

Record of Cabinet decisions

Tuesday, 5 September 2017

3.00pm to 4.02pm

Date of publication: 6 September 2017

**Subject to call-in these decisions will be effective from 14 September 2017
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 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 Andrew Mackness	Portfolio Holder for Children's Services - Lead Member (statutory responsibility, including education)
	Councillor Martin Potter	Portfolio Holder for Educational Attainment and Improvement
	Councillor Rupert Turpin	Portfolio Holder for Business Management
In Attendance:	Neil Davies, Chief Executive	
	Wayne Hemingway, Democratic Services Officer	
	Richard Hicks, Director of Regeneration, Culture, Environment and Transformation	
	Perry Holmes, Chief Legal Officer/Monitoring Officer	
	Helen Jones, Assistant Director – Commissioning, Business and Intelligence	
	Julie Keith, Head of Democratic Services	
	Carrie McKenzie, Chief People Officer	
	James Williams, Director of Public Health	

Apologies for absence

There were none.

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Record of decisions

The record of the meeting held on 8 August 2017 was agreed and signed by the Leader of the Council as a correct record.

Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

Councillor Mackness requested that, for the avoidance of doubt, it be placed on record that in relation to agenda item 6 (Housing Company), that he is a Director of St Andrew's Leisure Ltd, which owned land adjacent to a site identified in the business case. However, he stated that this did not constitute a disclosable pecuniary interest.

Medway Youth Justice Partnership Strategic Plan 2017-2020 (Policy Framework)

Background:

This report provided details of the Medway Youth Justice Partnership Strategic Plan 2017-2020, which was required under the provisions of the Crime and Disorder Act 1998. The Plan covered a three year period (2017-2020) and had been co-produced with Youth Justice Partnership Board (YJPB) members, influenced by national research and evidence of effective practice and had taken examples across National Partnerships. The Plan set out how high quality, high performing youth justice services over the next 3 years would continue to be delivered.

The report provided details of proposed changes, compared to the previous Plan, including the development of a Youth Justice Partnership Board (YJPB) which would be focused less on oversight of a single service and more on the activities of all partners that would impact upon young people's involvement with offending. The report also gave details of the Plan's priorities, as highlighted in paragraph 2.6 of the report:

- Prevent Youth Crime (Appropriate use Out of Court Disposals)
- Reduce Re-offending (Quality of Assessments/ Plans delivered through evidenced based practice)
- Safeguard young people from harm (CSE, Prevent, Safeguarding, Gangs)
- Protect the public from harm (ROSH, Gangs, ISS, use of Custody, Resettlement)

The report had been considered by the Children and Young People Overview and Scrutiny Committee, and its comments were set out in paragraph 7 of the report.

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

Decision number: **Decision:**

The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee as set out in paragraph 7 of the report.

88/2017 The Cabinet recommended approval to Full Council of the Medway Youth Justice Partnership Strategic Plan 2017-2020 as set out in Appendix A to the report.

Reasons:

To ensure that Medway Council and other agencies have effective strategies for addressing youth offending behaviour and delivers outcomes that have positive benefits for our communities.

Aut Even Ofsted Inspection

Background:

This report provided details of the outcome of the unannounced Ofsted inspection of Aut Even, a residential respite unit for young people with disabilities, based in Twydall, which had been carried out on 25-26 July 2017. The report stated the outcome of the inspection was “inadequate”.

The report provided details of the outcome of the unannounced inspection, highlighting both why the service had been rated as “inadequate” as well as areas of strength, together with the Council’s response to the findings (Action Plan), detailed in Appendix 2 to the report.

Decision number: **Decision:**

The Cabinet noted the Ofsted inspection report and planned actions as detailed in Appendix 2 to the report.

Reasons:

To formally notify the Cabinet of the outcome of the Ofsted inspection together with the Council’s Action Plan in response to Ofsted’s findings.

Housing Company

Background:

This report provided details of proposals to establish a housing company to maximise the opportunities to invest in or develop property within and outside Medway and in the first instance to enable the development of a number of Council-owned sites. The Cabinet had previously considered a report on 11 July 2017 which had set out proposals for the establishment of a housing company (decision nos. 69-74/2017 refer). Those decisions related, primarily, to the commissioning of a Business Case to assist Cabinet in deciding whether to pursue the proposal and also for relevant company documentation to be drafted for approval.

