred a decision on this matter pending further information</p> | |

| <p>Call-in to apply Yes</p> <p>Implementation Date 27 July 2021</p> | <p>(a) That the upgrade to the incoming electricity main to Kimberley Close, allowing electric heating to be installed in lieu of gas, and the associated additional budget required, be approved.</p> <p>(b) That the installation of enhanced photo-voltaic systems to both Kimberley Close and Stockdale Gardens developments, and the associated budget required, be approved.</p> | | <p>about the cost implications of the proposals for tenants (CAB 14).</p> <p>It is proposed that electric heating be installed in these affordable housing developments to avoid the use of gas, thus supporting the Council's target of net zero carbon emissions. The increased costs of electric heating will be offset by the installation of photo-voltaic panels.</p> | |
|--|---|---|---|--|
| Decision Status | Record of Decision | Alternative options considered and rejected (if any) | Reasons for Decision | Conflicts of interest (if any) declared by decision maker(s) or consultees (if any) |
| <p>CAB 23 19.7.21 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> | <p><u>EXCLUSION OF THE PRESS AND PUBLIC</u></p> <p>That, in accordance with the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the press and the public be excluded during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972.</p> | <p>None.</p> | | |

| | | | | |
|--|---|--|---|--|
| Implementation Date Immediate | | | | |
| Decision Status | Record of Decision | Alternative options considered and rejected (if any) | Reasons for Decision | Conflicts of interest (if any) declared by decision maker(s) or consultees (if any) |
| CAB 24 19.7.21 Exempt Key Decisions Yes Call-in to apply Yes Implementation Date 27 July 2021 | <u>MARKET SQUARE PROJECT</u> It was agreed: (a) That work on the delivery of the full scheme should continue as planned but, given that the cost estimate exceeds the allocated budget, that the Council should make a formal approach seeking financial contributions from each of the project partners (Dover Town Team, Dover Town Council and Kent County Council); and that an approach should also be made to the Ministry for Housing, Communities and Local Government to see whether additional grant can be secured. (b) That a report be brought back to Cabinet in October 2021. | To approve the report recommendation and not seek additional funding from alternative sources. | Working with the Dover Town Team, the Council agreed to act as the responsible body for a £2.45 million award from the Coastal Communities Fund towards a project to regenerate the Market Square. The Council has already committed £500,000 to the project. However, due to the increased costs of delivering the project as originally envisaged, it has become necessary to seek additional funding from alternative sources. | Councillor O C de R Richardson declared an Other Significant Interest by reason that his son owned the Elephant and Hind public house in the Market Square, and withdrew from the Chamber during consideration of this item. |
| Decision Status | Record of Decision | Alternative options considered and | Reasons for Decision | Conflicts of interest (if any) declared by |

| | | rejected (if any) | | decision maker(s) or consultees (if any) |
|---|---|-------------------|---|---|
| <p>CAB 25 19.7.21 Exempt</p> <p>Key Decisions No</p> <p>Call-in to apply No</p> <p>Implementation Date Immediate</p> | <p><u>INDEMNIFICATION OF LEADER OF THE COUNCIL IN RESPECT OF APPLICATION FOR JUDICIAL REVIEW - LAND NORTH-WEST OF PEGASUS, LONDON ROAD, SHOLDEN</u></p> <p>It was agreed:</p> <p>(a) That the Leader of the Council be requested to initiate Judicial Review proceedings.</p> <p>(b) That the Leader of the Council be indemnified against personal costs arising from any application for Judicial Review pursuant to the Local Authorities (Indemnities for Members and Officers) Order 2004, Section 1 of the Localism Act 2011 and all other enabling powers.</p> <p>(c) That the Head of Governance be requested to act on behalf of the Leader of the Council, and that the Leader be offered alternative legal representation should he so wish.</p> | <p>None.</p> | <p>Cabinet is requested to agree that the Leader of the Council initiates Judicial Review proceedings in relation to a decision to grant planning permission which was made in error. Permission is also sought to indemnify the Leader in respect of any costs arising from the proceedings.</p> <p>The Chairman of the Council has agreed to suspend call-in on this item for the reasons given below.</p> <p>(In accordance with the provisions of Section 100(B)(4)(b), the Chairman agreed that this item, which was not detailed on the</p> | <p>Councillor T J Bartlett declared an Other Significant Interest by reason that the decision could potentially affect his personal financial position, and withdrew from the Chamber during consideration of the item.</p> <p>(In the absence of the Chairman, Councillor O C de R Richardson assumed chairmanship of the meeting)</p> |

| | | | | |
|--|--|--|---|--|
| | | | agenda, should be considered as a matter of urgency due to the need for the Council to file a claim in respect of the planning decision without further delay. The matter cannot wait until the next scheduled meeting of Cabinet in September) | |
|--|--|--|---|--|

The meeting ended at 11.50 am.