Meeting of Medway Council

Members of Medway Council are hereby summoned to attend a meeting of the Council for the business as set out in the agenda below

Date: Thursday, 23 April 2020
Time: 7.00pm
Venue: Civic Suite - Level 2, Gun Wharf, Dock Road, Chatham ME4 4TR

Agenda

1 Apologies for absence

2 Declarations of Disclosable Pecuniary Interests and Other Significant Interests (Pages 9 - 10)

Members are invited to disclose any Disclosable Pecuniary Interests or Other Significant Interests in accordance with the Member Code of Conduct. Guidance on this is set out in agenda item 2.

3 Record of meeting (Pages 11 - 18)

To approve the record of the meeting held on 20 February 2020.

4 Mayor’s announcements

5 Leader’s announcements

6 Petitions

7 Public questions
A) Zeynep Mehmet of Chatham will ask the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, the following:

When will the Council do something about the increasing population of homeless people on Chatham High Street?

I’m sick of my child and myself having to walk through groups of severely drunk, swearing, shouting, begging and more recently shouting at the public “what are you looking at”.

People are looking with disgust at their drunken behaviour. I can’t go shopping without feeling intimidated anymore.

B) Ben Rist of Chatham will ask the Portfolio Holder for Adults’ Services, Councillor Brake, the following:

I would like to ask Medway Council why the Conservative councillors deny food poverty happens.

Medway Labour, particularly Alex Paterson, has been doing work around campaigning against this but as someone who has to use soup kitchens to survive, it’s astonishing that Medway Conservatives refuse to deny food poverty exists in Medway on a huge scale.

Will the Council now start to recognise that it exists and will they start funding efforts to stop people going hungry or will they continue with Rochester Castle Concerts which is not as life threatening as shortage of food?

C) Vivienne Parker of Chatham will ask the Portfolio Holder for Front Line Services, Councillor Filmer, the following:

When are we going to get electric buses?

D) Bryan Fowler of Chatham will ask the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty, the following:

Houses in Multiple Occupation (HMOs) have been reported widely as more likely to facilitate transmission of COVID-19. There are many HMOs in Medway.

How does COVID-19 inform Medway Council’s planning policies in this respect?
E) James Chespy of Gillingham will ask the Portfolio Holder for Business Management, Councillor Turpin, the following:

One sad requirement of the COVID-19 pandemic is the need for increased mortuary capacity. It is to be welcomed that this is being provided across Kent and Medway. However, it is concerning that the Leader of the Council is reported to have said Medway will not be making a contribution towards the cost of this increased provision.

Could the Portfolio Holder indicate that the authority will be making a contribution to this vital temporary cross border provision and how much it will be?

8 Leader's report

9 Report on Overview and Scrutiny Activity

10 Members' questions

A) Councillor Steve Iles will ask the Portfolio Holder for Planning, Economic Growth and Regulation, Councillor Chitty, the following:

Considering the poor use of Strood Market on a Tuesday will the Portfolio Holder bring back the well used Saturday market and if not please give your residents and myself a valid reason as to why you alone think it is not needed?

B) Councillor Sands will ask the Leader of the Council, Councillor Jarrett, the following:

Given the news that in The Times of 9 February 2020 that the “£25 billion strategy to expand motorways and major A-roads over the next five years, has been shelved until later in the spring or even early summer”, according to the article, which says the move follows the Court of Appeal ruling against the expansion of Heathrow because "it failed to take account of the UK’s climate change commitments", I assume the Council and the Government will be reconsidering the HIF bid against climate change targets.

Is there an assessment of the effect of the infrastructure that would be produced by the implementation of the HIF bid infrastructure and the new housing development enabled by it?
C) **Councillor Johnson will ask the Portfolio Holder for Children's Services (Lead Member), Councillor Mrs Josie Iles, the following:**

Would the portfolio holder agree that, in the current crisis, Medway schools, their leadership teams, teaching and support staff, have shown absolute dedication to supporting the children and young people of Medway and that we should take this opportunity to thank them for their commitment to serving Medway, alongside thanking our equally dedicated and committed Youth Services, Early Years Providers and Children's Social Care Services?

D) **Councillor Andy Stamp will ask the Portfolio Holder for Front Line Services, Councillor Filmer, the following:**

The Waste Industry Safety and Health (WISH) Coronavirus Guidance advises local authorities and contractors to protect the health and safety of employees, for example by implementing social distancing and by providing sufficient cleaning products in the cabs of refuse collection vehicles.

However, in Medway several aspects of the WISH guidance are not being observed, putting workers at unnecessary risk.

Which is more important, ensuring the Waste contract is followed to the letter, or protecting the health and safety of Medway Norse employees?

E) **Councillor Khan will ask the Leader of the Council, Councillor Jarrett, the following:**

Does the Leader of the Council agree with the Government in welcoming the contribution of trade unions in the CoVid19 crisis and condemn poor employers like those who would de-recognise trade unions with immediate effect?

F) **Councillor Maple will ask the Leader of the Council, Councillor Jarrett, the following:**

This Council has relatively low levels of reserves for a unitary authority of our size - with the combination of increased pressures due to the CoVid19 crisis and dramatically reduced income streams, what measures will the Council consider to deal with these challenges?
G) Councillor Murray will ask the Portfolio Holder for Adults' Services, Councillor Brake, the following:

The COVID19 crisis and resulting need for lockdown and isolation has been particularly challenging for those with poor mental health.

Accepting that interim support using phones and online services have been put into place, does the Portfolio Holder agree with me that there will be an increased need for extra vigilance and support for the mentally ill health community once restrictions have been lifted and is he prepared to ensure that the Council's Resource Centre at Nelson Road can be fully utilised to help sufferers recover and resume their normal activities?

11 Housing Infrastructure Fund (HIF) New Routes to Good Growth - Project Delivery

This report provides an update on progress of Medway’s Housing Infrastructure Fund (HIF) Bid – New Routes to Good Growth, which will provide much needed infrastructure to enable growth in and around the Hoo Peninsula.

The report asks Full Council to agree to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Leader the Chief Finance Officer and the Chief Legal Officer to carry out all non-executive pre- and post-commencement conditions, as detailed in the Exempt Appendix.

The report was initially considered by the Cabinet on 7 April 2020. Comments of the Cabinet are set out in section 3 of the report.

12 Addition to the Capital Programme: Street Lighting LED and Column Replacement Programme

This report provides details of the LED (Light Emitting Diode) and Column Replacement Programme and procurement exercise following consideration at the Procurement Board on 18 March 2020 and Cabinet on 7 April 2020 and seeks approval to add this scheme to the Capital Programme.

13 Byelaw Provisions Review

This report is a confirmatory report regarding the adoption of byelaws in relation to Pleasure Boats as the original records regarding their adoption cannot be located. It also addresses the update in legislation in relation to the byelaws for Skin Piercing.

14 Arrangements for 2020/21 Municipal Year

New Regulations issued in response to the Coronavirus pandemic The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have removed the
requirement to hold an annual meeting and enabled local authorities to hold meetings remotely.

This report sets out some of the implications for the Council and the options available to Members with regard to the Annual Meeting, the appointment of the Mayor and Deputy Mayor, the appointment of Members to Committees and the approval of the 2020/21 schedule of meetings.

15 Approval of Reason for Absence of a Councillor from Meetings

This report asks the Council to approve the following reasons for failure by any Councillor to attend meetings because of the COVID-19 pandemic from 23 April 2020 – 8 October 2020 inclusive:

i) the protection of the health of the residents of the area or;
ii) the health of the individual Member.

This matter shall remain under review and a further report shall be presented to the Council meeting on 8 October 2020 if necessary.

16 Use of Urgency Provisions

This report provides details of recent usage of urgency provisions contained within the Constitution.

The report also provides an overview of decisions taken in response to the COVID-19 pandemic.

17 Motions

A) Councillor Maple has submitted the following:

This Council recognises that Medway has been impacted by the COVID-19 pandemic - an unprecedented public health crisis.

This Council puts on record its thanks for the tireless dedication of all those front line workers and volunteers who have played a part in our community response to the pandemic.

This Council commits to taking all possible action, working with all partners, to ensure the relevant protections are in place for those front line workers and volunteers.

18 Exclusion of Press and Public

This report summarises the content of two exempt appendices which, in the opinion of the proper officer, will contain exempt information within one of the categories in Schedule 12A of the Local Government Act 1972. It is a matter for the Council to determine whether the press and public should be excluded from the meeting during consideration of these documents.
Date: 15 April 2020

Reporting on the meeting

We would strongly discourage members of the public from attending this meeting in person in light of Government advice on social distancing in response to the COVID-19 pandemic. This meeting will be livestreamed, details of which will be set out on the Council’s website:


Notwithstanding the advice set out above, members of the press and public are entitled to report on this meeting except where the public are excluded, as permitted by law. Reporting includes filming and recording of the proceedings and use of the internet and social media such as tweeting and blogging to report the proceedings. Guidance for people wishing to exercise this right is available on the Council’s website and in the public seating area at the meeting.

It is helpful if people wishing to film the proceedings could contact the Council’s media team in advance on 01634 332736 or by email to pressoffice@medway.gov.uk. Please sit in the front row or other designated area if you wish to report on the meeting. If you are attending and do not wish to be filmed or recorded please sit at the back of the public seating area.


Fire and Evacuation Procedures

Users of this meeting room are asked to note the following fire and evacuation procedures:

When you hear the continuous tone of the fire alarm, please make your way out of the building in an orderly manner. The nearest exit is through the sliding doors in this room onto the Mayor’s Lawn. Do not stop to collect personal belongings. Once outside the building, please make your way to assembly point no. 1. Do not re-enter the building until told to do so by Facilities Management staff.
This agenda and reports are available on our website
www.medway.gov.uk

A summary of this information can be made available in other formats from 01634 335577

If you have any questions about this meeting and you want to speak to someone in your own language please ring 01634 335577
Declarations of Disclosable Pecuniary Interests and Other Significant Interests

a) Disclosure at meetings

If you know you have a Disclosable Pecuniary Interest (DPI) or Other Significant Interest (OSI) (see below for definitions) in a matter to be considered at a meeting, you must disclose, at the start of the meeting or when the interest becomes apparent, the existence and nature of the interest.

Even if a DPI or OSI has already been registered you must still disclose it at the meeting.

Where you disclose an interest at a meeting which is not entered on the Council’s register of interests, or the subject of a pending notification, you must notify the Monitoring Officer in writing of that interest within 28 days from the date of disclosure at the meeting.

b) Participation in Meetings

Where you have a DPI or OSI in a matter to be considered at a meeting you must, unless a dispensation has been granted:

   i) not take part in any discussion of the matter;

   ii) not take part in any vote on the matter;

   iii) leave the meeting room (including the public gallery).

c) Bias and Pre-Determination

You must also be aware of and act within the rules on predetermination and bias. Avoidance of bias or predetermination is a principle of natural justice. Even if you do not have a DPI or OSI you may cause a decision to be invalid if you participate while predetermined or biased.

You should not participate in decisions where you are actually biased or give the appearance of being biased. The test is whether a fair minded and informed observer, having considered the facts, would conclude that there was a possibility that you as the decision maker are biased.

There is a distinction between predetermination, which rules out participation in decision-making and predisposition, which does not. It is acceptable for you as a Member to be predisposed towards a particular policy or viewpoint and that does not

...continued
prevent you from taking part in decision-making. However, if you take a stance which indicates that you have finally closed your mind on a matter and that nothing that you hear at Committee will alter your position then you will have moved on to becoming predetermined and, in that case, you should not participate.

**Definitions**

**Disclosable Pecuniary Interests** - are those interests set out in Schedule One to the Code of Conduct. You will have a DPI in a matter being considered at a meeting where the DPI is closely aligned to the business of the agenda item and where the interest is:

a) your interest or  
b) an interest of your spouse or civil partner or a person with whom you are living as if you were a married couple or civil partners and provided you are aware that the other person has the interest.

**Other Significant Interests** – you will have an OSI where your interest is closely aligned to the business of the Council agenda item and where the business affects the financial position or well being of the following to a greater extent than most inhabitants of the area affected by the decision:

i) you;  
ii) a member of your family or friends or any person with whom you have a close association;  
iii) any person or body from whom you have accepted or received any gifts or hospitality as specified in Schedule Two to the Code;  
iv) any outside body or group specified in Schedule Two to the Code of which you are a member or in a position of general control or management (as relevant).

And where a member of the public with knowledge of the relevant facts would reasonably think that your interest is so significant that it would be likely to prejudice your judgement of the public interest.

Last updated: February 2020
Medway Council
Meeting of Medway Council
Thursday, 20 February 2020
7.00pm to 9.28pm

Record of the meeting
Subject to approval as an accurate record at the next Full Council meeting

Present: The Worshipful The Mayor of Medway (Councillor Tejan)
The Deputy Mayor (Councillor Aldous)
Councillors Adeoye, Ahmed, Barrett, Bhutia, Bowler, Brake,
Browne, Buckwell, Carr, Mrs Diane Chambers,
Rodney Chambers, OBE, Chitty, Clarke, Cooper, Curry, Doe,
Etheridge, Fearn, Filmer, Sylvia Griffin, Gulvin, Hackwell,
Howcroft-Scott, Hubbard, Mrs Josie Iles, Steve Iles, Jarrett,
Johnson, Kemp, Khan, Lloyd, Mahil, Maple, McDonald, Murray,
Opara, Osborne, Paterson, Pendergast, Potter, Price, Sands,
Andy Stamp, Chrissy Stamp, Thompson, Thorne, Tranter,
Mrs Elizabeth Turpin, Rupert Turpin, Wildey and Williams

In Attendance: Neil Davies, Chief Executive
Katey Durkin, Head of Finance Strategy
Wayne Hemingway, Principal Democratic Services Officer
Richard Hicks, Director of Place and Deputy Chief Executive
Perry Holmes, Chief Legal Officer/Monitoring Officer
Julie Keith, Head of Democratic Services
Ian Sutherland, Director of People - Children and Adults Services

706  Apologies for absence

Apologies for absence were received from Councillors Prenter and Purdy.

707  Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

Councillor Hackwell declared a disclosable pecuniary interest in agenda items 8 (Capital and Revenue Budgets 2020/21) and 9 (Pay Policy Statement 2020/21) because his wife is employed by Medway Council. He left the meeting during consideration of these items.
Other significant interests (OSIs)

Councillor Doe declared an OSI in any references to Medway Commercial Group Ltd (MCG) and Medway Development Company Ltd (MDC) because he is the Chairman of both companies. He relied on a dispensation granted by the Councillor Conduct Committee to enable him to take part in any discussions and votes thereon.

Councillor Gulvin declared an OSI in any reference to Medway Development Company Ltd (MDC) he is a Board Member of MDC. He relied on a dispensation granted by the Councillor Conduct Committee to enable him to take part in any discussions and votes thereon.

Councillor Turpin declared an OSI in any reference to Medway Commercial Group Ltd (MCG) and Medway Norse Ltd because he is a Board Member of MCG and is the Chairman of Medway Norse. He relied on a dispensation granted by the Councillor Conduct Committee to enable him to take part in any discussions and votes thereon.

Other interests

The Worshipful the Mayor of Medway stated that he had been advised by the Monitoring Officer that with regards to agenda item 8 (Capital and Revenue Budgets 2020/21), a personal and potentially financial interest regarding pay for some officers should be recorded in the minutes on behalf of any officers present affected by the proposals.

708 Record of meeting

The record of the meeting held on 23 January 2020 was agreed by the Council and signed by The Worshipful The Mayor of Medway as correct.

709 Mayor’s announcements

The Worshipful The Mayor of Medway, on behalf of all Members, placed on record the Council’s condolences to the family of Ray Maisey, who had sadly passed away earlier in the month. The Mayor stated that Mr Maisey had served on the Council between 2003-2015 representing Cuxton and Halling. In particular, he served as the Deputy Mayor on two occasions, firstly between 2011-2012 and then between 2014-2015 as well as sitting on a number of committees.

The Mayor stated that there were still tickets available for the Mayor’s Curry Night on 24 February.

The Mayor proposed to suspend Council Rule 11.1.1 in respect of time limits on speeches in relation to agenda item 8 (Revenue and Capital Budgets 2020/21) to allow one Member from each Group to speak for an unlimited time. The normal time limits would then apply. This was agreed.
The Mayor asked Members to speak clearly into the microphones to ensure that people in the public gallery could hear and he reminded those present that the meeting was being audio recorded and the recording would be made available on the Council's website. In addition, he asked Members to provide written copies of any amendments to the top table first.

710 Leader’s announcements

There were none.

711 Council Plan Refresh 2020/21

Discussion:

This report provided details of the Council Plan refresh, which was the delivery plan which set out the measures that would be used to track performance against the Council’s key priorities, as set out in the Council Strategy.

The report had been considered by both the Business Support Overview and Scrutiny Committee (30 January 2020) and Cabinet (4 February 2020), comments of which were set out in paragraphs 4 and 5 of the report respectively.

A Diversity Impact Assessment had been undertaken on the proposals as set out in Appendix 2 to the report.

The Portfolio Holder for Resources, Councillor Gulvin, supported by the Portfolio Holder for Education and Schools, Councillor Potter, proposed the recommendations set out in the report.

Decision:

a) The Council noted the comments of the Business Support Overview and Scrutiny Committee and the Cabinet as set out in sections 4 and 5 of the report.

b) The Council approved the proposed changes to programmes and measures of success summarised in paragraph 3.2 to the report and as detailed in Appendix 1 to the report.

c) The Council agreed to delegate authority to the Chief Executive, in consultation with the Portfolio Holder for Resources, to approve the final measures of success for the proposed new qualitative measure on the calibre of social work and NI154 (net homes provided), as set out in paragraph 3.4 to the report and as detailed in Appendix 1 to the report, once further information is received.
712 Treasury Management Strategy 2020/21

Discussion:

This report provided details of the Council’s Treasury Management Strategy for the 2020/21 financial year. The Strategy had been prepared in line with CIPFA’s Local Authority Treasury Management Code, and set out the Council’s borrowing requirement and strategy, its strategy in respect of investments and details of the Council’s current portfolio position. It also provided details of the prudential and treasury indicators that would be used to monitor and measure treasury performance.

The report had been considered by the Audit Committee (7 January 2020) and Cabinet (4 February 2020), comments of which were set out in paragraphs 4 and 5 of the report.

A Diversity Impact Assessment had been undertaken on the Strategy as set out in Appendix B to the report.

The Leader of the Council, Councillor Jarrett, supported by the Chairman of the Audit Committee, Councillor Tranter, proposed the recommendations set out in the report.

Decision:

a) The Council noted the comments of the Audit Committee and the Cabinet, as set out in sections 4 and 5 of the report respectively.

b) The Council approved the Treasury Management Strategy 2020/21, as set out in Appendix A to the report.

713 Capital and Revenue Budgets 2020/21

Discussion:

This report provided details of the revenue and capital budget proposals for 2020/21.

The Cabinet had considered initial budget proposals on 19 November 2019, which had been developed in accordance with the principles set out in the Medium Term Financial Strategy. In accordance with the budget and policy framework rules within the Constitution, the Overview and Scrutiny Committees had then considered the Cabinet’s proposals prior to Cabinet’s consideration of the draft budget on 4 February 2020.

It was noted that an overarching Diversity Impact Assessment, as set out in Appendix 8 to the report, summarised the results of the Diversity Impact Assessments which had been completed for each of the services affected by the proposed budget changes.

This record is available on our website – www.medway.gov.uk
The Leader of the Council, Councillor Jarrett, supported by the Deputy Leader and Portfolio Holder for Housing and Community Services, Councillor Doe, proposed the recommendations set out in section 22 of the report, together with the following detailed changes listed below in relation to recommendation 22.4:

<table>
<thead>
<tr>
<th>Fund existing deficit balance contained in the report</th>
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<tbody>
<tr>
<td>A further 1% increment in pay incorporating MedPay, taking this year’s increase to 2%</td>
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<tr>
<td>Dickens 150</td>
<td>£150,000</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>£1,305,000</strong></td>
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The £150,000 funding for Dickens 150 will be non-recurring.

This additional spending of £1,305,000 is to be funded by an NDR surplus of £708,500, a more beneficial Housing Benefit Subsidy of £500,000 and an improved Medway Norse rebate of £96,500.

In accordance with Rule 12.5 of the Council Rules, a recorded vote on the proposal was taken.

For – Councillors Ahmed, Aldous, Barrett, Bhutia, Brake, Buckwell, Carr, Mrs Diane Chambers, Rodney Chambers OBE, Chitty, Clarke, Doe, Etheridge, Fearn, Filmer, Griffin, Gulvin, Mrs Josie Iles, Steve Iles, Jarrett, Kemp, Opara, Potter, Tejan, Thompson, Thorne, Tranter, Mrs Elizabeth Turpin, Rupert Turpin, Wildey and Williams (31)

Against – Councillors Adeoye, Bowler, Browne, Cooper, Curry, Howcroft-Scott, Hubbard, Johnson, Khan, Lloyd, Mahil, Maple, McDonald, Murray, Osborne, Paterson, Pendergast, Price, Sands, Andy Stamp and Chrissy Stamp (21)

There were no abstentions.

Note: Councillor Hackwell was not present for the recorded vote.

On being put to the vote, the proposal was agreed.

Decision:

a) The Council agreed the recommendations of Employment Matters Committee on 29 January 2020:
   i) that a 1% increase in pay to be distributed as follows:
      • 0.60% paid as a general cost of living increase
      • 0.40% paid in accordance with the performance arrangements as detailed under MedPay, as set out in
Council, 20 February 2020

paragraph 8.3 of the report, with the addition of a further 1% increment in pay incorporating Medpay, taking this year’s increase to 2% as set out in decision c) below;

ii) that authority be delegated to the Head of Paid Service to agree the competency based awards for staff assessed under Medpay at Levels 1A, 1B and 2 as set out in paragraph 8.4 of the report;

iii) that the level 3 Apprentice salary be increased to £165 per week with effect from 1 April 2020 as set out in paragraph 8.5 of the report;

iv) that funding for a review of the MedPay Scheme be approved.

b) The Council approved the creation of a new post of Assistant Director Regeneration in the Regeneration, Culture and Environment Directorate, with effect from 1 April 2020, as detailed in paragraph 6.3 of the report and shown in the structure charts for the RCE Directorate at Appendix 9, and noted that the Monitoring Officer will update the diagram showing the Council’s Management Structure accordingly (as set out in Chapter 7 of the Constitution) under his delegated authority.

c) The Council approved the general fund gross, income and net revenue estimates as summarised in Appendix 1 to the report in the sum of £322.982million, which includes provision to fund recommendations a) iii) and iv) above together with following additions:

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This additional spending of £1,305,000 is to be funded by an NDR surplus of £708,500, a more beneficial Housing Benefit Subsidy of £500,000 and an improved Medway Norse rebate of £96,500.

d) The Council approved the additions to the capital programme as set out in Table 5 of the report, the £2.5 million virement as set out in paragraph 12.7 of the report, and the £4.965 million virement and additions of £672,000 and £24,000 as set out in paragraph 12.2 of the report.
The Council approved the amended Council Tax premium for properties that remain empty and unfurnished for a period of two to five years to increase from 50% to 100%, for properties that remain empty and unfurnished for a period exceeding five years to 200%, and reduce the second home discount from 10% to Nil as set out in paragraph 3.3.3 of the report.

The Council noted the Kent Police and Crime Commissioner’s precept requirement, as set out in paragraph 14.2 of the report.

The Council noted the Kent Fire and Rescue Service precept requirement, as set out in paragraph 14.3 of the report.

The Council noted the parish council precept requirements of £508,866 as detailed in paragraph 14.4 of the report and at Appendix 4 to the report.

The Council agreed the schedule of precept instalment dates as set out in section 15 of the report.

The Council approved the basic rate of Council Tax at band D for 2020/21, before adding the police, fire and parish precepts, at £1,471.96, an increase of 3.994% as set out in paragraph 16.1 of the report.

The Council, as part of the budget proposals, approved fees and charges, as recommended by Cabinet and set out in the booklet 'Medway Council - Fees and Charges April 2020' as set out in Appendix 6 to the report.

The Council approved the Flexible Use of Capital Receipts Strategy set out in Appendix 7 to the report.

The Council agreed the recommendations set out in paragraphs 13.3 to 13.11 of the report with regard to the Housing Revenue Account and detailed in the following appendices:

1. The proposed increase in rents as set out in Appendix 3a to the report;
2. The proposed service charges as set out in Appendix 3b to the report;
3. The budget proposed as summarised in Appendix 3c to the report;
4. The 30 year business plan projections in Appendix 3d to the report.

The Council adopted the formal resolution for the Council Tax requirement and schedule of Council Tax charges for 2020/21 as set out in Appendix 5 to the report and incorporated the amendments made above such that:

1. Paragraph 2, Appendix 5 becomes £127,761,565;
2. Paragraph 3(a), Appendix 5 becomes £539,488,981;
3. Paragraph 3(b), Appendix 5 becomes £411,218,550;
4. Paragraph 3(c), Appendix 5 becomes £128,270,431;

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Council, 20 February 2020

- All other parts of the resolution remain as set out in Appendix 5 to the report.

   o) The Council noted the findings of the Diversity Impact Assessment as set out in Appendix 8 to the report, and the proposal to continue, where necessary, to report through quarterly monitoring any further unidentified or unintentional impact.

714 Pay Policy Statement 2020/21

Discussion:

This report provided details of the Pay Policy Statement (PPS) for the financial year 2020/21 in accordance with the Localism Act 2011. It was noted that the PPS must be approved by a resolution of Full Council before it came into force and had to be prepared and approved before 31 March 2020 for the following financial year.

The report had been considered by the Employment Matters Committee on 29 January 2020, details of which were set out in section 5 of the report.

A Diversity Impact Assessment had been carried out on the PPS, as set out in Appendix 2 to the report.

The Chairman of the Employment Matters Committee, Councillor Fearn supported by the Portfolio Holder for Business Management, Councillor Rupert Turpin, proposed the following:

The Council is asked to approve the Pay Policy Statement 2020/2021, as set out in Appendix 1 to the report subject to deleting any references to the Assistant Director Transformation and replacing them with the Head of HR.

Decision:

The Council approved the Pay Policy Statement 2020/2021, as set out in Appendix 1 to the report subject to deleting any references to the Assistant Director Transformation and replacing them with the Head of HR.

Mayor

Date:

Julie Keith, Head of Democratic Services
Telephone: 01634 332760
Email: democratic.services@medway.gov.uk

This record is available on our website – www.medway.gov.uk
COUNCIL

23 APRIL 2020

LEADER’S REPORT

Councillor Alan Jarrett, Leader of the Council, will give a report on key developments since the last ordinary Council meeting on 23 January 2020.

He will include:

- COVID-19
- Children’s Services
- Waste Services
- Decisions made by the Cabinet on 4 February 2020, 3 March 2020, 27 March 2020 (Leader Urgent Decision) and 7 April 2020.
Record of Cabinet decisions

Tuesday, 4 February 2020
3.00pm to 5.00pm

Date of publication: 5 February 2020

Subject to call-in these decisions will be effective from 13 February 2020

Present:

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

In Attendance:

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 of absence was received from Councillor Alan Jarrett (Leader of the Council).
Record of decisions

The record of the meeting held on 14 January 2020, was agreed by the Cabinet and signed by the Deputy Leader as correct.

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 any reference to Medway Development Company Ltd (MDC) and in item 12 (Medway Commercial Group (MCG) Ltd – Six Monthly Progress Report and Business Plan Adoption, because he is the Chairman of MDC and MCG and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in any discussions and vote accordingly.

Councillor Gulvin declared an OSI in any reference to Medway Development Company Ltd (MDC) because he is a Director of MDC and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in any discussions and vote accordingly.

Councillor Turpin declared an OSI in any reference to Medway Norse, because he is the Chairman of Medway Norse Ltd and in item 12 (Medway Commercial Group (MCG) Ltd – Six Monthly Progress Report and Business Plan Adoption, because he is a Director of MCG and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in the discussion and vote accordingly.

Other interests

There were none.

Revenue Budget Monitoring - Round 3 2019/20

Background:

The Cabinet accepted the report as urgent to enable consideration of the matter at the earliest opportunity. The next scheduled Cabinet meeting was due to take place on 3 March 2020 and that would not have given sufficient time for any remaining issues to be addressed.

This report detailed the revenue budget forecasts as at the end of quarter 3 (December 2019). The report noted that, after management action, the forecast outturn for 2019/20 represented an adverse variance of 2.571 million, with an expectation that this figure would be reduced further as the financial year progressed.
Cabinet, 4 February 2020

The report set out an explanation of the pressures being faced and the corrective management action proposed by directorate management teams.

**Decision number:**

**Decision:**

**12/2020** The Cabinet noted the result of the third round of revenue budget monitoring for 2019/20 and instructed senior management to continue to exercise tight control and a range of measures to reduce expenditure within their portfolio areas.

**Reasons:**

Cabinet has the responsibility to ensure effective budgetary control to contain expenditure within the approved limits set by Council.

**Capital Budget Monitoring - Round 3 2019/20**

**Background:**

The Cabinet accepted the report as urgent to enable consideration of the matter at the earliest opportunity. The next scheduled Cabinet meeting was due to take place on 3 March 2020 and that would not have given sufficient time for any remaining issues to be addressed.

This report presented the capital monitoring information for the third quarter of the financial year, including outturn forecasts. The approved capital programme for 2019/20, and future years, was £295.867m.

The report provided details of new schemes and virements, as set out in section 3 of the report.

**Decision number:**

**Decision:**

The Cabinet noted the results of the third round of capital budget monitoring for 2019/20.

**13/2020** The Cabinet recommended to Full Council that the forecast underspend on the purchase of the Pentagon Shopping Centre is vired to a new capital scheme for future capital works at the Pentagon.

**14/2020** The Cabinet recommended to Full Council that funding from capital receipts be added to the Capital Programme to fund the pressure on the Medway Tunnel.

**15/2020** The Cabinet recommended to Full Council that Section 106 funding identified be added to the Capital Programme to fund the overspend on Play Scheme Refurbishment.

This record is available on our website – [www.medway.gov.uk](http://www.medway.gov.uk)
Reasons:

Cabinet has the responsibility to ensure effective budgetary control to contain expenditure within the approved limits set by Council.

Final 2020/21 Mainstream Schools and Academies Funding Formula

Background:

This report provided details of the final funding proposals for Medway’s schools and academies for 2020/2022. Officers, working with the Schools Forum, had consulted with schools and academies on the proposed new funding formula options for 2020/2021. It was noted that the Schools Forum had met on 15 January 2020 and recommended Cabinet to approve the implementation of the final funding formula as set out at section 3 of the report.

It was 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. In this case, the deadline for the submission of the final funding formula to the Education and Skills Funding Agency was 21 January 2020, it was therefore proposed that call-in be waived to prevent any further delay in confirming the Cabinet’s decision to the ESFA and to allow the authority to implement the funding formula changes in accordance with the regulations. The Chairman of the Children and Young People 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:

Decision number: 16/2020
The Cabinet instructed officers to implement the Final 2020-21 Funding Formula for mainstream schools and academies, as set out in section 3 of the report.

Decision number: 17/2020
The Cabinet agreed that decision number 16/2020 is considered urgent and therefore should not be subject to call-in.

Reasons:

The local authority is required to implement the funding formula changes from 2020-21 in accordance with the School and Early Years Finance (England) Regulations 2014. This is a Cabinet function.

The deadline for the submission of the final funding formula to the Department for Education is 21 January 2020.
Housing Revenue Account Capital and Revenue Budgets 2020/21

Background:

This report provided details of the proposed Housing Revenue Account (HRA) capital and revenue budgets for 2020/2021 including rent, garage rent and service charge levels. The report gave a breakdown of the factors taken into account formulating the budgets for 2020/2021.

The report also provided an update on the HRA Business Plan in accordance with the requirement to ensure the Plan met the Government’s fit for purpose criteria.

The report stated that tenants had been informed of the proposals, as set out in section 14 of the report.

The Business Support Overview and Scrutiny Committee considered this report on 30 January 2020 and its comments were set out in an addendum report.

A Diversity Impact Assessment had been carried out on the proposed budgets, as set out in Appendix E to the report.

Decision number: 18/2020

Decision:

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee, as set out in the Addendum Report.

The Cabinet recommended the following to Full Council for approval:

a) A proposed rent increase of CPI plus 1% for the housing stock as set out in Appendix A to the report (based on 52 collection weeks) with effect from 6 April 2020.

b) The baseline garage rent for Council tenants be increased by 30 pence per week to bring in line with non council tenants garage rent with effect from 6 April 2020.

c) That a rent increase of 5% to be applied to all garage tenure types with effect from 6 April 2020.

d) That the service charges increases/decreases as set out in Appendix B to the report for 2020/21 be approved.

e) That the revenue budget for the HRA Service for 2020/21 as set out in Appendix C to the report be approved.
f) That the proposed capital budget of £0.3m be approved for buying ex Council or/and acquiring properties from the open market to be funded from the HRA revenue reserves and 1-4-1 capital receipts as set out in section 8.6 of the report.

g) That the provision for the repayment of debt based on annuity based payment on the HRA’s outstanding debt to be £0.340m for 2020/21 be approved.

h) That Members approve the revised 30 year HRA Business Plan model as attached at Appendix D to the report.

Reasons:

The Council is required to carry out a review of rents and notify tenants not less than 28 days prior to the proposed date of change. The Council is required under the Local Government and Housing Act 1989 to ensure that the Housing Revenue Account does not fall into a deficit position.

Council Plan Refresh 2020/21

Background:

This report provided details of the review of the Council Plan 2016/17 – 2020/2021, including respective key projects, key measures of success and targets to ensure the delivery of the Plan remained focused, informative and relevant.

The Business Support Overview and Scrutiny Committee had considered this report on 30 January 2020 and its comments were set out in an addendum report, which included a recommendation that, following the proposed removal from the Council Plan of Measure N101 (the percentage of looked after children who achieve the required standard in GCSE English and maths) that performance be monitored by the Corporate Parenting Board.

A Diversity Impact Assessment (DIA) had been completed for the updated version of the Council Plan, as set out in Appendix 2 to the report.

Decision number: 19/2020

Decision:

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee set out in the addendum report.

The Cabinet recommended to Full Council the proposed changes to programmes and measures of success summarised in paragraph 3.2 to the report and as detailed in Appendix 1 to the report.

This record is available on our website – www.medway.gov.uk
20/2020  The Cabinet recommended that Full Council agree to
delegate authority to the Chief Executive, in consultation
with the Portfolio Holder for Resources, to approve the
final measures of success for the proposed new
qualitative measure on the calibre of social work and
NI154 (net homes provided) as set out in paragraph 3.4 to
the report and as detailed in Appendix 1 to the report
once further information is received.

21/2020  The Cabinet agreed that, following the removal of
measure N101 (the percentage of looked after children
who achieve the required standard in GCSE English and
maths), performance relating to this measure continue to
be monitored by the Corporate Parenting Board.

Reasons:

Agreement of the proposed changes to the programmes and measures of success
within the Council Plan will ensure the delivery of the Plan remains focused,
informative and relevant.

Capital and Revenue Budgets 2020/21

Background:

This report presented proposals for the capital and revenue budgets for 2020/2021.
It was noted that the Cabinet had considered initial budget proposals on 19
November 2019, which had been developed in accordance with the principles set out
in the Medium Term Financial Strategy (MTFS). The MTFS had identified a potential
revenue shortfall of £5.956million in 2020/2021 rising to £17.327million by
2023/2024.

The report stated that the proposed revenue budget requirement of £322.957million
(as set out in Appendix 2 to the report) exceeded the estimated available resources
by £300,700. However, options were being considered to address this prior to the
Council’s budget setting meeting on 20 February 2020.

The current capital programme for 2020/2021 was £469.838million, with a further
£9.951million estimated for proposed additions to the programme for the next
financial year, as detailed at section 12 of the report.

It was noted that budget proposals had been referred to all the Overview and
Scrutiny Committees for consideration. The Overview and Scrutiny Committees’
views together with the recommendations of the Business Support Overview and
Scrutiny Committee (30 January 2020) were set out for Cabinet in an addendum
report.

The schedule of fees and charges was set out in Appendix 5 to the report.
The report set out the requirements under equality legislation and it was noted that an overarching Diversity Impact Assessment would be included in the budget report to Full Council on 20 February 2020.

**Decision number:**

**Decision:**

The Cabinet noted the comments from overview and scrutiny committees and the Employment Matters Committee as summarised in Appendix 1 of this report.

22/2020 The Cabinet recommended to Council that the net revenue budget summarised at Appendix 2, should be set at £322.957 million, and that this should be funded by a 3.994% increase in Council Tax for 2020/21 with the equivalent Band D figure at £1,471.96. It is anticipated that the £300,700 deficit will be met from an improved position on the Collection Fund.

23/2020 The Cabinet recommended to Council the capital budget proposals, as set out in Table 5 of the report and the £2.5 million virement at paragraph 12.5 of the report.

24/2020 The Cabinet recommended to Council the fees and charges set out in Appendix 5 to the report.

25/2020 The Cabinet recommended to Council the Flexible Use of Capital Receipts Strategy set out in Appendix 6 to the report.

26/2020 The Cabinet agreed that the Chief Finance Officer be requested to calculate the formal requirements under Sections 30 to 36 of the Local Government Finance Act 1992 for resolution by Special Council on 20 February 2020.

27/2020 The Cabinet recommended to Full Council that £25,000 funding for the review of MedPay is included in the budget for 2020/21.

**Reasons:**

The constitution requires that Cabinet’s budget proposals must be referred to Council for consideration and approval.

The Council is required by statute to set a budget and Council Tax levels by 11 March each year.
Treasury Management Strategy 2020/21

Background:

This report provided details of the Council’s Treasury Management Strategy for 2020/2021. The Strategy had been prepared in line with CIPFA’s Local Authority Treasury Management Code, and set out the Council’s borrowing requirement and strategy and its strategy in respect of investments. It also provided details of the Council’s current portfolio position and set out the prudential and treasury indicators that would be used to monitor and measure treasury performance.

The Audit Committee considered this report on 7 January 2020 and its comments were set out in paragraph 4 of the report.

A Diversity Impact Assessment had been undertaken on the Treasury Management Strategy, as set out in Appendix B to the report.

Decision

The Cabinet noted the comments of the Audit Committee, as set out in section 4 of the report.

28/2020 The Cabinet recommended approval of the Treasury Management Strategy 2020/21, as set out in Appendix A to the report, to Full Council.

29/2020 The Cabinet approved the Treasury Management Practices, as set out in Appendix C to the report.

Reasons:

Cabinet has the responsibility to make recommendations to Full Council on the approval of the Council’s Treasury Management, Investment Strategy and Minimum Revenue Provision Policy Statement and has responsibility for the implementation of the Treasury Management Practices and associated schedules.

Outcome of Consultation on Proposals to Restructure Alternative Provision in Medway

Background:

This report outlined the outcomes of the consultation on the Council’s proposals to restructure Alternative Provision in Medway. The consultation had been carried out in response to an exercise undertaken during 2018 by Local Authority officers and headteachers to assess how the Local Authority could support schools to retain more children and young people with additional needs or behavioural difficulties who were at risk of exclusion or placement breakdown within mainstream schools. Section 4 of the report detailed the outcome of consultation.

This record is available on our website – www.medway.gov.uk
Cabinet, 4 February 2020

The report was considered by the Children and Young People Overview and Scrutiny Committee on 9 January 2020 and its comments were set out at section 6 of the report.

Consideration and responses from officers to the consultation outcome and the comments from the Children and Young People Overview and Scrutiny Committee were set out at sections 5 and 7 of the report.

A Diversity Impact Assessment (DIA) had been undertaken on these proposals and was set out in Appendix 2 to the report.

**Decision number:**

**Decision:**

The Cabinet noted the comments of the Children and Young people Overview and Scrutiny Committee, as set out at Section 6 of the report.

30/2020 The Cabinet authorised the Director of People - Children and Adults Services to commence discussions with necessary stakeholders and report back to Cabinet on final proposals for the restructure of alternative provision to create the centre of excellence in due course.

**Reasons:**

The restructure of alternative provision and the centre of excellence will improve outcomes for pupils, reduce exclusions and increase reintegration.

The restructure of alternative provision and the creation of the centre of excellence will ensure that the council can meet the Council Plan outcome of ‘All children achieving their potential in schools’.

**Medway Commercial Group - Six Monthly Progress Report and Business Plan Adoption**

**Background:**

This report provided details of a six month progress report on the Medway Commercial Group (MCG) Limited’s performance, as set out in section 3 of the report and also detailed MCG’s Business Plan for the next three financial years, which was attached as an exempt appendix to the report.

The Business Support Overview and Scrutiny Committee considered the report at its meeting on 30 January 2020 and its comments and a recommendation were set out in an addendum report.
The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee, as set out in the addendum report.

The Cabinet noted the six monthly performance report for MCG, as set out in section 3 of the report.

31/2020 The Cabinet approved the MCG Business Plan for the next three financial years from 2020/21, as set out in the Exempt Appendix to the report.

Reasons:

When Cabinet agreed to establish MCG it was also agreed that regular monitoring reports would be provided to Cabinet and as Medway Council is the single shareholder of MCG it is a responsibility of Cabinet to approve the Business Plan.

South Thames Gateway Building Control Business Plan

Background:

This report provided details of the South Thames Gateway Building Control Partnership Business Plan for 2020/2023 and Delivery Plan.

The Business Plan, as set out in the Exempt Appendix to the report, outlined how the building control function would be delivered on behalf of the partnership Councils (currently Medway, Gravesham, Swale and Canterbury) up until 2023 and indicated what the contributions would be for 2020/21.

32/2020 The Cabinet approved the proposed Business Plan for 2020/2023 and Delivery Plan for the South Thames Gateway Building Control Partnership, as set out at the Exempt Appendix to the report, and noted the proposed contribution of £123,082 for 2020/2021.

Reasons:

The constitution of the Joint Committee requires approval of the Business Plan for the following year by the Cabinet of each Partner Authority.
South East Local Enterprise Partnership (SELEP) Future Board Structure

Background:

This report sought Cabinet approval of new Articles of Association for South East Local Enterprise Partnership (SELEP) Ltd and of a new Framework Agreement for Accountability Board, which had been developed in response to Government’s reforms to Local Enterprise Partnerships (LEPs). The report also sought approval to formally appoint a Director to SELEP Ltd, and a representative to the Accountability Board.

The report detailed the outcome of the Government’s review of the LEPs and included details of the resultant requirements, such as LEPs becoming companies to allow them to enter into legal commitments to take on further responsibilities in the future, and that main boards of each LEP must consist of no more than 20 members.

Decision number: 33/2020

Decision:

The Cabinet agreed:

- that Medway Council will become a member of SELEP Ltd, with Articles of Association as shown at Appendix 1 to the report,
- to sign the Framework Agreement in the form at Appendix 2 to the report,
- that Councillor Rodney Chambers OBE will be Medway Council’s initial member of the Board of SELEP Ltd (with the Leader, or appropriate Cabinet Member, as his alternate), and
- that Councillor Rodney Chambers OBE will continue to be the Council’s member of the Accountability Board (with the Leader, or appropriate Cabinet Member, as his principal substitute).

Reasons:

The alternative option (departing from SELEP) would jeopardise future funding for Medway, and significantly limit Medway Council’s ability to prioritise its strategic aims within regional and national agendas.

Annual Adoption Report

Background:

This report provided details of the Adoption Agency’s Annual Report, which covered adoption performance over the last year and provided an update on the work of the team.
This report also included information about the progress made towards Medway forming a Regional Adoption Agency (RAA) with Kent County Council and the London Borough of Bexley.

The Children and Young People Overview and Scrutiny Committee considered and noted the report at its meeting on 9 January 2020.

**Decision number:**

**Decision:**

The Cabinet noted the Annual Adoption Report.

**Reasons:**

Statutory guidance requires adoption agencies to report on adoption agency activity in the last year.

**Annual Fostering Report**

**Background:**

This report provided details of the work completed by the Medway Council Fostering Service over the last year. It also set out how the in-house Fostering Service had met the needs of Medway’s Looked After Children and established the work planned for the following year.

The Children and Young People Overview and Scrutiny Committee considered this report on 9 January 2020 and its comments were set out in section 18 of the report.

**Decision number:**

**Decision:**

The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee, as set out in section 18 of the report.

The Cabinet noted the Annual Fostering Report.

**Reasons:**

The National Minimum Standards for Fostering (2011) require that Fostering Agencies report the activity of the fostering service to its governing bodies.

**Sufficiency Report 2019-20**

**Background:**

This report provided details of the annual refresh of the statutory Sufficiency Report. This detailed how the Council, through working with all its partner agencies, would meet the placement needs of current and future Children in Care and Care Leavers.

This record is available on our website – [www.medway.gov.uk](http://www.medway.gov.uk)
and improve their outcomes in light of the Council’s understanding of their needs and current provision.

The report explained that numbers of children looked after remained stable, with the largest cohort being 10-15 year olds and the numbers of 16-17 year olds coming into care continuing to rise. The report recommended that Medway plan its sufficiency needs over a five year strategic period, accompanied by a detailed action plan to ensure sufficiency needs would be reviewed and actions refreshed annually.

The Children and Young People Overview and Scrutiny Committee considered this report on 9 January 2020 and its comments were set out at section 5 of the report.

**Decision number:** 34/2020

**Decision:**

The Cabinet noted the comments of the Children and Young people Overview and Scrutiny Committee, as set out in section 5 of the report.

The Cabinet noted the 2019/20 Sufficiency Report, as set out in Appendix 1 to the report.

The Cabinet instructed officers to develop a five year sufficiency strategy, to be accompanied by a detailed action plan ensuring sufficiency needs and actions are reviewed and refreshed annually, as detailed in section 3 of the report.

**Reasons:**

Publication of the updated Sufficiency Report will enable the Council to fulfil its statutory requirement to take steps to secure, so far as is reasonably practicable, sufficient accommodation for Children in Care within the local area and will enable Medway to act strategically to address gaps in provision.

The shift towards older children coming into care and the overall increase in complexity of need makes this an opportune moment to take a longer term strategic look at how the care system in Medway intends to address the changing need.

**Recruitment Freeze**

**Background:**

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

Details of the posts were set out within Appendix 1 to the report.
<table>
<thead>
<tr>
<th>Decision number</th>
<th>Decision:</th>
</tr>
</thead>
<tbody>
<tr>
<td>35/2020</td>
<td>The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report:</td>
</tr>
<tr>
<td></td>
<td><strong>Business Support</strong></td>
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<td></td>
<td>a) Childcare lawyer</td>
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<td></td>
<td><strong>Regeneration, Culture, Environment and Transformation</strong></td>
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<td></td>
<td>b) Initial Advice and Guidance Support Worker</td>
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<td></td>
<td><strong>Public Health</strong></td>
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<td></td>
<td>c) Health Improvement Assistant</td>
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<td></td>
<td><strong>Reasons:</strong></td>
</tr>
<tr>
<td></td>
<td>The posts presented to Cabinet would support the efficient running of the Council.</td>
</tr>
<tr>
<td>36/2020</td>
<td>The Cabinet agreed that Pub Discount for hereditaments as defined at paragraph 3.1 of the report be awarded in accordance with paragraph 4.1.1 of the report.</td>
</tr>
<tr>
<td>37/2020</td>
<td>The Cabinet agreed that Retail Discount for hereditaments as defined at paragraphs 3.2.1 to 3.2.2 of the report are awarded.</td>
</tr>
<tr>
<td>38/2020</td>
<td>The Cabinet agreed that Retail Discount for hereditaments as defined at paragraphs 3.2.3 to 3.2.5 of the report are not awarded.</td>
</tr>
</tbody>
</table>
39/2020 The Cabinet agreed that Local Newspaper relief for hereditaments as defined at paragraph 3.3 of the report are awarded.

40/2020 The Cabinet agreed that Rural Rate relief is extended from 50% to 100% for qualifying hereditaments as defined at paragraph 3.4 of the report.

Reasons:

The Pubs Discount, Retail Discount, Local Newspaper Relief and Rural Rate relief schemes have been promoted by and will be funded by central Government to assist business ratepayers. Given the lack of cost to the local taxpayer it is appropriate for the Council to operate such schemes.

Leader of the Council

Date

Teri Reynolds, Democratic Services Officer

Telephone: 01634 332104
Email: democratic.services@medway.gov.uk
Record of Cabinet decisions

Tuesday, 3 March 2020
3.00pm to 4.15pm

Date of publication: 4 March 2020

Subject to call-in these decisions will be effective from 12 March 2020
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 Portfolio Holder for Inward Investment, Chambers, OBE 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 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

In Attendance:

Neil Davies, Chief Executive
Wayne Hemingway, Principal Democratic Services Officer
Richard Hicks, Director of Place and Deputy Chief Executive
Perry Holmes, Chief Legal Officer/Monitoring Officer
Julie Keith, Head of Democratic 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 (Portfolio Holder for Resources).
Record of decisions

The record of the meeting held on 4 February 2020 was agreed by the Cabinet and signed by the Leader as correct.

Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

Climate Change Action Plan Progress Report

Background:

This report provided details of an update on the activities already undertaken and work currently underway towards establishing a Climate Change Action Plan, following the Council’s declaration of a climate change emergency in April 2019 and a subsequent report to Cabinet in July 2019. That report set out the Council’s aspirations and approach to the delivery of an Action Plan. In addition, the Cabinet agreed the establishment of the Climate Change Member Advisory Group at this meeting.

The report set out a number of highlights since July 2019, including details of the Member Advisory Group and the Officer Steering Group. The report also detailed the decision on the 2020/21 budget at Full Council on 20 February 2020 to allocate £100,000 to support climate change work.

Decision number:  

Decision: 

The Cabinet noted the progress made.

Reasons:

To ensure the Cabinet is informed of the progress to date.
Medway's Whole System Approach to Tackling Obesity

Background:

This report provided details of the proposed long-term approach to reducing the childhood and adult obesity prevalence in Medway.

The report stated that Public Health England’s guidance on the whole system approach included six key phases, as set out in section 3 of the report: set up; building the local picture; mapping the local system; action; managing the system network and; reflect and; refresh. The report provided details of Medway’s approach under this process.

The Health and Wellbeing Board considered this report on 18 February 2020, details of which were set out in section 5 of the report.

Decision number: 41/2020

Decision:

The Cabinet noted the comments of the Health and Wellbeing Board as set out in section 5 of the report.

The Cabinet noted that tackling obesity is a core priority area relating to the Council Plan priorities and directly impacting on all five themes of the Joint Health and Wellbeing Strategy.

The Cabinet supported the proposed whole system approach to tackling obesity in Medway which will include the establishment of a Healthy Weight Core Working Group, a food partnership group and physical activity network.

The Cabinet agreed to encourage stakeholders and organisations to engage with the Healthy Weight Network.

Reasons:

With the majority of adults in England overweight or obese, and a substantial number of children on the same trajectory, particularly those in the most deprived areas, national and local action is needed now. There is no one single solution. Tackling such an ingrained problem requires a long-term, system-wide approach that makes obesity everybody’s business.
Food Justice

Background:

This report provided details of the Food Poverty Action Plan, which had been prepared following discussions with a range of local voluntary and public sector partners, researching national examples of best practice and reviewing the evidence base for effective food poverty interventions. The development of an Action Plan would ensure that there was systematic and evidence based approach to reducing food poverty.

The report stated that following the approval of a Motion at Full Council in April 2019, the Health and Wellbeing Board had considered reports on the issues in September 2019 and February 2020. In particular, the Board had considered the Action Plan on 18 February 2020, details of which were set out in section 5 of the report.

It was noted during discussion on the item that the Council’s involvement in the Medway Food Partnership should not include the provision of any financial subsidies.

Decision number: Decision:

The Cabinet supported the establishment of a Medway Food Partnership, with a composition as set out in paragraph 4.1.1 of the report, to develop a systems leadership approach to address food poverty in Medway and develop an Action Plan that aims to reduce food poverty as set out in section 4 of the report.

Reasons:

The establishment of a Medway Food Partnership and the development of an Action Plan will ensure that there is systematic and evidence based approach to reducing food poverty.

Council Plan Performance Monitoring Report and Risk Register Quarter 3 2019/20

Background:

This report provided details of how the Council had performed during quarter 3 in 2019/20 against the Council’s three priorities and the actions being taken to improve performance. There were 44 Council Plan measures for 2019/20, of which it was currently possible to report on 39 as one was data only and four were not available for the reporting quarter.

In summary, 25 out of 39 measures had met or exceeded target, six were slightly below target and eight were significantly below target.

This record is available on our website – www.medway.gov.uk
The report also presented the quarter 3 2019/20 review of the Strategic Risk Register. Proposed amendments to the Risk Register were set out in paragraphs 2.2-2.4 of the report and the revised Risk Register was attached at Appendix 5 to the report.

It was noted that this report would be considered by the Overview and Scrutiny Committees during March-April 2020.

**Decision number:**

**Decision:**

The Cabinet noted the Q3 2019/20 performance against the measures used to monitor progress against the Council’s priorities.

**42/2020** The Cabinet agreed the amended Strategic Risk Register as set out in Appendix 5 to the report including:

(i) The deletion of risks SR25: Non-delivery of Transformation in Adult Social Care, SR33: Impact of Welfare Reform and SR34: successful delivery of the corporate transformation programme from the strategic risk register on the basis that they have met their residual target risk scores as explained in paragraph 2.3 of the report.

(ii) The addition of new risk SR39: Lack of resources to keep young people with SEND safe due to increasing demand and complexity of need pressures to the strategic risk register as detailed in paragraph 2.4 of the report.

**Reasons:**

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

**Recruitment Freeze**

**Background:**

This report presented information on 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.
Decision number: 43/2019

Decision:

The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report:

Business Support
  a) Senior Valuation Surveyor
  b) Senior Revenues Officer
  c) ICT Solutions Analyst
  d) HR Consultant

Children and Adults
  e) Youth Offending Team Officer
  f) School Admissions and Transport Officer (Assessment and Appeals)
  g) Placement Officer.

Reasons:

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

Leader of the Council

Date

Wayne Hemingway, Principal Democratic Services Officer

Telephone: 01634 332509
Email: democratic.services@medway.gov.uk
Council Tax and Business Rates Relief

Background:

This report provided details of a number of Government measures in relation to Council Tax and Business Rates Relief which had been put in place to respond to the COVID-19 pandemic, to which the Leader’s approval, under urgency provisions, was sought.

The report also sought the Leader’s approval to authorise the Chief Finance Officer, in consultation with the Leader and Portfolio Holder for Business Management, to implement any further measures introduced by the Government to provide relief for Council Tax and Business Rate payers in response to the COVID-19 pandemic insofar as these measures would be 100% funded by Government.

The report noted that the urgency provisions were set out in the Constitution (paragraph 3.2 of Part 3 (Responsibility for Cabinet functions) of Chapter 3 (Responsibility for Functions) of the Constitution.

The Chairman of the Business Support Overview and Scrutiny Committee agreed that the taking of these decisions were urgent and could not be reasonably deferred until the next Cabinet meeting on 7 April 2020, in accordance with Section 11 (Cases of special urgency) of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 and Rule 17 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution). This was because it was imperative that the Council took urgent action to support both individuals and businesses in line with the Government’s announcements on a range of measures in respect of Council Tax and Business Rates Relief in response to the COVID-19 pandemic.
Additionally and 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. The Chairman of the Business Support Overview and Scrutiny Committee 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:

44/2020 The Leader, using urgency powers, agreed the proposals in respect of Council Tax and Business Rates Relief as set out in section 2 of the report and to delegate authority to the Chief Finance Officer, in consultation with the Leader and the Portfolio Holder for Business Management, to finalise and implement these proposals where further Government advice is awaited.

45/2020 The Leader, using urgency powers, agreed to delegate authority to Chief Finance Officer, in consultation with the Leader and Portfolio Holder for Business Management, to implement any further measures introduced by the Government to provide relief for Council Tax and Business Rate payers in response to the COVID-19 pandemic insofar as these measures are 100% funded by Government, including the measures referred to in paragraph 2.10 of the report.

46/2020 The Leader agreed that decisions 44/2020 and 45/2020 are considered urgent and therefore should not be subject to call in.

**Reasons:**

Given the severity of the COVID-19 pandemic and the lack of cost to the local taxpayer it is appropriate for the Council to introduce these measures.
Leader of the Council

Date

Wayne Hemingway, Principal Democratic Services Officer

Telephone: 01634 332509
Email: democratic.services@medway.gov.uk

This record is available on our website – www.medway.gov.uk
Record of Cabinet decisions

Tuesday, 7 April 2020
3.03pm to 3.48pm

Date of publication: 8 April 2020

Subject to call-in these decisions will be effective from 20 April 2020
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 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 Rupert Turpin  Portfolio Holder for Business Management

In Attendance:

Neil Davies, Chief Executive
Jade Hannah, Democratic Services Officer
Wayne Hemingway, Principal Democratic Services Officer
Perry Holmes, Chief Legal Officer/Monitoring Officer

Apologies for absence

Apologies for absence were received from Councillors David Brake (Portfolio for Adults’ Services), Rodney Chambers OBE (Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships), Jane Chitty (Portfolio Holder for Planning, Economic Growth and Regulation) and Martin Potter (Education and Schools).

Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.
Other significant interests (OSIs)

There were none.

Other interests

There were none.

Record of decisions

The record of the meeting held on 3 March 2020 was agreed by the Cabinet and signed by the Leader as a correct record.

The record of the urgent decision taken by the Leader on 27 March 2020 was agreed by the Cabinet and signed by the Leader as a correct record.

Housing Infrastructure Fund (HIF) New Routes to Good Growth - Project Delivery

Background:

This report provided an update on the progress of Medway’s Housing Infrastructure Fund (HIF) Bid, ‘New Routes to Good Growth’. The report explained that on 1 November 2019, the Ministry of Housing, Communities and Local Government (MHCLG) announced that Medway’s HIF bid had been successful. Since then, officers had responded to conditions that MHCLG required to be attached to the receipt of this funding. The Exempt Appendix to the report set out the HIF Grant Determination Agreement (GDA) (Appendix 1) and the pre- and post-commencement conditions (Appendix 2).

The report explained that there were a large number of conditions contained within the GDA which the Council either needed to achieve or set out how it could achieve them should they become necessary. The Council did not currently have the powers available to it to meet all requirements. However, to ensure that officers could do so in a timely and efficient manner, delegations were being sought from Cabinet and Full Council to enable respective executive and non-executive functions to be exercised.

Detailed financial information in relation to the delivery of the HIF bid was set out in section 6 of the report. The report stated that once the GDA was signed, MHCLG had indicated that funding would be provided based on monthly claims, with the first payment not expected until September 2020. The cost of borrowing to fund works in advance of claims would be charged to the capital scheme and would not impact on the Council’s revenue budget.
**Decision number:** 47/2020

**Decision:**

The Cabinet agreed:

i) to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Leader, the Chief Finance Officer and the Chief Legal Officer, to enter into the negotiated Housing Infrastructure Fund Grant Determination Agreement (GDA) and carry out all pre- and post-conditions, as detailed in the Exempt Appendix; and

ii) to recommend Full Council to agree the same delegation in relation to all non-executive aspects of the GDA.

**Reasons:**

The alternative option would result in the loss of £170m of capital funding, which is considered vital in supporting Medway’s future regeneration, and delivering against Local Plan targets.

**Transport for the South East - Consent for Submission of Proposal to Government**

**Background:**

This report provided details of a ‘proposal to Government’ seeking statutory status for the Sub-National Transport Body for the South East. The report explained that Transport for the South East (TfSE) formed as a shadow Sub-National Transport Body (STB) in June 2017 and brought together sixteen Local Transport Authorities: Bracknell Forest, Brighton and Hove, East Sussex, Hampshire, Isle of Wight, Medway, Kent, Portsmouth, Reading, Slough, Southampton, Surrey, West Berkshire, West Sussex, Windsor and Maidenhead and Wokingham.

The Shadow Partnership Board also included arrangements for involving five Local Enterprise Partnerships in its governance process, along with two National Park Authorities, forty-four Boroughs and Districts in East Sussex, Hampshire, Kent, Surrey and West Sussex, and representatives from the transport industry.

The report stated that if statutory status was approved, TfSE would have the powers and responsibilities that were required to support the work of its constituent authorities and partners. It would allow TfSE to directly influence government decision-making and give it the tools to develop regional transport solutions and deliver major improvements to the transport network in the South East. Its main purpose would be to facilitate the development of a Transport Strategy for the region and to promote economic growth.
To achieve statutory status, TfSE was required to develop a ‘proposal to Government’. This needed to demonstrate the strategic case for the creation of a Sub-national Transport Body and set out how TfSE would fulfil the statutory requirements outlined in the enabling legislation. The proposal needed to also identify the types of powers and responsibilities sought, and the proposed governance structure. The proposal was set out at Appendix 1 to the report.

**Decision number:**

**Decision:**

*48/2020*  
The Cabinet agreed to support the creation of a Sub National Transport Body for the South East.

*49/2020*  
The Cabinet approved the submission to the government of the proposal for statutory status of the Sub National Transport Body as set out at Appendix 1 to the report.

**Reasons:**

TfSE’s aim to grow the region’s economy by delivering an integrated and sustainable transport system aligns with Medway’s vision to improve the quality of life for all our residents, protect and enhance our natural and built environment and deliver economic regeneration and growth.

TfSE provides an opportunity to support the delivery of growth plans in Medway through the development of a long-term strategic programme of transport measures to facilitate economic growth and make the South East more competitive. It will develop a Transport Strategy that complements the work of the Local Economic Partnerships and supports the delivery of Local Plans.

TfSE will address strategic transport infrastructure issues that have acted as a barrier to growth of the economy. As a constituent authority, Medway Council will be able to influence the prioritisation of investment by the major national transport agencies such as Highways England and Network Rail in a way that has not been possible in the past. Medway stands to benefit from a greater collective influence with Government and key stakeholders, helping to secure delivery of longstanding transport infrastructure ambitions.

**Joint Local Area Special Educational Needs and Disabilities (SEND) Inspection Revisit**

**Background:**

This report provided details of the outcome of the Special Educational Needs and Disabilities (SEND) Local Area revisit, which was carried out jointly by the Office for Standards in Education, Children’s Services and Skills (Ofsted) and the Care Quality Commission (CQC) between the 9 and 11 December 2019.

This inspection followed an initial inspection carried out by Ofsted and the CQC from 4 to 8 December 2017 in which eight areas of serious weakness were identified and
resulted in a requirement to produce and submit to the Department for Education (DfE) a Written Statement of Action.

The report explained that following the most recent inspection the inspectors concluded that the Local Area had made significant progress in five out of the eight areas initially identified as areas of concern. These were:

- the extent to which providers in the area take suitable responsibility for ensuring the effective implementation of the reforms;
- the lack of clearly understood and effective lines of accountability;
- the quality and rigour of self-evaluation and monitoring and its effectiveness in driving improvement;
- the sufficiency of information to inform accurate evaluation; and
- the lack of effective co-production at all levels.

Whilst the inspectors saw that progress had been made in the remaining three areas, they reported that this progress had been slow to be realised and had not been embedded for long enough. These areas were:

- the lack of joint strategic leadership across the area between the Council, the CCG and education providers;
- the lack of a clearly communicated strategy that is understood and shared by leaders across the area; and
- The quality of education, health and care plans.

The report outlined that it was expected that, following the outcome of the revisit, the CCG and Medway Council would be asked to submit an ‘Accelerated Progress Plan’ to the DfE. This plan would describe how the Local Area would continue to make progress to improve the remaining three areas of concern.

The report also noted that there was an expectation that the DfE and NHS England would continue to offer monitoring and scrutiny meetings with the CCG and Medway Council to ensure that progress was being made and there would be two monitoring visits over the period of a year.

The Portfolio Holder for Children’s Services (Lead Member) confirmed that an ‘Accelerated Progress Plan’ had been submitted.

The Children and Young People Overview and Scrutiny Committee considered this report on 5 March 2020, details of which were set out in section 6 of the report.

**Decision:**

The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Comments as set out in section 6 of the report and noted the progress towards meeting the improvements detailed in the Special Educational Needs and Disabilities (SEND) Written Statement of Action.
Cabinet, 7 April 2020

Reasons:

To formally notify the Cabinet of the outcome of the SEND Local Area Revisit and outline the next steps.

Recruitment Freeze

Background:

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

Details of the posts were set out within Appendix 1 to the report.

**Decision number:**

50/2020

The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report:

**Business Support Department**

a) Facilities Management and Compliance Manager
b) Senior Valuation Surveyor (Temp)
c) Lawyer – Place
d) Paralegal

e) Senior Public Health Researcher
f) Senior Partnership Commissioner
g) Youth Offending Team Information and Analysis Officer
h) Senior Commissioning Officer
i) Data and Monitoring Officer
j) Principal Social Worker (Head of Quality and Specialist Services)

**Children and Adults**

e) Senior Public Health Researcher
f) Senior Partnership Commissioner
g) Youth Offending Team Information and Analysis Officer
h) Senior Commissioning Officer
i) Data and Monitoring Officer
j) Principal Social Worker (Head of Quality and Specialist Services)

**Regeneration, Culture and Environment**

k) Adaptations Technical Assistant
l) Bikeability Officer x2
m) Administrative Support Officer
n) Guardians of the Deep Project Officer
o) Customer and Business Support Senior Officer x1
p) Customer and Business Support Officers (Gun Wharf) 6.42 FTE
q) Customer and Business Support Officers (Kingsley House) 7.81 FTE

This record is available on our website – [www.medway.gov.uk](http://www.medway.gov.uk)
Reasons:

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

Gateway 3 Contract Award: Street Lighting LED and Column Replacement Programme

Background:

This report provided details of the LED (Light Emitting Diode) and Column Replacement Programme and procurement exercise following consideration at the Procurement Board on 18 March 2020. The report explained that at the Gateway 1 stage, this project was approved as a Category B, medium risk procurement activity. In accordance with the Council’s Contract Procedure Rules, medium risk reports would be reviewed and approved by the Chief Legal Officer in consultation with the Procurement Board.

The report stated that the procurement exercise was undertaken via the Crown Commercial Services Framework (RM1089). The incumbent term contractor from the Council’s pre-existing Highways Infrastructure Contract was also invited to tender alongside those Contractors on the Framework, under the same Terms and Conditions.

The tender encompassed both LED conversion and column replacements, with options for a Central Management System (CMS) for dimming and trimming light levels and Smart City future proofing and integration, with the preferred option being to install a CMS system, if it was financially viable.

An Exempt Appendix provided details of the financial analysis of the submissions and the outcome of evaluation. The report explained that the Gateway 3 report had been considered at the Procurement Board on 18 March 2020 and the Chief Legal Officer in consultation with the Procurement Board agreed that this procurement proceeds with award to the winning evaluated bidder, for the option with CMS set out in paragraph 3.2 in the Exempt Appendix, subject to approval of funding.

The report explained that the procurement requirement and its associated delivery would require Full Council approval for a new scheme to be added to the Capital Programme funded by prudential borrowing met from projected energy savings. The contract would not be awarded until a decision had been made by Full Council on 23 April 2020 on the funding award.

The Council’s decision to award this contract would also be subject to observing the procurement standstill period of a minimum of 10 days in accordance with the requirements of the Public Contracts Regulations 2015. The Council would be unable to enter into the contract before the end of the standstill period.

Decision number: 53

Decision:

The Cabinet noted the proposed contract award for the Street Lighting LED and Column Replacement Scheme

This record is available on our website – www.medway.gov.uk
The Cabinet agreed to recommend to Full Council on 23 April 2020 the addition of £11,155,144 to the Council’s Capital Programme for the Street Lighting LED (light emitting diode) and Column Replacement Programme to be funded by prudential borrowing met from projected energy savings.

Reasons:

This scheme will upgrade the extensive street lighting network and increase the asset base condition, thus ensuring network safety and will contribute to both Medway Council’s climate change and Smart City agendas.

The cost of the scheme, over the predicted 20 year life span of the LED lanterns, will be funded via cost avoided savings in energy, which are predicted to exceed the investment required over the period.

Leader of the Council

Date

Jade Hannah, Democratic Services Officer

Telephone: 01634 332008
Email: democratic.services@medway.gov.uk
COUNCIL
23 APRIL 2020

REPORT ON OVERVIEW AND SCRUTINY ACTIVITY

Report from: Neil Davies, Chief Executive
Author: Julie Keith, Head of Democratic Services

Summary
This report provides a summary of the work of the Council’s Overview and Scrutiny Committees since the last report to Council on 23 January 2020.

1. Policy and Budget Framework

1.1 The Council's Constitution provides for the activities of Overview and Scrutiny (O&S) Committees to be reported to Council meetings. The following is a high-level summary of business conducted. For further detail please refer to the minutes of each Committee which are published on the Council’s website using the web links under each section.

2. Business Support Overview and Scrutiny Committee

2.1 30 January 2020
https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=123&MId=4393&Ver=4

2.1.1 Report title: Attendance of the Deputy Leader and Portfolio Holder for Community Services

Outcome:

The Committee agreed to:

a) thank the Deputy Leader for his attendance;

b) invite the Deputy Leader to attend when the Committee considered the report on the outcome of concerns at Medway Commercial Group, and;

c) add to its work programme consideration of the Adult Education Business Plan.
<table>
<thead>
<tr>
<th>2.1.2</th>
<th>Report title:</th>
<th>Medway Norse Update</th>
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<tbody>
<tr>
<td></td>
<td>Outcome:</td>
<td>The Committee agreed to note the report and request a briefing on the accident at Rochester Castle involving an employee of Medway Norse.</td>
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<tr>
<th>2.1.3</th>
<th>Report title:</th>
<th>Housing Revenue Account Capital and Revenue Budgets 2020/21</th>
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<tr>
<td></td>
<td>Outcome:</td>
<td>The Committee agreed to recommend the following to Cabinet:</td>
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<td></td>
<td>a) a proposed rent increase of CPI plus 1% for the housing stock, as set out in Appendix A to the report, (based on 52 collection weeks) with effect from 6 April 2020;</td>
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<td></td>
<td>b) the baseline garage rent for Council tenants be increased by 30 pence per week to bring in line with non council tenants garage rent with effect from 6 April 2020;</td>
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<td></td>
<td>c) that a rent increase of 5% to be applied to all garage tenure types with effect from 6 April 2020;</td>
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<td>d) that the service charges increases/decreases, as set out in Appendix B of the report for 2020/21, be approved;</td>
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<td>e) that the revenue budget for the HRA Service for 2020/21, as per Appendix C to the report, be approved;</td>
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<td>f) that the proposed capital budget of £0.3m be approved for buying ex council or/and acquiring properties from the open market to be funded from the HRA revenue reserves and 1-4-1 capital receipts, as set out in section 8.6 of the report;</td>
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<td>g) that the provision for the repayment of debt based on annuity based payment on the HRA’s outstanding debt to be £0.340m for 2020/21 be approved, and;</td>
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<td></td>
<td>h) that the revised 30 year HRA Business Plan model, as attached at Appendix D to the report, be approved.</td>
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<td>2.1.4</td>
<td>Report title:</td>
<td>Draft Capital and Revenue Budget 2020/2021</td>
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<td></td>
<td>Outcome:</td>
<td>The Committee agreed to note that Cabinet has instructed officers to continue to work with Portfolio Holders in formulating robust proposals to balance the budget for 2020/21 and beyond.</td>
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<thead>
<tr>
<th>2.1.5</th>
<th>Report title:</th>
<th>Draft Capital and Revenue Budget Proposals 2020/2021 (Report back from other O&amp;S Committees)</th>
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<tbody>
<tr>
<td></td>
<td>Outcome:</td>
<td>The Committee agreed to:</td>
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<tr>
<td></td>
<td></td>
<td>a) refer the comments from the individual Overview and Scrutiny Committees, as set out in Section 3 of the report, together with those pertinent to this Committee as considered earlier in this agenda to Cabinet on 4 February, and;</td>
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<td></td>
<td></td>
<td>b) request a briefing note on the funding of SEN children placed in Medway by other local authorities, including wider issues such as housing, responsibilities more generally for SEN looked after children and how effective communications were between Medway and the other councils involved.</td>
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<tr>
<th>2.1.6</th>
<th>Report title:</th>
<th>Council Plan Refresh 2020/21</th>
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<tbody>
<tr>
<td></td>
<td>Outcome:</td>
<td>The Committee agreed to:</td>
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<td>a) note the proposed changes to programmes and measures of success as listed in Appendix 1 to the report,</td>
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<td>b) recommend that, following the proposed removal from the Council Plan of Measure N101 (the percentage of looked after children who achieve the required standard in GCSE English and maths) that performance be monitored by the Corporate Parenting Board.</td>
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<td></td>
<td></td>
<td>c) note that those Council Plan measures still awaiting a proposed target, namely a proposed new qualitative measure on the calibre of social work and NI154 (net homes provided) will be further considered by the Corporate Management Team and that Full Council will be asked to delegate authority to the Chief Executive, in consultation with the Portfolio Holder for Resources, to agree the final measures.</td>
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<tr>
<td>2.1.7</td>
<td>Report title:</td>
<td>Work programme</td>
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<td><strong>Outcome:</strong></td>
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<td></td>
<td>The Committee agreed to:</td>
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<td></td>
<td>a) note the Committee’s work programme and also the work programmes of the other overview and scrutiny committees;</td>
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<td></td>
<td>b) ask for a report at the April meeting on the Local Welfare Provision Scheme, and;</td>
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<td></td>
<td>c) request a Briefing Paper on the Council Tax Discretionary Relief Scheme, including who the scheme was aimed at, criteria for selection and take up figures.</td>
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<tr>
<td>2.1.8</td>
<td>Report title:</td>
<td>Medway Commercial Group - Six Monthly Progress Report and Business Plan Adoption</td>
</tr>
<tr>
<td></td>
<td><strong>Outcome:</strong></td>
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<td>The Committee agreed to:</td>
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<td>a) note the six monthly performance report for MCG and its Business Plan for the next three financial years, and;</td>
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<td></td>
<td>b) recommend to Cabinet that the timing of when to re-brand MCG should be carefully considered.</td>
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### 3. Children and Young People Overview and Scrutiny Committee

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<td><strong>Outcome:</strong></td>
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<td></td>
<td>The Committee noted the report and thanked the Regional Schools Commissioner for her attendance.</td>
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<tr>
<td>3.1.2</td>
<td>Report title:</td>
<td>Attendance of the Portfolio Holder for Education and Schools</td>
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<tr>
<td></td>
<td><strong>Outcome:</strong></td>
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<tr>
<td></td>
<td>The Committee thanked the Portfolio Holder for his attendance.</td>
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<tr>
<td>3.1.3</td>
<td>Report title:</td>
<td>Attendance of the Portfolio Holder for Adults' Services</td>
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<tr>
<td></td>
<td>Outcome:</td>
<td>The Portfolio Holder for Adults’ Services was thanked for his attendance.</td>
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<thead>
<tr>
<th>3.1.4</th>
<th>Report title:</th>
<th>Attendance of the Portfolio Holder for Children's Services (Lead Member)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Outcome:</td>
<td>The Committee thanked the Portfolio Holder for Children’s Services for her attendance.</td>
</tr>
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<thead>
<tr>
<th>3.1.5</th>
<th>Report title:</th>
<th>Update on progress made in relation to ILACS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Outcome:</td>
<td>The Committee noted the report and requested future reports to reflect the impact of actions being undertaken to improve children’s services.</td>
</tr>
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<td></td>
<td>Outcome:</td>
<td>The Committee noted the report and requested:</td>
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<td></td>
<td></td>
<td>i) Childhood obesity be added to the Committee’s work programme.</td>
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<td>ii) A briefing note in relation to the work being done to mitigate the impact of a reduction of providers of training courses.</td>
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<tr>
<th>3.1.7</th>
<th>Report title:</th>
<th>Medway Youth Justice Partnership Strategic Plan for 2020-2023</th>
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</thead>
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<tr>
<td></td>
<td>Outcome:</td>
<td>This item was deferred to the next meeting of the Committee.</td>
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<thead>
<tr>
<th>3.1.8</th>
<th>Report title:</th>
<th>Joint Local Area Special Educational Needs and Disabilities (SEND) Inspection Revisit</th>
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<tbody>
<tr>
<td></td>
<td>Outcome:</td>
<td>The Committee noted the report.</td>
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</tbody>
</table>
The Committee:

i) agreed the work programme as set out at Appendix 1 to the report, subject to accepting the proposed changes, outlined in italic text on Appendix 1.

ii) supported the new ways of working outlined in Section 5 of the report with a view to strengthening scrutiny impact particularly in performance monitoring.

iii) recommended the Business Support Overview and Scrutiny Committee to agree that the next Scrutiny Task Group should have focus on Children’s Social Care and that there should be an option of one Children and Young People Overview and Scrutiny Committee in 2020/21 being a themed meeting also with a focus on children’s social care.

iv) subject to the agreement of the Business Support Overview and Scrutiny Committee, this Committee agreed that a Task Group comprising three Conservative (Councillors Kemp, Thorne and Elizabeth Turpin) and 2 Labour and Co-operative Group members (Councillors Cooper and Johnson) should be set up to undertake an in-depth scrutiny review.

v) subject to the agreement of the Business Support Overview and Scrutiny Committee, this Committee agreed that the Task Group should focus on Early Help and that the Head of Democratic Services should be authorised to develop the detailed scope of the review in consultation with the Task Group members once the findings of the diagnostic exercise undertaken by Essex County Council are available, as set out in section 6.7.

4. Health and Adult Social Care Overview and Scrutiny Committee

4.1 12 March 2020
https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=131&MId=4406&Ver=4

4.1.1 Report title: Attendance of the Portfolio Holder for Adults’ Services
Outcome:

a) The Committee thanked the Portfolio Holder for Adults’ Services for his attendance.
b) The Committee requested that future reports include more information and analysis in the interests of transparency.

<table>
<thead>
<tr>
<th>4.1.2</th>
<th><strong>Report title:</strong></th>
<th><strong>South East Coast Ambulance Service Update</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Outcome:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) The Committee noted and commented on the update report provided.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) The Committee requested that the following information be included in the next SEC Amb update report to Committee: Joint Live Conveyancing Review and further information relating to bullying and harassment.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) The Committee requested a briefing note on the £50,000 which had been spent on improving the roads infrastructure adjacent to Medway Maritime Hospital.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.1.3</th>
<th><strong>Report title:</strong></th>
<th><strong>Proposed Development of the Health Service or Variation of the Health Service - Frank Lloyd Centre, Sittingbourne</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Outcome:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a) The Committee considered and commented on the report and proposed development or variation to the health service, as set out in the report and appendices 1 and 2 to the report.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>b) The Committee, in consideration of the CCG assessment that the proposal does represent a substantial development of, or variation to, the health service, agreed that it considered the proposals to amount to a substantial development of or variation to the health service in Medway.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>c) The Committee, having agreed that it considered the proposals to amount to a substantial development of or variation to the health service in Medway, noted that the matter will need to be considered by the Kent and Medway NHS Joint Overview and Scrutiny Committee.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.1.4</th>
<th><strong>Report title:</strong></th>
<th><strong>All Age Eating Disorder Service Update</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Outcome:</strong></td>
<td>The Committee noted and commented on the update provided and that a further update be provided to the Committee in approximately 6 months' time.</td>
</tr>
<tr>
<td>-------</td>
<td>-------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Outcome:</td>
<td></td>
</tr>
<tr>
<td>a)</td>
<td>The Committee noted the progress made against the Task Group recommendations and thanked those Members who sat on the Task Group.</td>
<td></td>
</tr>
<tr>
<td>b)</td>
<td>The Committee referred the report to the Health and Wellbeing Board for consideration.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Outcome:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The Committee noted the Q3 2019/20 performance against the measures used to monitor progress against the Council's priorities, and to note the amended strategic risk register as set out in Appendix 2.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.1.7</th>
<th>Report title:</th>
<th>Work programme</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Outcome:</td>
<td></td>
</tr>
<tr>
<td>a)</td>
<td>The Committee agreed changes to the Work Programme as set out in paragraph 3 of the report.</td>
<td></td>
</tr>
<tr>
<td>b)</td>
<td>The Committee agreed to a report back on South East Coast Ambulance Service and the All Age Eating Disorder Service.</td>
<td></td>
</tr>
<tr>
<td>c)</td>
<td>The Committee agreed to add a report to the Work Programme on the Medway Clinical Commissioning Group comparing past to present data including factors such as GP numbers, numbers of surgeries and the numbers of acute beds.</td>
<td></td>
</tr>
<tr>
<td>d)</td>
<td>The Committee agreed to send a letter of thanks to Stephen Clark, Chair of the Medway Foundation Trust, ahead of his retirement.</td>
<td></td>
</tr>
</tbody>
</table>

Contact for further details:

Julie Keith, Head of Democratic Services  
Telephone: 01634 332760  Email: julie.keith@medway.gov.uk

Appendices  
None.

Background papers  
None.
Summary

This report provides an update on progress of Medway's Housing Infrastructure Fund (HIF) Bid – New Routes to Good Growth, which will provide much needed infrastructure to enable growth in and around the Hoo Peninsula.

The report asks Full Council to agree to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Leader the Chief Finance Officer and the Chief Legal Officer to carry out all non-executive pre and post-commencement conditions, as detailed in the Exempt Appendix.

The report was initially considered by the Cabinet on 7 April 2020. Comments of the Cabinet are set out in section 3 of the report.

1. Budget and Policy Framework

1.1 The decisions in this report are within the Council's policy and budget framework, executive matters referenced within the report have been determined by the Cabinet at their meeting on 7 April 2020. Aspects relating to planning issues and any other non-executive aspects of the Grant Determination Agreement (GDA) are a matter for Full Council.

2. Background

2.1 In September 2017, Medway Council submitted to Homes England (HE) an Expression of Interest, for a project called New Routes to Good Growth. This £170m bid was intended to unlock potential new development on the Hoo Peninsula of 12,100 new homes by 2043, and to strengthen the area’s economy through development of commercial space at Kingsnorth and Grain.
2.2 The Council submitted its New Routes to Good Growth Business Case to the Ministry of Housing, Communities & Local Government (MHCLG) on 1 March 2019.

2.3 On 1 November 2019 MHCLG announced that Medway’s HIF bid had been successful. Since then, officers have been responding to conditions that MHCLG require to be attached to the receipt of this funding. These are set out in the Grant Determination Agreement (GDA), which is available in draft at (exempt) Appendix 1. They are also set out in a separate extract as (exempt) Appendix 2.

2.4 On 4 February 2020, £170m was added to the Council’s capital programme, in anticipation of receipt of funding.

3. **Cabinet – 7 April 2020**

3.1 This report provided an update on the progress of Medway’s Housing Infrastructure Fund (HIF) Bid, ‘New Routes to Good Growth’. The report explained that on 1 November 2019, the Ministry of Housing, Communities and Local Government (MHCLG) announced that Medway’s HIF bid had been successful. Since then, officers had responded to conditions that MHCLG required to be attached to the receipt of this funding. The Exempt Appendix to the report set out the HIF Grant Determination Agreement (GDA) (Appendix 1) and the pre- and post-commencement conditions (Appendix 2).

3.2 The report explained that there were a large number of conditions contained within the GDA which the Council either needed to achieve or set out how it could achieve them should they become necessary. The Council did not currently have the powers available to it to meet all requirements. However, to ensure that officers could do so in a timely and efficient manner, delegations were being sought from Cabinet and Full Council to enable respective executive and non-executive functions to be exercised.

3.3 Detailed financial information in relation to the delivery of the HIF bid was set out in section 6 of the report. The report stated that once the GDA was signed, MHCLG had indicated that funding would be provided based on monthly claims, with the first payment not expected until September 2020. The cost of borrowing to fund works in advance of claims would be charged to the capital scheme and would not impact on the Council’s revenue budget.

3.4 The Cabinet agreed:

i) to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Leader, the Chief Finance Officer and the Chief Legal Officer, to enter into the negotiated Housing Infrastructure Fund Grant Determination Agreement (GDA) and carry out all pre- and post-conditions, as detailed in the Exempt Appendix; and

ii) to recommend Full Council to agree the same delegation in relation to all non-executive aspects of the GDA.
4. **Options**

4.1.1 There are two principal options for Full Council which are:

4.1.2 **Option 1**: Full Council agree the non-executive aspects of the GDA.

4.1.3 **Option 2**: Full Council does not agree to the non-executive aspects of the GDA.

5. **Advice and analysis**

5.1 Option 1 is the only approach that will unlock the allocated £170m of government investment in the Hoo peninsula. As such it is the recommended option.

6. **Risk management**

6.1 The risks associated with entering into the Grant Agreement are as follows:

<table>
<thead>
<tr>
<th>Risk</th>
<th>Description</th>
<th>Action to avoid or mitigate risk</th>
<th>Risk rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost overrun</td>
<td>The budget is £170m, funder has made it clear that any cost overruns will not be met by the HIF.</td>
<td>All the projects have a 24% costed risk to allow for future unknowns. As part of the business case submitted to MHCLG designs and costs were submitted giving a degree of certainty around the budget. There will be a robust project and budget management process with appropriate levels of approval via agreed officer and Member groups.</td>
<td>D2</td>
</tr>
<tr>
<td>Risk</td>
<td>Description</td>
<td>Action to avoid or mitigate risk</td>
<td>Risk rating</td>
</tr>
<tr>
<td>----------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Forward funding</td>
<td>In order to progress delivery of the HIF schemes it is necessary to forward fund works, with claims made for reimbursement after expenditure has been incurred. All expenditure prior to the signing of the GDA being at the Council's risk.</td>
<td>HIF budget includes provision for cost of borrowing to finance delivery of the schemes in advance of claims, and dedicated support in Finance agreed to help ensure claims are submitted promptly and accurately. Members have been reminded of the forward funding risk through previous reports, however it is imperative that the Council progresses the delivery at pace in order to meet the required timescales for delivery of the whole programme.</td>
<td>C2</td>
</tr>
<tr>
<td>Programme overrun</td>
<td>Funder has set a stop dead date for full budget spend and completion by 31&lt;sup&gt;st&lt;/sup&gt; March 2024. The Covid-19 outbreak and related government guidance may have implications for contractor programmes and also on the housing market if there is a national/international recession. If, and how, government may flex delivery timescales in response remains to be clarified.</td>
<td>Original programme at the Expression Of Interest stage was for 31 March 2023 which the Council could achieve but was very tight. The option to extend it to 2024 was proposed for all HIF bids by MHCLG which Medway has taken. This now gives circa 12 to 9 months float on the current programme across all projects. In addition all HIF projects will potentially have the same issues. Medway Council will continue to monitor the situation and liaise with MHCLG, negotiating changes to the programme and milestones where appropriate.</td>
<td>D2</td>
</tr>
<tr>
<td>Risk</td>
<td>Description</td>
<td>Action to avoid or mitigate risk</td>
<td>Risk rating</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
<td>---------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Delivery of housing.</td>
<td>Delivery of HIF infrastructure is to directly unlock 10,600 homes. Funder wants assurance that these can be delivered.</td>
<td>Emerging local plan reflects and supports HIF and housing numbers proposed in business case. A number of land owners and developers have been in contact with the Council as part of the consultation.</td>
<td>E2</td>
</tr>
<tr>
<td>Covid-19</td>
<td>Impact on resourcing as people self-isolate, take sick leave etc. Potential delay to meeting conditions necessary to complete GDA and deliver project for Council, funder, private sector and stakeholders.</td>
<td>MHCLG/HE have implemented a working from home social distancing policy for a few weeks now and report no issues with resource. Medway continue to work on the GDA and project delivery with an official team set to be recruited and in place by the start of the new financial year. This team will continue to deliver and identify any resource issues in the delivery chain. Catch up meetings with the funder are in place every week, both parties will have the opportunity to flag any issues and deal with appropriately.</td>
<td>C2</td>
</tr>
</tbody>
</table>

### 7. Financial implications

#### 7.1 One of the conditions in the GDA places a legal obligation on Medway Council to fund any cost overruns for the project. The inherent risk of this is addressed in 6.1 above.

#### 7.2 As previously advised, costs associated with the delivery of the HIF bid (£750,000 and £445,000 of Council funding approved to January 2019) is at the Council’s cost and not recoverable through the HIF funding; however this is being reviewed in light of more recent guidance. In October 2019, Full Council approved an addition of £850,000 to forward fund HIF delivery work; this expenditure is recoverable through the HIF funding. However, this £850,000 and any further expenditure incurred in advance of the signing of the GDA is at the Council’s risk; it is currently estimated that somewhere between £3-5million will be spent by September and further sums in excess of that committed to contractors.

#### 7.3 Once the GDA is signed, MHCLG have indicated that funding will be provided based on monthly claims, with the first payment not expected until September.
The cost of borrowing to fund works in advance of claims will be charged to the capital scheme and will not impact on the Council’s revenue budget.

7.4 In light of the outbreak of Coronavirus, the Finance Team are working to ensure sufficient cashflow is available to the Council to enable the HIF programme to continue, while supporting the Council’s wider efforts to respond to the outbreak while continuing to maintain critical services.

8. Legal implications

8.1 The GDA represents a legal binding agreement between MHCLG and Medway Council.

8.2 There are a large number of conditions contained within the agreement which the Council must either achieve or set out how it could achieve should they become necessary. The Council does currently have the powers available to it to meet all those requirements but in order to ensure that officers can do so in a timely and efficient manner the delegations requested have been sought from Cabinet and now Full Council.

8.3 The recommendations are being sought from both because the range of conditions requires the exercise of both Executive and Non-Executive functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

9. Recommendation

9.1 Council is asked to agree to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Leader, the Chief Finance Officer and the Chief Legal Officer, to carry out all non-executive pre- and post- conditions of the Grant Determination Agreement, as detailed in the Exempt Appendix.

Lead officer contact

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01634 331030
sunny.ee@medway.gov.uk

Dawn Hudd
Assistant Director, Physical and Cultural Regeneration
01634 338121
dawn.hudd@medway.gov.uk

Appendices

Exempt Appendix - HIF Grant Determination Agreement (Appendix 1) and the pre and post-commencement conditions (Appendix 2)
Background papers

7 April 2020 Cabinet Paper - Housing Infrastructure Fund (HIF) New Routes to Good Growth – Project Delivery
https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=4386&Ver=4

5 February 2019 Cabinet Paper – Housing Infrastructure Fund Bid – New Routes to Good Growth -
https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=4131&Ver=4

4 February 2020 Cabinet Paper – Capital and Revenue Budgets 2020/21 -
https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=4384&Ver=4
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SUMMARY:

This report provides details of the LED (Light Emitting Diode) and Column Replacement Programme and procurement exercise following consideration at the Procurement Board on 18 March 2020 and Cabinet on 7 April 2020, details of which are set out at sections 5 and 6 of the report.

This report asks full Council to agree to add £11,155,144 to the Council’s Capital Programme for the Street Lighting LED (light emitting diode) and Column Replacement Programme to be funded by prudential borrowing met from projected energy savings.

1. BACKGROUND INFORMATION

1.1 Background Information

1.1.1 The street lighting network comprises 25,667 street lights and in 2018, Medway Council secured borrowing, via the Prudential Borrowing route, of £2.72m for a column replacement scheme, across financial years 2018/19 and 2019/20. As part of this scheme, those columns, which did not already have LED lanterns, would be converted to LED. This would increase the number of LED lanterns, on the network, to approximately 4,526. With additional lanterns being replaced over the past 2 years, the total now stands at over 5000. Having said that, some of the older LED lanterns have been in place up to 10 years and therefore could not support future proofing “Smart City” ambitions, so some of these would need to be replaced under a full LED scheme. In
total it is anticipated that approximately 23,100 lanterns will need conversion.

1.1.2 In addition to the LED scheme, a subset of essential column replacements is required. These columns require replacing, irrespective of whether the LED scheme goes ahead or not, but as part of the LED scheme, have attracted more competitive financial rates, due to economies of scale.

1.1.3 The current situation, where column replacements are prioritised within an inadequate funding envelope is unsustainable. Most columns are already beyond their original design life and even focussing on columns that are deemed structurally unsafe, there is insufficient funding, in annual budgets to meet the needs of the service. As such a total of 4,668 column replacements form part of this scheme. Of these, 3,656 are of concrete design and could not support an LED lantern due to weighting and design issues.

1.1.4 As part of budget setting for this financial year, the Capital and Revenue Budgets 2020/21 Report presented to full Council on 22 February 2020 noted that a business case and gateway 3 report for the LED street lighting programme would be presented to the Cabinet. The business case for the conversion of the highway street lighting network to LED (light emitting diode) sets out how the Council would realise financial and environmental benefits, through reduction in energy use and which would also support Medway Council’s “Smart City” ambitions. It was accepted that a subset of column replacements would also form part of the scheme.

1.1.5 The tender encompasses both LED conversion and column replacements, with options for a Central Management System (CMS) for dimming and trimming light levels and Smart City future proofing and integration, with the preferred option being to install a CMS system, if it was financially viable.

1.1.6 The benefits of CMS both now and in the future are:

- Implementation of dimming and trimming regimes to save further energy and carbon emissions, which would also help support the Council’s climate change agenda.
- Allows for future options around bespoke lighting specific areas, remotely, for example High Streets or areas of night time culture.
- It supports our Smart City and Transformation agenda, allowing future proof integration of Smart City options, on an open platform.
- By supporting our Smart City agenda, we will provide opportunity for schemes such as the Housing Infrastructure Fund and Town Centre Bid, should they wish to use the platform, which in turn supports our bid for City of Culture status.
- Instant reporting of faults on the network meaning repairs can be more quickly resolved, ensuring maximum lights in illumination and therefore providing higher levels of customer satisfaction.
Management of energy use, via the system, allowing us to easily be able to adapt our lighting levels to any changing demand in the future and more easily predict any changes in energy use.

1.2 Urgency of Report

1.2.1 There are a number of target dates, which form the timeline of this project, in order to ensure the governance process is completed. The tender period is on a tight timeline and this report asks full Council to agree to add £11,155,144 to the Council’s Capital Programme for the Street Lighting LED (light emitting diode) and Column Replacement Programme to be funded by prudential borrowing met from projected energy savings.

2. PROCUREMENT PROCESS

2.1 Procurement Process Undertaken

2.1.1 As proposed and approved in the Gateway 1 report the LED & Column replacement scheme has been tendered under the Crown Commercial Services Framework, RM1089 - Traffic Management Technology 2 - Lot 9 – Street & Exterior Lighting.

2.1.2 The Framework is OJEU compliant and has been established based on the market having already been tested, for potential providers and meets the requirements of the scheme.

2.1.3 The Framework consists of 12 Suppliers. The current term contractor, Volker Highways Ltd, was not one of them. In the interests of being open and fair, it was agreed to invite Volker Highways Ltd, to tender alongside the suppliers within the Framework, applying the same tender process and terms and conditions (T&C’s) as published.

2.1.4 At the Gateway 1 stage, this project was approved as a Category B, medium risk procurement activity. In accordance with the Council’s Contract Procedure Rules, medium risk reports are reviewed and approved by the Chief Legal Officer in consultation with the Procurement Board.

2.2 Evaluation Criteria

Tender Evaluation

2.2.1 Tenders were evaluated to determine the Most Economically Advantageous Tender (MEAT), taking into consideration the following award criteria:

- Quality Score: 60%
- Price/Cost Score: 40%
2.2.2 This process determined a successful tenderer, for each option. In order to determine which option the authority should pursue, an analysis of the potential energy savings, for each option, was undertaken. This modelled the energy savings, over a 20 year period, with a factored energy price indexation, both high and low, which was averaged out for the purpose of this report.

2.2.3 This would then determine an equivalent cost avoided monetary saving, for that energy, which would be used to service the entire annual cost of the project, over the life of the lantern asset (20 years) with the aim being that the saving should service the loan.

2.2.4 Tables 1 & 2 below summarise the forecast saving, for each option, based on that analysis, for 2 elements, cost avoidance on energy and reduction in carbon tonnes.

2.2.5 In order to establish these figures, the cost of the energy, based on the current asset inventory, using both low and high indexation, plus the average of the 2, over 20 years, was forecast. The same exercise was undertaken for both a full LED conversion and CMS option and the total energy avoidance and carbon reduction was the difference between the two.

### Table 1 – With CMS

<table>
<thead>
<tr>
<th>Option</th>
<th>Total Energy Avoided Cost (£)</th>
<th>Total Carbon Saved (t)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Indexation</td>
<td>20,240,212</td>
<td>28188</td>
</tr>
<tr>
<td>Energy Avoided</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Index Energy</td>
<td>15,272,186</td>
<td>28188</td>
</tr>
<tr>
<td>Avoided</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Index Energy</td>
<td>25,208,239</td>
<td>28188</td>
</tr>
<tr>
<td>Avoided</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Table 2 – Without CMS

<table>
<thead>
<tr>
<th>Option</th>
<th>Total Energy Avoided Cost (£)</th>
<th>Total Carbon Saved (t)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Energy</td>
<td>18,769,586</td>
<td>26115</td>
</tr>
<tr>
<td>Avoided</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Index Energy</td>
<td>14,162,530</td>
<td>26115</td>
</tr>
<tr>
<td>Avoided</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Index Energy</td>
<td>23,376,643</td>
<td>26115</td>
</tr>
<tr>
<td>Avoided</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2.2.6 All costs of the project, are based on a 20 year payback, excepting the cost of columns, which have a 50 year design life and payback is based on this.

2.2.7 The savings in energy costs, which are to service the loan, are for 20 years, based on the predicted life of the lanterns which produce it. These savings would service the full cost of the scheme, including the column replacements, for years 1 to 20 of repayment.

2.2.8 The annual payment, of the columns, from years 21-50 will need funding, which will be planned and delivered from the revenue budgets available at that time.

2.3 Public Contracts Regulation 84 Check List

<table>
<thead>
<tr>
<th>Please detail the qualification and selection of tenderers and the award</th>
</tr>
</thead>
<tbody>
<tr>
<td>The use of an OJEU Compliant Framework and inclusion of the Medway’s Highways Infrastructure contractor, which was also an OJEU compliant activity, precluded the need to run a separate qualification / selection process. Essentially this activity had been completed by CCS in order to form the framework and by Medway in order to award the Highways Infrastructure Contract.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Has electronic procurement been used? Yes or No. If “No” please provide details below</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Has the negotiated procedure without a call for competition been used? If yes, please provide details</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Were there any conflicts of interest? If yes, please detail how these have been managed</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Has the contract award followed the regulations? If no, please give details.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>
### 3. BUSINESS CASE

#### 3.1 Delivery of Procurement Project Outputs / Outcomes

3.1.1 As part of the successful delivery of this procurement requirement, the following procurement project outputs / outcomes within the table below have been identified as key and will be monitored as part of the procurement project delivery process.

<table>
<thead>
<tr>
<th>Outputs / Outcomes</th>
<th>How will success be measured?</th>
<th>Who will measure success of outputs/ outcomes</th>
<th>When will success be measured?</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Write specification and contract tender documents</td>
<td>Through joint working with appointed Project Manager and Medway Council LED Working Group that will include IT/Transformation for technical input on CMS &amp; Smart Cities Ambitions.</td>
<td>LED Working Group</td>
<td>Approval of specification/tender documents and release of tender, via the Portal on an approved Framework – Completed November 2019.</td>
</tr>
<tr>
<td>4. Successful Evaluation</td>
<td>Timely, justified and completed evaluation with recommendations.</td>
<td>LED Working Group &amp; Category Management</td>
<td>Approval of the procurement activity by the Chief Legal Officer in consultation with the Procurement Board subject to approval for funding.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Presentation of the outcome of the procurement exercise to Cabinet and recommendation to full Council to add this scheme to the Capital Programme in April 2020.</td>
</tr>
<tr>
<td>Outputs / Outcomes</td>
<td>How will success be measured?</td>
<td>Who will measure success of outputs/ outcomes</td>
<td>When will success be measured?</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>-------------------------------</td>
<td>---------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>5. Successful mobilisation and delivery of scheme</td>
<td>Successful programme of mobilisation and delivery of scheme on time and to contract specification.</td>
<td>Highways Team</td>
<td>From award of scheme May 2020</td>
</tr>
</tbody>
</table>
4. **RISK MANAGEMENT**

4.1 The table below details the major risk to the project and the mitigation put in place, whilst detailing the risk rating for this.

<table>
<thead>
<tr>
<th>Risk</th>
<th>Description</th>
<th>Action to avoid or mitigate risk</th>
<th>Risk rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased cost beyond scope of scheme</td>
<td>Scheme cost increasing beyond the funding value,</td>
<td>Tendered prices are contractually binding.</td>
<td>CIII</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Contract Specification adheres to NEC3 guidelines with set dispute resolution.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Costed risk of both the network and the non-standard lantern asset base has been included to mitigate unknown risks across a large number of assets</td>
<td></td>
</tr>
</tbody>
</table>

5. **PROCUREMENT BOARD**

5.1 The Gateway 3 report was considered at the Procurement Board on 18 March 2020 and the Chief Legal Officer in consultation with the Procurement Board agreed that this procurement proceeds with award to the winning evaluated bidder, for the option with CMS set out in paragraph 3.2 in the Exempt Appendix, subject to approval of funding.

5.2 The contact will not be awarded until a decision has been made by Full Council on 23 April 2020 on the funding award.

6. **CABINET – 7 APRIL 2020**

6.1 This report provided details of the LED (Light Emitting Diode) and Column Replacement Programme and procurement exercise following consideration at the Procurement Board on 18 March 2020. The report explained that at the Gateway 1 stage, this project was approved as a Category B, medium risk procurement activity. In accordance with the Council’s Contract Procedure Rules, medium risk reports would be reviewed and approved by the Chief Legal Officer in consultation with the Procurement Board.

6.2 The report stated that the procurement exercise was undertaken via the Crown Commercial Services Framework (RM1089). The incumbent term contractor from the Council’s pre-existing Highways Infrastructure
Contract was also invited to tender alongside those Contractors on the Framework, under the same Terms and Conditions.

6.3 The tender encompassed both LED conversion and column replacements, with options for a Central Management System (CMS) for dimming and trimming light levels and Smart City future proofing and integration, with the preferred option being to install a CMS system, if it was financially viable.

6.4 An Exempt Appendix provided details of the financial analysis of the submissions and the outcome of evaluation. The report explained that the Gateway 3 report had been considered at the Procurement Board on 18 March 2020 and the Chief Legal Officer in consultation with the Procurement Board agreed that this procurement proceeds with award to the winning evaluated bidder, for the option with CMS set out in paragraph 3.2 in the Exempt Appendix, subject to approval of funding.

6.5 The report explained that the procurement requirement and its associated delivery would require Full Council approval for a new scheme to be added to the Capital Programme funded by prudential borrowing met from projected energy savings. The contract would not be awarded until a decision had been made by Full Council on 23 April 2020 on the funding award.

6.6 The Council's decision to award this contract would also be subject to observing the procurement standstill period of a minimum of 10 days in accordance with the requirements of the Public Contracts Regulations 2015. The Council would be unable to enter into the contract before the end of the standstill period.

6.6.1 The Cabinet noted the proposed contract award for the Street Lighting LED and Column Replacement Scheme with Central Management System (CMS) to the successful bidder as detailed in paragraph 5.1 of the report and paragraph 3.2 of the Exempt Appendix, which is subject to funding approval.

6.6.2 The Cabinet agreed to recommend to Full Council on 23 April 2020 the addition of £11,155,144 to the Council's Capital Programme for the Street Lighting LED (light emitting diode) and Column Replacement Programme to be funded by prudential borrowing met from projected energy savings.

7. SERVICE COMMENTS

7.1 Financial Comments

7.1.1 The procurement requirement and its associated delivery (as per the recommendation at paragraph 5.1), will require Full Council approval for a new scheme to be added to the Capital Programme funded by prudential borrowing met from projected energy savings.
7.1.2 The Cabinet has recommended to Full Council on 23 April 2020 the addition of £11,155,144 to the Council’s Capital Programme for this scheme.

7.1.3 Further detail is contained within section 2.1 Finance Analysis of the Exempt Appendix.

7.2 Legal Comments

7.2.1 This report seeks permission to utilise a current, OJEU compliant Framework. Subject to the Framework being used in line with the terms and conditions of that Framework, then there are no legal implications.

7.3 TUPE Comments

7.3.1 TUPE will not apply to this procurement request.

7.4 Procurement Comments

7.4.1 This requirement has been procured through a Crown Commercial Services OJEU complaint Framework, with the inclusion of the Highways Infrastructure contractor, which was also awarded under an OJEU compliant process. This raises no specific procurement concerns.

7.4.2 A total of 13 contractors were invited to bid on this requirement and received 2 submissions.

7.5 ICT Comments

7.5.1 Ongoing liaison with ICT to ensure that the ICT requirements to fully service the building are accommodated through the design.

8. RECOMMENDATION

8.1 Council is asked to agree to add £11,155,144 to the Council’s Capital Programme for the Street Lighting LED (light emitting diode) and Column Replacement Programme to be funded by prudential borrowing met from projected energy savings.

LEAD OFFICER CONTACT

<table>
<thead>
<tr>
<th>Name</th>
<th>Louise Browne</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>Acting Head of Highways &amp; Parking Services</td>
</tr>
<tr>
<td>Department</td>
<td>Frontline Services</td>
</tr>
<tr>
<td>Directorate</td>
<td>RCET</td>
</tr>
<tr>
<td>Extension</td>
<td>1482</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:louise.browne@medway.gov.uk">louise.browne@medway.gov.uk</a></td>
</tr>
</tbody>
</table>
APPENDICES
Exempt Appendix – Financial Analysis

BACKGROUND PAPERS

The following documents have been relied upon in the preparation of this report:

<table>
<thead>
<tr>
<th>Description of Document</th>
<th>Location</th>
<th>Date</th>
</tr>
</thead>
</table>
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COUNCIL
23 APRIL 2020

BYELAW PROVISIONS REVIEW

Report from: Richard Hicks – Director of Place and Deputy Chief Executive
Author: Vicky Nutley – Assistant Head of Legal Services

Summary

This report is a confirmatory report regarding the adoption of byelaws in relation to Pleasure Boats as the original records regarding their adoption cannot be located. It also addresses the update in legislation in relation to the byelaws for Skin Piercing.

The report was initially considered by the Licensing and Safety Committee on 11 March 2020.

1. Budget and Policy Framework

1.1 The Council has adopted and enforces a number of byelaws through-out the area. The enforcement function is carried out by a number of teams who work in conjunction with one another.

1.2 The byelaws in relation to Pleasure Boat licensing are enforced jointly between Environmental Health and Licensing. The byelaws regarding Skin Piercing are enforced by Environmental Health.

2. Background

Pleasure Boats

2.1 The byelaws in respect of Pleasure Boats and Vessels were initially adopted by Gillingham Borough Council on 3 June 1936. All byelaws that had been made by the predecessor authorities were reviewed by the Community and Environment Committee in 1997 during the period when Medway was a shadow authority.

2.2 In order for there to be a smooth transition from the predecessor authorities to Medway as a Unitary Authority it operated as a Shadow Authority in the year 1997/1998 so that it could put all the processes and structures required in place ready to begin work formally on the 1 April 1998.
2.3 During that shadow period records indicate that a review of byelaws was carried out and decisions were made regarding which were now defunct, which needed to be enlarged to cover the whole of Medway in its new form and which could be left as was. The Pleasure Boats byelaws were to be enlarged to encompass the whole of Medway.

2.4 Unfortunately, some of the minutes of Full Council for the period 1 April 1997 to 31 December 1997 are missing from the archive and therefore whilst we believe that Full Council resolved that the byelaws should apply across Medway we cannot evidence that from the minutes. In order to resolve this issue we are recommending that Full Council make a confirmatory resolution now.

2.5 There is currently only one Pleasure Boat operating within Medway and it has been operating with no issues. Therefore, no action has been required under these byelaws. The recent discussions around a potential transfer of the licensing of Pleasure Boats from Environmental Health to Licensing is the only reason that the suggestion this clarification would be useful arose.

Skin Piercing

2.6 Byelaws in respect of Skin Piercing, Electrolysis and Tattooing were made available to local authorities in the Local Government (Miscellaneous Provisions) Act 1982 (‘the 1982 Act’), all that was required for those to come into force was for the relevant Authority to make a Full Council resolution formally adopting the byelaws.

2.7 The byelaws were adopted by the City Council of Rochester Upon Medway on the 13 December 1984 and confirmed by the relevant Secretary of State on the 27 March 1985, they remain in force. Gillingham Borough Council adopted the byelaws on the 16 February 1987 and were confirmed by the Secretary of State on the 9 May 1988 and again these remain in force.

2.8 In this case while we know that the byelaws were adopted and remain in force they are missing a section of standard wording which would be applied if they were adopted now. It is now common practice to add the words “and any subsequent amendments” to the end of a description of legislation being adopted, the byelaws as adopted did not include this wording.

2.9 Again this does not pose a significant risk to the Council but given the changes in legislation and the developments in piercing technology it is felt to be sensible to request that Full Council makes a resolution re-adopting the provisions of the 1982 Act including the words “and any subsequent amendments” in the resolution.

3. Options

3.1 Do nothing, this potentially leaves the Council open to challenge over any action to enforce the byelaws because it is unable to evidence their previous adoption, therefore this option is not recommended.

3.2 Request that Full Council makes a confirmatory resolution to confirm that the Pleasure Boat byelaws apply to the whole of Medway and that the Skin Piercing byelaws incorporate the subsequent amendments to legislation and
will incorporate any future amendments. Officers recommend that this option is taken and the suggested wording for the resolution is set out below.

4. Risk management

4.1 If the confirmatory resolutions recommended within this report are not made then there may be a risk of challenge to any action taken to enforce the byelaws. This is not felt to be a significant risk but as the action required to mitigate the risk is straightforward officers believe that it is worthwhile.

5. Consultation

5.1 As this report is purely administrative in nature and is being produced because the original records cannot be located no consultation was required and therefore none has been carried out.


6.1 The Assistant Head of Legal presented a confirmatory report regarding the adoption of byelaws in relation to Pleasure Boats and Vessels and Skin Piercing. The Committee noted that, during 1997/1998, when Medway had operated as a Shadow Authority prior to becoming a Unitary Authority, a review of byelaws had been carried out and it had been decided that the existing Pleasure Boats and Vessels byelaws were to be enlarged to encompass the whole of Medway. As the relevant Full Council minute was missing from the Council’s archives, it was now necessary to seek Full Council’s confirmation that the Pleasure Boats byelaws first adopted in 1936 remain adopted and were in force across the whole of Medway.

6.2 The byelaws for Skin Piercing, which were made available to local authorities in the Local Government (Miscellaneous Provisions) Act 1982, had been adopted and remain in force. However, they were missing a section of standard wording which would be applied if they were adopted now. It was now common practice to add the words “and any subsequent amendments” to the end of a description of legislation being adopted.

6.3 The Licensing and Safety Committee recommended that:

a) Full Council resolves to confirm that the byelaws in relation to Pleasure Boats and Vessels first adopted in 1936 remain adopted and are in force across the whole of Medway.

b) Full Council resolves to re-adopt the provisions of Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 and any subsequent amendment thereto.

7. Financial implications

7.1 There are no financial implications arising directly from this report.

8. Legal implications

8.1 Without the current situation being clarified there is a risk that the Council could face a challenge in relation to its enforcement actions. Although the risk
of challenge is felt to be minimal in relation to these matters the action required to mitigate that risk is straightforward therefore it would seem sensible to make the confirmatory resolutions as suggested below.

8.2 The functions of the Licensing and Safety Committee include those functions relating to licensing and registration as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Included in Schedule 1 is the power to licence pleasure boats and vessels and the power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis.

8.3 The adoption of byelaws is a matter for Full Council.

9. Recommendations

9.1 That Full Council resolves to confirm that the byelaws in relation to Pleasure Boats and Vessels first adopted in 1936 remain adopted and are in force across the whole of Medway.

9.2 That Full Council resolves to re-adopt the provisions of Section 15 of the Local Government (Miscellaneous Provisions) Act 1982 and any subsequent amendment thereto.

Lead officer contact

Vicky Nutley, Assistant Head of Legal Services Gun Wharf
01634 332298 vicky.nutley@medway.gov.uk

Appendices

None.

Background papers

The original byelaws are held by Legal Services and are available for inspection on request.
COUNCIL
23 APRIL 2020

ARRANGEMENTS FOR 2020/21 MUNICIPAL YEAR

Report from: Neil Davies, Chief Executive
Author: Julie Keith, Head of Democratic Services

Summary

New Regulations issued in response to the Coronavirus pandemic The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have removed the requirement to hold an annual meeting and enabled local authorities to hold meetings remotely.

This report sets out some of the implications for the Council and the options available to Members with regard to the Annual Meeting, the appointment of the Mayor and Deputy Mayor, the appointment of Members to Committees and the approval of the 2020/21 schedule of meetings.

1. Budget and Policy Framework

1.1 The establishment of committees and the appointment of Members to serve on committees and outside bodies is a matter for decision by the Annual Meeting of the Council together with approval of the annual schedule of meetings.

1.2 The appointment of Chairmen and Vice-Chairmen of some committees, the establishment of sub-committees, and any scrutiny task groups and the appointment of Members to serve on them is normally a matter for decision at a Joint meeting of Committees, which immediately follows the Annual Council meeting.

1.3 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 have, however, removed the requirement to hold an annual meeting.

2. Background

2.1 In April each year the Council usually considers the position regarding the overall allocation of seats on committees and makes recommendations for decision at the Annual Council meeting in May.

2.2 There are 55 Councillors representing 22 Wards. The current composition of the Council is as follows:
3. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

3.1 These Regulations came into force on 4 April 2020. They apply to meetings of the Council, Committees and the Cabinet taking place before 7 May 2021 but could be brought back to an earlier date if the existing restrictions are relaxed.

3.2 The Regulations enable local authorities to hold meetings remotely including by (but not limited to) telephone conferencing, video conferencing, live webcast, and live interactive streaming.

3.3 The Regulations also remove the requirement for local authorities to hold annual meetings and to enable requirements for public and press access to local authority meetings and associated documents to be complied with through remote means and website access.

3.4 Where a meeting is held remotely a Member will be considered as being in attendance if they can hear, and where practicable see, and be heard and, where practicable, be seen by other members and the public. This allows for meetings to be held by remote means including via telephone conferencing, video conferencing, live webchat and live streaming.

3.5 Officers are urgently working on developing the technology and procedures required to allow remote meetings to operate effectively and in accordance with the Regulations. However, it should be noted that some of the equipment required to use this technology to its full potential is unavailable to purchase across the country due to the pandemic.

3.6 Whilst the Regulations allow Local authorities to make new standing orders about remote attendance at meetings in relation to voting, access to documents and facilities, it is not suggested that new Council Rules are agreed at this point. Instead a protocol on remote meetings will be developed, in consultation with Members.

4. The Annual Meeting

4.1 The Constitution stipulates that the Annual meeting will be held in May (in a non-election year) and that the following business will be transacted at the meeting:

- elect a person to chair the meeting if the Mayor is not present;
- elect the Mayor and the Deputy Mayor;
- approve the record of the last annual meeting;
• hear any announcements from the Mayor;
• elect the Leader (in the year of local elections);
• appoint members of the Overview and Scrutiny Committees, a Councillor Conduct Committee and other Council Committees to deal with matters which are neither reserved to the Council nor are executive functions;
• make appointments of Councillors to outside bodies;
• agree any amendments to the scheme of delegation relating to Council functions;
• approve a programme of ordinary meetings for the year ahead;
• consider any other business set out in the agenda, if any.

4.2 The new Regulations allow the Council to not hold its annual meeting between March – May, as required by the Local Government Act 1972.

4.3 In relation to any appointments that would be made at the annual meeting, including the appointment of the Mayor, the Regulations state:

“Where an appointment would otherwise be made or require to be made at an annual meeting of a local authority, such appointment continues until the next annual meeting of the authority or until such time as that authority may determine”.

4.4 Should the Council decide to hold its annual meeting it will not be able to extend these appointments using the Regulations. This means that there are four options available to the Council:

• Option 1 - Cancel the annual meeting of the Council for 2020/2021
• Option 2 - Defer the annual meeting to a later date during 2020/2021.
• Option 3 - Hold a quorate only annual meeting of the Council in May using the technology allowed under the new Regulations.
• Option 4 - Hold a full annual meeting of the Council in May using the technology allowed under the new Regulations.

4.5 **Option 1** - If the Council does not hold the annual meeting at all during the 2020/2021 municipal year then the Members currently appointed as Mayor and Deputy Mayor and the Members currently appointed to Committees and Outside Bodies will remain until the Annual Meeting in May 2021. Should this option be agreed by the Council, it will not be necessary to review the allocation of seats on committees to political groups as such a review is only required in specified circumstances including annually at the Annual Council meeting. It is also proposed that should any matters arise in relation to committee memberships or outside bodies memberships that these be dealt with by the Chief Executive under his existing delegated authority. There are also some matters relating to the Joint meeting of Committees which are covered at paragraph 4.7.1 below.

4.5.1 The current Mayor and Deputy Mayor have indicated that they would be willing to remain in office should the Council decide to cancel the scheduled Annual
Meeting. In addition, the Leader of the Council and the Leader of the Labour and Co-operative Group have been informally consulted on the proposal and are supportive of this approach.

4.6 **Option 2** - If the Council defers the Annual Meeting then the Members currently appointed as Mayor and Deputy Mayor and the Members currently appointed to Committees will remain until such other time determined by the Council during the 2020/2021 municipal year.

4.7 **Option 3** - if the annual meeting takes place in May then, so long as it is quorate, the Council can appoint a new Mayor and Deputy Mayor. It is not possible to make appointments to those roles outside of the annual meeting. There is no requirement for whoever is appointed Mayor or Deputy Mayor to be present when the appointment is made. The declaration of acceptance of office can be signed after the meeting and before taking up office.

4.7.1 If the annual meeting goes ahead on the basis of enough members to have a quorate Council meeting there may not be enough members to secure a quorum for each of the Committees to enable the joint meeting of committees to take place. In this scenario the Joint meeting of Committees could take place at a later date or the appointment of the Committee chairmen and vice chairmen and any Sub-Committees for those appointments could take place as the first item of business at the first meeting of each Committee and this is the recommended option. On that basis the Licensing and Safety and Employment Matters Committees would need to meet quickly to appoint their Sub-Committees.

4.8 **Option 4** - This option is only viable if the technology to do this has been fully tested and shown to be effective. Whilst the Cabinet meeting on 7 April 2020 was livestreamed and included remote participation by one Cabinet Member, there is further work for ICT to undertake to ensure that the process for livestreaming and remote participation is robust.

4.9 Taking all of the options into account, including the current Mayor’s and Deputy Mayor’s willingness to continue in office, it is recommended that the Annual Meeting of the Council is cancelled for 2020/2021 (**option 1**). It is also recommended that the appointment of the Committee chairmen and vice chairmen and any Sub-Committees for those appointments should take place as the first item of business at the first meeting of each Committee. This is because of the current Government advice in response to the Coronavirus pandemic and the Council’s position that only essential meetings should take place at this time.

5. **Audit Committee – recommendation to amend terms of reference**

5.1 At its meeting on 7 January 2020 the Audit Committee agreed to recommend to Council that its terms of reference be amended to allow for the consideration of financial information for each year of any companies and joint ventures set up by the Council. The Council is therefore requested to agree a change to the Council’s Constitution to add the following to the Terms of Reference of the Audit Committee:

“To receive and review financial information in relation to the limited companies and joint ventures set up by the Council”.
6. **Timetable of meetings**

6.1 On 23 January 2020 the Council agreed a draft schedule of meetings for 2020/21, as attached at Appendix A.

6.2 The Council is recommended to note the timetable of meetings attached at Appendix A which has been the subject of consultation with Group Leaders and Group Whips and to delegate authority to the Chief Executive to agree the timetable of meetings during 2020/21 including the cancellation or rearrangement of meetings in consultation with the Leader of the Council, the respective Committee Chairman and the Leader of the Labour and Co-operative Party Group as necessary in response to the impact of the Coronavirus pandemic.

7. **Financial, legal and risk management implications**

7.1 The Council will be asked to agree, for the avoidance of doubt, that subject to the cancellation of the Annual Council meeting, Special Responsibility Allowances should continue to be paid to those Members currently holding positions of special responsibility as specified in the Members Allowances Scheme noting that adjustments will made during the course of 2020/2021 if different Councillors are appointed to any of these positions, for example, Committee Chairmen and Vice Chairmen.

7.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 remove the requirement to hold an Annual meeting. Where the annual meeting is not held, any appointments which would normally be dealt with at the meeting will continue until the next annual meeting of the authority or when the Council determines, providing continuity of membership.

7.3 The proposed delegation to the Chief Executive to agree and vary the timetable of meetings is in response to the potential risk to the capacity to hold meetings on the dates set out in the proposed timetable for meetings reported to Council in January 2020 in light of the impact of the Coronavirus pandemic.

8. **Recommendations**

8.1 The Council is asked to cancel the Annual Meeting scheduled for 20 May 2020 (option 1) and to agree that the next Annual Meeting will not take place until May 2021.

8.2 The Council is asked to note that the appointment of the current Mayor, Deputy Mayor, the number and size of Committees and Members currently appointed to Committees, Joint Committees and other bodies will continue until the next Annual meeting takes place in May 2021.

8.3 The Council is asked to agree, for the avoidance of doubt, that in light of the cancellation of the Annual Council meeting, Special Responsibility Allowances should continue to be paid to those Members currently holding positions of special responsibility as specified in the Members Allowances Scheme noting that adjustments will made during the course of 2020/2021 if different Councillors are appointed to any of these positions, for example, Committee Chairmen and Vice Chairmen.
8.4 The Council is recommended to note the timetable of meetings attached at Appendix A which has been the subject of consultation with Group Leaders and Group Whips and to delegate authority to the Chief Executive to agree the timetable of meetings during 2020/21 including the cancellation or rearrangement of meetings in consultation with the Leader of the Council, the respective Committee Chairman and the Leader of the Labour and Co-operative Party Group as necessary in response to the impact of the Coronavirus pandemic.

8.5 The Council is asked to delegate authority to the Chief Executive to agree, and amend, procedures for remote participation at Council, Cabinet and Committee meetings, following consultation with the Leader of the Council and the Leader of the Labour and Co-operative Group.

8.6 The Council is asked to agree a change to the Council’s Constitution to amend the Terms of Reference of the Audit Committee as set out in paragraph 5.1 of the report.

Lead officer contact:
Julie Keith, Head of Democratic Services, Telephone: 01634 332760
Email: julie.keith@medway.gov.uk

Appendices

Appendix A – Revised timetable of meetings

Background papers

None
Please note that all meetings are held at Gun Wharf unless otherwise stated and this information is subject to change

<table>
<thead>
<tr>
<th>DATE</th>
<th>MEETING</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MAY 2020</strong></td>
<td></td>
</tr>
<tr>
<td>Wednesday 20 May</td>
<td>7pm - Annual Council (subject to Council decision taken on 23 April to cancel this meeting)</td>
</tr>
<tr>
<td>Wednesday 27 May</td>
<td>6.30pm – Planning Committee</td>
</tr>
<tr>
<td><strong>JUNE 2020</strong></td>
<td></td>
</tr>
<tr>
<td>Tuesday 2 June</td>
<td>6.30pm - Children and Young People Overview &amp; Scrutiny Committee</td>
</tr>
<tr>
<td>Thursday 4 June</td>
<td>9.30am – School Transport and Curriculum Appeals Committee</td>
</tr>
<tr>
<td>Friday 5 June</td>
<td>2.30pm – Licensing Sub Committee</td>
</tr>
<tr>
<td>Tuesday 9 June</td>
<td>9.30am – Licensing Hearing Panel</td>
</tr>
<tr>
<td>Tuesday 9 June</td>
<td>3pm – Cabinet</td>
</tr>
<tr>
<td>Wednesday 10 June</td>
<td>7pm – Employment Matters Committee</td>
</tr>
<tr>
<td>Thursday 11 June</td>
<td>6.30pm – Regeneration, Culture and Environment Overview &amp; Scrutiny Committee</td>
</tr>
<tr>
<td>Tuesday 16 June</td>
<td>6.30pm - Health and Adult Social Care Overview &amp; Scrutiny Committee</td>
</tr>
<tr>
<td>Wednesday 17 June</td>
<td>6pm – Councillor Conduct Committee</td>
</tr>
<tr>
<td>Tuesday 23 June</td>
<td>9.30am – Licensing Hearing Panel</td>
</tr>
<tr>
<td>Tuesday 23 June</td>
<td>3pm – Health and Wellbeing Board</td>
</tr>
<tr>
<td>Wednesday 24 June</td>
<td>6.30pm – Planning Committee</td>
</tr>
<tr>
<td>Thursday 25 June</td>
<td>7pm – Audit Committee</td>
</tr>
<tr>
<td>Tuesday 30 June</td>
<td>6pm – Licensing and Safety Committee</td>
</tr>
</tbody>
</table>
Please note that all meetings are held at Gun Wharf unless otherwise stated and This information is subject to change

<table>
<thead>
<tr>
<th>DATE</th>
<th>MEETING</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>JULY 2020</strong></td>
<td></td>
</tr>
<tr>
<td>Thursday 2 July</td>
<td>6.30pm – Business Support Overview &amp; Scrutiny Committee</td>
</tr>
<tr>
<td>Tuesday 7 July</td>
<td>9.30am – Licensing Hearing Panel</td>
</tr>
<tr>
<td>Tuesday 7 July</td>
<td>3pm – Cabinet</td>
</tr>
<tr>
<td>Wednesday 8 July</td>
<td>3pm Kent and Medway Joint Health and Wellbeing Board</td>
</tr>
<tr>
<td>Wednesday 8 July</td>
<td>6pm – Councillor Conduct Committee</td>
</tr>
<tr>
<td>Thursday 9 July</td>
<td>9.30am – School Transport and Curriculum Appeals Committee</td>
</tr>
<tr>
<td>Thursday 16 July</td>
<td>7pm - Council (St George’s Centre)</td>
</tr>
<tr>
<td>Tuesday 21 July</td>
<td>9.30am – Licensing Hearing Panel</td>
</tr>
<tr>
<td>Wednesday 22 July</td>
<td>6.30pm – Planning Committee</td>
</tr>
<tr>
<td>Thursday 23 July</td>
<td>6.30pm - Children and Young People Overview &amp; Scrutiny Committee</td>
</tr>
<tr>
<td>Thursday 30 July</td>
<td>7pm – Audit Committee</td>
</tr>
<tr>
<td><strong>AUGUST 2020</strong></td>
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<tr>
<td>Tuesday 4 August</td>
<td>9.30am – Licensing Hearing Panel</td>
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<tr>
<td>Tuesday 4 August</td>
<td>3pm – Cabinet</td>
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<tr>
<td>Wednesday 5 August</td>
<td>6pm – Councillor Conduct Committee</td>
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<tr>
<td>Thursday 6 August</td>
<td>9.30am – School Transport and Curriculum Appeals Committee</td>
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<tr>
<td>Friday 7 August</td>
<td>2.30pm – Licensing Sub Committee</td>
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<tr>
<td>Thursday 13 August</td>
<td>6.30pm – Regeneration, Culture and Environment Overview &amp; Scrutiny Committee</td>
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<tr>
<td>Tuesday 18 August</td>
<td>9.30am – Licensing Hearing Panel</td>
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Please note that all meetings are held at Gun Wharf unless otherwise stated and
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<thead>
<tr>
<th>DATE</th>
<th>MEETING</th>
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<tbody>
<tr>
<td>Tuesday 18 August</td>
<td><strong>6.30pm</strong> - Health and Adult Social Care Overview &amp; Scrutiny Committee</td>
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<tr>
<td>Wednesday 19 August</td>
<td><strong>6.30pm</strong> – Planning Committee</td>
</tr>
<tr>
<td>Thursday 20 August</td>
<td><strong>6.30pm</strong> – Business Support Overview &amp; Scrutiny Committee</td>
</tr>
<tr>
<td>Tuesday 25 August</td>
<td><strong>3pm</strong> – Cabinet</td>
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<tr>
<td>Tuesday 25 August</td>
<td><strong>6pm</strong> – Licensing and Safety Committee</td>
</tr>
<tr>
<td>Thursday 27 August</td>
<td><strong>9.30am</strong> – School Transport and Curriculum Appeals Committee</td>
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**SEPTEMBER 2020**

<table>
<thead>
<tr>
<th>DATE</th>
<th>MEETING</th>
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<tbody>
<tr>
<td>Tuesday 1 September</td>
<td><strong>9.30am</strong> – Licensing Hearing Panel</td>
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<tr>
<td>Tuesday 1 September</td>
<td><strong>3pm</strong> – Health and Wellbeing Board</td>
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<tr>
<td>Wednesday 2 September</td>
<td><strong>7pm</strong> – Employment Matters Committee</td>
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<tr>
<td>Wednesday 9 September</td>
<td><strong>6pm</strong> – Councillor Conduct Committee</td>
</tr>
<tr>
<td>Thursday 10 September</td>
<td><strong>9.30am</strong> – School Transport and Curriculum Appeals Committee</td>
</tr>
<tr>
<td>Tuesday 15 September</td>
<td><strong>9.30am</strong> – Licensing Hearing Panel</td>
</tr>
<tr>
<td>Wednesday 16 September</td>
<td><strong>6.30pm</strong> – Planning Committee</td>
</tr>
<tr>
<td>Thursday 17 September</td>
<td><strong>2pm</strong> – Kent and Medway Joint Health and Wellbeing Board (St George’s Centre)</td>
</tr>
<tr>
<td>Tuesday 22 September</td>
<td><strong>3pm</strong> – Cabinet</td>
</tr>
<tr>
<td>Thursday 24 September 2020</td>
<td><strong>7pm</strong> – Audit Committee</td>
</tr>
<tr>
<td>Tuesday 29 September</td>
<td><strong>9.30am</strong> – Licensing Hearing Panel</td>
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**OCTOBER 2020**

<table>
<thead>
<tr>
<th>DATE</th>
<th>MEETING</th>
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<tbody>
<tr>
<td>Thursday 1 October</td>
<td><strong>6.30pm</strong> - Children and Young People Overview &amp; Scrutiny Committee</td>
</tr>
</tbody>
</table>
Please note that all meetings are held at Gun Wharf unless otherwise stated and this information is subject to change.

<table>
<thead>
<tr>
<th>DATE</th>
<th>MEETING</th>
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<tbody>
<tr>
<td>Wednesday 7 October</td>
<td>6pm – Councillor Conduct Committee</td>
</tr>
<tr>
<td>Thursday 8 October</td>
<td>7pm - Council (St George’s Centre)</td>
</tr>
<tr>
<td>Friday 9 October</td>
<td>2.30pm – Licensing Sub Committee</td>
</tr>
<tr>
<td>Monday 12 October</td>
<td>9.30am – School Transport and Curriculum Appeals Committee</td>
</tr>
<tr>
<td>Tuesday 13 October</td>
<td>9.30am – Licensing Hearing Panel</td>
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<tr>
<td>Tuesday 13 October</td>
<td>6.30pm - Health and Adult Social Care Overview &amp; Scrutiny Committee</td>
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<tr>
<td>Wednesday 14 October</td>
<td>6.30pm – Planning Committee</td>
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<tr>
<td>Thursday 15 October</td>
<td>6.30pm – Regeneration, Culture and Environment Overview &amp; Scrutiny Committee</td>
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<tr>
<td>Tuesday 20 October</td>
<td>3pm – Cabinet</td>
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<tr>
<td>Tuesday 20 October</td>
<td>6pm – Licensing and Safety Committee</td>
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<tr>
<td>Thursday 22 October</td>
<td>6.30pm – Business Support Overview &amp; Scrutiny Committee</td>
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<tr>
<td>Tuesday 27 October</td>
<td>9.30am – Licensing Hearing Panel</td>
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**NOVEMBER 2020**

<table>
<thead>
<tr>
<th>DATE</th>
<th>MEETING</th>
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<tbody>
<tr>
<td>Tuesday 3 November</td>
<td>3pm – Health and Wellbeing Board</td>
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<tr>
<td>Wednesday 4 November</td>
<td>6pm – Councillor Conduct Committee</td>
</tr>
<tr>
<td>Thursday 5 November</td>
<td>9.30am – School Transport and Curriculum Appeals Committee</td>
</tr>
<tr>
<td>Tuesday 10 November</td>
<td>9.30am – Licensing Hearing Panel</td>
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<tr>
<td>Wednesday 11 November</td>
<td>6.30pm – Planning Committee</td>
</tr>
<tr>
<td>Tuesday 17 November</td>
<td>3pm – Cabinet</td>
</tr>
<tr>
<td>Tuesday 24 November</td>
<td>9.30am – Licensing Hearing Panel</td>
</tr>
</tbody>
</table>
Please note that all meetings are held at Gun Wharf unless otherwise stated and This information is subject to change

<table>
<thead>
<tr>
<th>DATE</th>
<th>MEETING</th>
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<tbody>
<tr>
<td>Thursday 26 November</td>
<td>6.30pm – Business Support Overview &amp; Scrutiny Committee</td>
</tr>
<tr>
<td></td>
<td><strong>DECEMBER 2020</strong></td>
</tr>
<tr>
<td>Tuesday 1 December</td>
<td>6.30pm - Children and Young People Overview &amp; Scrutiny Committee</td>
</tr>
<tr>
<td>Wednesday 2 December</td>
<td>7pm – Employment Matters Committee</td>
</tr>
<tr>
<td>Thursday 3 December</td>
<td>6.30pm – Regeneration, Culture and Environment Overview &amp; Scrutiny Committee</td>
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<td>Friday 4 December</td>
<td>2.30pm – Licensing Sub Committee</td>
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<tr>
<td>Monday 7 December</td>
<td>9.30am – School Transport and Curriculum Appeals Committee</td>
</tr>
<tr>
<td>Tuesday 8 December</td>
<td>9.30am – Licensing Hearing Panel</td>
</tr>
<tr>
<td>Tuesday 8 December</td>
<td>2pm – Kent and Medway Joint Health and Wellbeing Board (St George's Centre)</td>
</tr>
<tr>
<td>Wednesday 9 December</td>
<td>6.30pm – Planning Committee</td>
</tr>
<tr>
<td>Thursday 10 December</td>
<td>6.30pm - Health and Adult Social Care Overview &amp; Scrutiny Committee</td>
</tr>
<tr>
<td>Tuesday 15 December</td>
<td>3pm – Cabinet</td>
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<tr>
<td>Tuesday 15 December</td>
<td>6pm – Licensing and Safety Committee</td>
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<tr>
<td>Wednesday 16 December</td>
<td>6pm – Councillor Conduct Committee</td>
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<tr>
<td>Tuesday 22 December</td>
<td>9.30am – Licensing Hearing Panel</td>
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<td></td>
<td><strong>JANUARY 2021</strong></td>
</tr>
<tr>
<td>Tuesday 5 January</td>
<td>9.30am – Licensing Hearing Panel</td>
</tr>
<tr>
<td>Tuesday 5 January</td>
<td>7pm – Audit Committee</td>
</tr>
<tr>
<td>Thursday 7 January</td>
<td>6.30pm - Children and Young People Overview &amp; Scrutiny Committee</td>
</tr>
<tr>
<td>Tuesday 12 January</td>
<td>3pm – Cabinet</td>
</tr>
</tbody>
</table>
Please note that all meetings are held at Gun Wharf unless otherwise stated and  
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<table>
<thead>
<tr>
<th>DATE</th>
<th>MEETING</th>
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<tbody>
<tr>
<td>Wednesday 13 January</td>
<td>6.30pm – Planning Committee</td>
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<tr>
<td>Thursday 14 January</td>
<td>9.30am – School Transport and Curriculum Appeals Committee</td>
</tr>
<tr>
<td>Thursday 14 January</td>
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<tr>
<td>Tuesday 19 January</td>
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<tr>
<td>Wednesday 20 January</td>
<td>6pm – Councillor Conduct Committee</td>
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<tr>
<td>Thursday 21 January</td>
<td>7pm - Council (St George's Centre)</td>
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<tr>
<td>Tuesday 26 January</td>
<td>7pm – Employment Matters Committee</td>
</tr>
<tr>
<td>Thursday 28 January</td>
<td>6.30pm – Business Support Overview and Scrutiny Committee</td>
</tr>
</tbody>
</table>

**FEBRUARY 2021**

| Tuesday 2 February          | 9.30am – Licensing Hearing Panel                                       |
| Tuesday 2 February          | 3pm – Cabinet                                                          |
| Wednesday 3 February        | 6.30pm – Planning Committee                                            |
| Thursday 4 February         | 9.30am – School Transport and Curriculum Appeals Committee             |
| Friday 5 February           | 2.30pm – Licensing Sub Committee                                       |
| Tuesday 9 February          | 6pm – Licensing and Safety Committee                                   |
| Wednesday 10 February       | 6pm – Councillor Conduct Committee                                     |
| Tuesday 16 February         | 9.30am – Licensing Hearing Panel                                       |
| Tuesday 16 February         | 3pm – Health and Wellbeing Board                                       |
| Thursday 18 February        | 7pm - Council (budget) (St George’s Centre)                             |
Please note that all meetings are held at Gun Wharf unless otherwise stated and This information is subject to change

<table>
<thead>
<tr>
<th>DATE</th>
<th>MEETING</th>
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<tbody>
<tr>
<td><strong>MARCH 2021</strong></td>
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</tr>
<tr>
<td>Tuesday 2 March</td>
<td>9.30am – Licensing Hearing Panel</td>
</tr>
<tr>
<td>Tuesday 2 March</td>
<td>3pm – Cabinet</td>
</tr>
<tr>
<td>Wednesday 3 March</td>
<td>6.30pm – Planning Committee</td>
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<tr>
<td>Thursday 4 March</td>
<td>6.30pm - Children and Young People Overview &amp; Scrutiny Committee</td>
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<tr>
<td>Tuesday 9 March</td>
<td>6pm – Licensing and Safety Committee</td>
</tr>
<tr>
<td>Wednesday 10 March</td>
<td>3pm – Kent and Medway Joint Health and Wellbeing Board (St George’s Centre)</td>
</tr>
<tr>
<td>Thursday 11 March</td>
<td>6.30pm - Health and Adult Social Care Overview &amp; Scrutiny Committee</td>
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<td>Tuesday 16 March</td>
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<td>6pm – Councillor Conduct Committee</td>
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<td>Thursday 18 March</td>
<td>7pm – Audit Committee</td>
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<tr>
<td>Tuesday 23 March</td>
<td>6.30pm – Regeneration, Culture and Environment Overview &amp; Scrutiny Committee</td>
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<tr>
<td>Thursday 25 March</td>
<td>6.30pm – Business Support Overview &amp; Scrutiny Committee</td>
</tr>
<tr>
<td>Tuesday 30 March</td>
<td>9.30am – Licensing Hearing Panel</td>
</tr>
<tr>
<td>Tuesday 30 March</td>
<td>3pm – Cabinet</td>
</tr>
<tr>
<td>Wednesday 31 March</td>
<td>6.30pm – Planning Committee</td>
</tr>
<tr>
<td><strong>APRIL 2021</strong></td>
<td></td>
</tr>
<tr>
<td>Wednesday 7 April</td>
<td>7pm – Employment Matters Committee</td>
</tr>
<tr>
<td>Thursday 8 April</td>
<td>9.30am – School Transport and Curriculum Appeals Committee</td>
</tr>
</tbody>
</table>
Please note that all meetings are held at Gun Wharf unless otherwise stated and
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<table>
<thead>
<tr>
<th>DATE</th>
<th>MEETING</th>
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<tbody>
<tr>
<td>Friday 9 April</td>
<td>2.30pm – Licensing Sub Committee</td>
</tr>
<tr>
<td>Tuesday 13 April</td>
<td>9.30am – Licensing Hearing Panel</td>
</tr>
<tr>
<td>Tuesday 13 April</td>
<td>3pm – Health and Wellbeing Board</td>
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<tr>
<td>Wednesday 14 April</td>
<td>6pm – Councillor Conduct Committee</td>
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<tr>
<td>Thursday 22 April</td>
<td>7pm - Council (St George's Centre)</td>
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<tr>
<td>Tuesday 27 April</td>
<td>9.30am – Licensing Hearing Panel</td>
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<tr>
<td>Wednesday 28 April</td>
<td>6.30pm – Planning Committee</td>
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### MAY 2021

<table>
<thead>
<tr>
<th>DATE</th>
<th>MEETING</th>
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<tbody>
<tr>
<td>Wednesday 5 May</td>
<td>6pm – Councillor Conduct Committee</td>
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<tr>
<td>Thursday 6 May</td>
<td>9.30am – School Transport and Curriculum Appeals Committee</td>
</tr>
<tr>
<td>Tuesday 11 May</td>
<td>9.30am – Licensing Hearing Panel</td>
</tr>
<tr>
<td>Tuesday 11 May</td>
<td>3pm – Cabinet</td>
</tr>
<tr>
<td>Wednesday 19 May</td>
<td>Annual Council (provisional) (St George's Centre)</td>
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COUNCIL
23 APRIL 2020

APPROVAL OF REASON FOR ABSENCE OF A COUNCILLOR FROM MEETINGS

Report from: Perry Holmes, Chief Legal Officer
Author: Julie Keith, Head of Democratic Services

Summary

This report asks the Council to approve the following reasons for failure by any Councillor to attend meetings because of the COVID-19 pandemic from 23 April 2020 – 8 October 2020:

i) the protection of the health of the residents of the area or;
ii) the health of the individual Member.

This matter shall remain under review and a further report shall be presented to the Council meeting on 8 October 2020 if necessary.

1. Budget and Policy Framework

1.1 The approval of reasons for the absence by a Councillor from meetings is a matter for the Council to determine.

2. Background

2.1 Section 85(1) of the Local Government Act 1972 says that if a Councillor fails throughout a period of six consecutive months to attend any meeting of the authority they shall cease to be a member of the authority. Furthermore, Section 85(2A) of the 1972 Act provides if a member of the Executive (Cabinet) fails to attend any meeting of the Executive throughout a period of six consecutive months they shall cease to be a member of the authority. However, those sections enable a Local Authority to approve the reason for non-attendance, provided that approval is given by the Authority before the expiry of the six month period.

2.2 It is therefore proposed that from 23 April 2020 - 8 October 2020 inclusive, the protection of the health of the residents of the area or the health of the individual Councillor shall be an approved reason for the non-attendance of a Member at any meeting (including, in the case of members of the Executive (Cabinet), non-attendance at meetings of the Executive) because of the COVID-19 pandemic. A meeting of the Council is planned for 8 October 2020,
therefore, if the timescale of this provision needs to be extended a further report will be presented to that meeting.

3. **Risk management**

3.1 The Council is invited to consider this matter now to avoid the risk that any Councillors may lose their seats on the Council.

3.2 It is critical that all Councillors act in accordance with Government advice during the COVID-19 pandemic. The current advice states that individuals must stay at home and should only leave home for very limited purposes. In support of this, only essential meetings, with a minimum number of Councillors present, shall be taking place during this period.

3.3 The Coronavirus Act 2020, which received royal assent on 25 March 2020, allows, amongst other matters, for remote participation in meetings. The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings) (England) Regulations 2020 provide further detail to enable such remote participation. A Member participating in a meeting remotely in accordance with the new Regulations will be recorded as having attended the meeting in the same way as if they were in the meeting room. Officers from Democratic Services, Legal Services and ICT are currently developing a solution in support of this and Councillors will be fully informed of progress.

4. **Financial and legal implications**

4.1 There are no financial implications arising from this report.

4.2 The relevant legal implications and requirements are set out in detail in the body of the report.

5. **Recommendation**

5.1 The Council is asked to agree that from 23 April 2020 - 8 October 2020 inclusive, under the provisions of Sections 85(1) and Section 85(2A) of the Local Government Act 1972, the protection of the health of the residents of the area or the health of the individual Councillor shall be an approved reason for the non-attendance of a Member at any meeting (including, in the case of members of the Executive (Cabinet), non-attendance at meetings of the Executive).

**Lead officer contact:**
Perry Holmes, Chief Legal Officer
Tel: 01634 332133
E-mail: perry.holmes@medway.gov.uk

**Appendices**
None

**Background papers**
COUNCIL
23 APRIL 2020

USE OF URGENCY PROVISIONS

Report from: Perry Holmes, Chief Legal Officer
Author: Wayne Hemingway, Principal Democratic Services Officer

Summary
This report provides details of recent usage of urgency provisions contained within the Constitution.
The report also provides an overview of decision making arrangements in response to the COVID-19 pandemic.

1. Budget and Policy Framework

1.1 The Council’s Constitution provides for a report to be submitted to Council following the usage of urgency provisions contained within the Constitution.

2. Background

Leader/Cabinet – special urgency

2.1 Rule 17 (special urgency) of the Council’s Access to Information rules, as set out in the Constitution, permits the Cabinet to make decisions when compliance with Rule 15 (The Forward Plan of Key Decisions) and Rule 16 (General Exception) is not possible.

2.2 On such occasions, a report to Council on the Cabinet decisions taken in the circumstances set out in Rule 17 (Special Urgency) will be submitted, in accordance with paragraph 18.3 of the Access to Information rules.

2.3 Paragraph 3.2 of the Responsibility for Cabinet Functions permits the Leader of the Council to make urgent decisions (which would ordinarily be a matter for Cabinet) subject to compliance with the Council’s Access to Information rules, as referenced in paragraph 2.1 above.

Leader/Cabinet – call-in and urgency

2.4 Paragraph 15.11 (call-in and urgency) of the Overview and Scrutiny rules, as set out in the Council’s Constitution, states that a decision will
be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The chair (or in their absence the vice-chair) of the relevant Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

2.5 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

Council – urgent action

2.6 Paragraph 4.1 of the Employee Delegation Scheme states that in relation to Council responsibilities, subject to consultation with the Leaders of all the groups which comprise at least 1/10th of the membership of the Council (or their nominees), and the provisions for urgent decisions which are contrary to any plan or strategy which has been approved or adopted by the Council or which are contrary to or not wholly in accordance with the budget approved by the Council (set out in Chapter 4, Part 3 of the Constitution), the Chief Executive and Directors shall have the power to act on behalf of the Council in cases of urgency only where the urgent matter is of such a nature that it may be against the Council’s interest to delay and where it is not practicable to obtain the approval of the Council.

2.7 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

2.8 A summary of the recent use of these provisions is set out in the following section.

3. Cabinet (Executive decisions)

3.1 On 4 February 2020, the Cabinet considered a report on the Final 2020/21 Mainstream Schools and Academies Funding Formula.

3.2 In line with rule 15.11 of Chapter 4, Part 5 of the Constitution, call-in can 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, the deadline for the submission of the final funding formula to the Education Skills Funding Agency (ESFA) was 21 January 2020, which meant that the Council submitted the final formula in draft form subject to final approval by the Cabinet. On this occasion it was proposed that the call in period be waived to prevent any further delay confirming the Cabinet’s decision to the ESFA and to allow the authority to implement the funding formula changes in accordance with the regulations. The Chairman of the Children and Young People Overview and Scrutiny Committee 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.
3.3 The Cabinet made the following decisions:

3.3.1 The Cabinet instructed officers to implement the Final 2020-21 Funding Formula for mainstream schools and academies, as set out in section 3 of the (Cabinet) report (decision no. 16/2020 refers).

3.3.2 The Cabinet agreed that decision number 16/2020 is considered urgent and therefore should not be subject to call-in (decision no. 17/2020).

3.4 On 27 March 2020, the Leader considered an urgent report which provided details of a number of Government measures in relation to Council Tax and Business Rates Relief which are in place to respond to the COVID-19 pandemic.

3.5 The Chairman of the Business Support Overview and Scrutiny Committee agreed that the taking of these decisions were urgent and could not be reasonably deferred until the next Cabinet meeting on 7 April 2020, in accordance with Section 11 (Cases of special urgency) of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 and Rule 17 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution). This was because it was imperative that the Council took urgent action to support both individuals and businesses in line with the Government’s announcements on a range of measures in respect of Council Tax and Business Rates Relief in response to the COVID-19 pandemic.

3.6 Additionally and in line with rule 15.11 of Chapter 4, Part 5 of the Constitution, call-in can 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. The Chairman of the Business Support Overview and Scrutiny Committee 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.

3.7 The Leader made the following decisions:

3.7.1 The Leader, using urgency powers, agreed the proposals in respect of Council Tax and Business Rates Relief as set out in section 2 of the report and to delegate authority to the Chief Finance Officer, in consultation with the Leader and the Portfolio Holder for Business Management, to finalise and implement these proposals where further Government advice is awaited (decision no. 44/2020 refers).

3.7.2 The Leader, using urgency powers, agreed to delegate authority to Chief Finance Officer, in consultation with the Leader and Portfolio Holder for Business Management, to implement any further measures introduced by the Government to provide relief for Council Tax and Business Rate payers in response to the COVID-19 pandemic insofar as these measures are 100% funded by Government, including the measures referred to in paragraph 2.10 of the report (decision no. 45/2020 refers).

3.7.3 The Leader agreed that decisions 44/2020 and 45/2020 are considered urgent and therefore should not be subject to call in (decision no.
46/2020 refers).

4. Council (Non-Executive decisions)

4.1 The Chief Executive considered an urgent report (Appendix 1) to approve the addition of the COVID-19 government grant funding, made available by the MHCLG, to the Council’s revenue budget. This consisted of £39.7 million for support for business rates payers and £6,628,475 of COVID-19 emergency funding for the Local Authority. The report also stated that the Chief Finance Officer had already added £2,056,371 for support for Council Tax payers to the revenue budget under delegated authority.

4.2 The Leader of the Council and the Leader of the Labour Group were consulted on this proposal on 27 March 2020 and the Chief Executive made the following decision on 1 April 2020:

4.2.1 That the Chief Executive (using urgency powers (in place of referring this matter to Full Council)) agrees to the following additions to the revenue budget, both of which are to be funded from grant provided by Central Government:

- £39,712,000 to fund the provision of small business grants to eligible businesses in Medway;
- £6,628,475 to fund expenditure incurred by the Council in responding to the COVID-19 emergency.

5. The Council’s response to the COVID-19 Pandemic

5.1 Working alongside partners across the Kent Resilience Forum, Medway Council has implemented the Strategic and Tactical command and control methodology to manage the Council’s response to the Covid-19 Pandemic. Subject to the provisions in the scheme of employee delegations and formal decision making rules as set out in the Council’s Constitution, strategic direction and decisions are made by the Gold Command with Tactical, operational matters and decisions made by the Silver Command. To support the Silver Command, the Council has established a network of specialist ‘Cells’ which lead on functional elements of the Council’s response including those tasked with co-ordinating the response for vulnerable adults through Adult Social Care, Schools and Education and Housing, and those responsible with ensuring the Council’s core functions continue to operate ‘business as usual’ wherever possible including Finance, HR and Customer Contact.

5.2 Each ‘Cell’ lead is responsible for maintaining a risk register detailing the impacts of Covid-19 on their area of responsibility, following the Council’s Risk Management Strategy. Cell leads are responsible for managing risks scored below CII – significant likelihood, crucial impact (as such risks would routinely be managed on service/operational risk registers) while issues arising from risks scored at CII or above are escalated to Silver, and Gold command as necessary (as such risks would routinely be managed through the Council’s Strategic Risk Register). In addition, financial thresholds have been agreed to ensure that where a decision being made would commit the Council to new expenditure or result in the loss of income, appropriate financial
authorisation is in place.

5.3 The decisions made and logged to date can broadly be categorised as:
- Closure of facilities/buildings and services on a temporary basis, in response to government advice (and later government instructions),
- Cancellation of events and bookings across cultural and leisure facilities, and Medway Adult Education,
- Delays/temporary cessation of debt recovery activity across services including cessation of enforcement agent work and court action,
- Relaxation / postponement of normal assessment arrangements to test eligibility around adult social care, homelessness and support to residents and businesses through local taxation systems to ensure those in financial difficulty receive support promptly,
- Refocussing of parking enforcement activity focussing on road safety and supporting key workers,
- Temporary relaxation of a range of Human Resources policies to enable staff to work flexibly and effectively support the Council’s response activities,
- Temporary extensions to contracts/arrangements to ensure sufficient capacity to deliver critical functions including Adult Social Care providers,
- Continuation of payments to suppliers, arrangements to make faster payments to suppliers and supporting some suppliers experiencing financial difficulties in line with Cabinet Office procurement advice.

5.4 A Governance cell within the network is working to ensure the impacts of decisions made have been considered appropriately to ensure all decisions taken are sound and are in line with the councils’ governance mechanisms. This Cell includes officers from Democratic Services, Legal Services, Category Management, and Finance including Audit & Counter Fraud and the Council’s Equalities Lead. This group has arrangements in place to collate and review all action proposed or taken through the Cell risk registers, and has access to all Cell leads to make recommendations to ensure that decisions:
- are made in accordance with appropriate Member and Officer decision making powers, according to the law and in line with the Council’s constitution,
- comply with relevant legislation and regulations,
- are made within the Council’s financial rules and are within the approved budget,
- do not significantly weaken the Council’s control environment or pose a significant fraud risk, and
- do not create adverse impacts for people with protected characteristics under the Equality Act.

6. Financial, legal and risk implications

6.1 The requirement to report decisions taken under the various urgency provisions is set out within the Constitution. Details of the financial, legal and risk implications are set out in full within the relevant reports.
7. **Recommendation**

7.1 That the report be noted.

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**Background papers**
Cabinet 4 February 2020 - Final Funding Formula for Mainstream Schools and Academies 2020/2021

Leader urgent decision 27 March 2020 - Council Tax and Business Rates Relief
https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=4845&Ver=4

**Appendices**
Appendix 1 – Chief Executive urgent decision 1 April 2020 (report dated 31 March 2020 and decision made on 1 April 2020)
Summary

This report seeks the Chief Executive’s approval, using urgency powers, to approve the addition of the COVID-19 grant funding, made available by the MHCLG, to the Council’s revenue budget.

1. Budget and Policy Framework

1.1 It is the responsibility of Cabinet to ensure that expenditure remains within the budgets approved by the Council, but it remains the responsibility of Council to approve additions to the Capital Programme and Revenue Budget.

1.2 Therefore, it is proposed that the Chief Executive uses the urgency provisions as set out in paragraph 4.1 of the Employee Delegation Scheme (including consultation with the Leader of the Council and the Leader of the Labour Group) to agree two significant additions to the revenue budget, both of which are to be funded from grant provided by Central Government. The use of these urgency provisions will be reported to Full Council on 23 April 2020 for information.

2. Background

2.1 The Government agreed a wide range of measures to support communities in responding to the COVID-19 pandemic. This includes support for council tax payers, business rate payers and for the local authority itself to fund expenditure necessarily incurred in response to the pandemic, primarily in relation to supporting and caring for vulnerable people.

2.2 The broad range of financial support available for and to be administered by the Council are summarised in this report.

3. Support for council tax payers

3.1 Medway Council has been awarded £2,056,371 of Council Tax Hardship Funding to provide a reduction on council tax bills to lower income
households, largely those already in receipt of the Council Tax Reduction Scheme discount. Under urgency powers, the Leader of the Council has already (on 27 March 2020) delegated authority to the Chief Finance Officer, in consultation with him, to devise and implement a scheme for the distribution of this funding to council tax payers in Medway. No further decision is required.

4. **Support for business rate payers**

4.1. The Government also announced a couple of significant measures to support small business.

4.2. Firstly, retail relief available to small businesses has been extended from 50% to 100%, with specific rules covering public houses and non-maintained nursery settings. The Government has funded this through additional Section 31 grant and Medway’s allocation amounts to circa £5.7 million. This too was approved by the Leader under urgency powers on 27 March 2020 and will be applied automatically to the rates bills for eligible businesses.

4.3. Secondly, small businesses eligible for small business rate relief are also entitled to a one-off cash grant of at least £10,000. Businesses in the retail, hospitality or leisure sector in England may also be entitled to a cash grant. Eligible businesses occupying property with a rateable value of less than £15,000 will be entitled to a grant of £10,000. This increases to £25,000 for property with a rateable value between £15,000 and £50,999.

4.3. Medway Council’s requirement has been estimated at £39.7 million and this will be paid to the Council, on account, on 1 April. This will be treated as an addition to the 2020/21 revenue budget and administered in accordance with the Government guidance. The Chief Executive is requested to approve the addition of this funding to the revenue budget under urgency powers.

5. **Support for the local authority**

5.1. Finally, the Council also received £6.628 million of COVID-19 emergency funding from the government. The funding is being provided to help support local authorities respond to the Covid-19 pandemic and to help address the pressures local government is facing. Government has suggest spending the funding in the following areas:

- Meeting the increased demand for adult social care and enable councils to provide additional support to social care providers;
- Meeting the cost of extra demand and higher business-as-usual costs of providing children’s social care;
- Providing additional support for the homeless and rough sleepers;
- Supporting those at higher risk of severe illness from COVID-19, who may soon be asked to self-isolate in their homes for the duration of the pandemic;
5.2. Whilst the Government has set out some expectations for its use, the grant is not ring-fenced and there are no specific conditions attached, other than that it should be used to meet costs arising directly from the COVID-19 pandemic. Expenditure against this grant will be carefully monitored and the Finance division have set up a range of cost centres to capture and record this spend.

5.3. The Chief Executive is requested to approve the addition of this funding to the 2019/20 revenue budget under urgency powers.

6. Risk management

<table>
<thead>
<tr>
<th>Risk</th>
<th>Description</th>
<th>Action to avoid or mitigate risk</th>
<th>Risk rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>That grant funding is insufficient to cover the additional costs arising from COVID-19.</td>
<td>Whilst significant, the grant may still not be sufficient to cover the costs of maintaining statutory services for vulnerable people, including protecting staff, support for the social care provider market, safeguarding vulnerable children and adults and responding to an anticipated increase in the number of families presenting as homeless or vulnerable people rough sleeping.</td>
<td>Systems and processes have been put in place to capture and monitor expenditure directly incurred in response to COVID-19. All major spend is being recorded in the risk / decision logs and agreed by either Tactical or Strategic Command.</td>
<td>CII</td>
</tr>
</tbody>
</table>

7. Financial implications

7.1. The financial implications are laid out in the body of the report.

8. Legal implications

8.1. The Covid-19 pandemic is an unprecedented national and global event requiring urgent intervention by State and Local Authorities. The use of urgency powers will enable a fast and effective response by the Council and is in entirely line with the Constitutional provisions for urgent decision making.

9. Decision by the Chief Executive

9.1. That the Chief Executive (using urgency powers (in place of referring this matter to Full Council)) agrees to the following additions to the revenue budget, both of which are to be funded from grant provided by Central Government:
• £39,712,000 to fund the provision of small business grants to eligible businesses in Medway;
• £6,628,475 to fund expenditure incurred by the Council in responding to the COVID-19 emergency.

9.2. The use of these urgency provisions will be reported to Full Council on 23 April 2020 for information.

………………………………………………………………………………………… (signed) ………………..(date)

Neil Davies, Chief Executive

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COUNCIL
23 APRIL 2020
EXCLUSION OF PRESS AND PUBLIC

Report from/Author: Perry Holmes, Monitoring Officer

Summary
This report summarises the content of two exempt appendices which, in the opinion of the proper officer, will contain exempt information within one of the categories in Schedule 12A of the Local Government Act 1972. It is a matter for the Council to determine whether the press and public should be excluded from the meeting during consideration of these documents.

1. Recommendation
1.1 The Council is required to decide whether to exclude the press and public during consideration of the following documents because consideration of these matters in public would disclose information falling within one of the descriptions of exempt information contained in Schedule 12A to the Local Government Act 1972, as specified below, and, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

<table>
<thead>
<tr>
<th>Report Title</th>
<th>Housing Infrastructure Fund (HIF) New Routes To Good Growth – Project Delivery</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agenda Item</td>
<td>Exempt Appendix to Agenda item 11</td>
</tr>
<tr>
<td>Summary</td>
<td>This Exempt Appendix provides details of the HIF Grant Determination Agreement (Appendix 1) and the pre and post-commencement conditions (Appendix 2).</td>
</tr>
<tr>
<td>Category of exempt information</td>
<td>Not for publication under paragraph 4 of Schedule 12A of the Local Government Act 1972 –</td>
</tr>
<tr>
<td>(Schedule 12A of the Local Government Act 1972)</td>
<td>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</td>
</tr>
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</table>
**Report Title**
Gateway 3 Contract Award: Street Lighting LED and Column Replacement Programme

**Agenda Item**
Exempt Appendix to Agenda item 12

**Summary**
This exempt appendix sets out key information in respect of the financial analysis.

**Category of exempt information**
Not for publication under paragraph 3 of Schedule 12A of the Local Government Act 1972 –
Information relating to financial or business affairs of any particular person (including the authority holding that information).

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**Appendices**
None

**Background Papers**
None
NOT FOR PUBLICATION
By virtue of paragraph(s) 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted
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