The report provided details of the Business Case, as set out in Exempt Appendix 1 to the report, and summarised in paragraph 3.4 of the report. The legal implications were set out in detail in Exempt Appendix 2 to the report.

An exempt addendum report was tabled at the meeting in respect of some revised information relating to the Business Case.

Decision number:

Decision:

- 89/2017** **The Cabinet approved the Business Case at exempt Appendix 1 to the report including the revised information in the exempt addendum report, and the financial due diligence report at appendix 3 to the report.**
- 90/2017** **The Cabinet agreed the company will be called Medway Development Company Limited.**
- 91/2017** **The Cabinet agreed to exercise the role of shareholder.**
- 92/2017** **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader, to finalise the Articles of Association in a form similar to those set out in Appendix 4 to the report.**
- 93/2017** **The Cabinet agreed to delegate authority to the Chief Finance Officer, in consultation with the Leader, to provide funding to the Company through state aid compliant loans, subject to appropriate due diligence to verify the Company's on-going viability and the viability of projects for which the loans are being provided and loan agreements between the Council and the Company setting out pre-conditions for draw down as well as performance measurements.**

The Cabinet noted the amounts required to be provided for in the Capital Programme in respect of initial set up costs

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and loan funding.

- 94/2017** The Cabinet agreed to delegate authority to the Chief Finance Officer, in consultation with the Leader, to release funding to the Company for each agreed scheme in the Company's Business Plan subject to financial due diligence and appropriate loan agreements.
- 95/2017** The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader, to identify, declare surplus and dispose of assets at commercial rates that are state aid compliant or to agree suitable equity arrangements that reflect commercial rates of return to the Council, to the company in line with its Business Plan.
- 96/2017** The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader, to execute the final legal agreements, contracts and all other ancillary documentation that may be needed prior to the setting up of a company setting out the arrangements between the Council and the Company.
- 97/2017** The Cabinet agreed to delegate authority to the Chief Executive to make the necessary appointments to the Executive Board of Directors, as set out in paragraph 5.3 of the report, under his delegation from Full Council as set out in the Employee Delegation Scheme, in consultation with Group Whips and taking into account the views of the Leader.

Reasons:

To enable the generation of new and alternative revenue income streams for the Council and to deliver housing units principally in Medway.

Declaration of Four Elms Hill Air Quality Management Area

Background:

This report provided details of the findings of the consultation which had been undertaken to inform statutory consultees and members of the public of the need to declare a new Air Quality Management Area (AQMA) at Four Elms Hill prior to the formal declaration of the AQMA.

The Cabinet had agreed that consultation could be undertaken on the proposals at its meeting on 9 May 2017. Consultation was undertaken between 23 May - 28 June 2017. Seven responses were received to the consultation, 4 from local residents, 2 from statutory consultees (PHE and Natural England) and 1 response from a local authority, details of which were set out in Appendix 4 to the report.

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The Regeneration, Culture and Environment Overview and Scrutiny Committee considered the report on 17 August 2017 and its comments were set out in paragraph 7 of the report.

A Diversity Impact Assessment had been undertaken on the proposals, as set out in Appendix 3 to the report.

Decision number: **Decision:**

The Cabinet noted the comments of the Regeneration, Culture and Environment Overview and Scrutiny Committee as set out in paragraph 7 of the report.

98/2017 The Cabinet approved the declaration of the new Air Quality Management Area (AQMA) at Four Elms Hill to ensure Medway's statutory duty, under the requirements of the Environment Act 1995, are met and instructed officers to:

- **undertake the necessary work to formally declare the area as an AQMA;**
- **develop and consult on an Action Plan for the area; and**
- **report back to Cabinet to gain approval of the new Action Plan.**

Reasons:

Medway has a statutory duty under the Environment Act 1995 to declare an AQMA where the air quality objectives are not being met.

By Cabinet approving the declaration of the new AQMA at Four Elms Hill this will also provide Medway with some protection against potential infraction fines being passed down to the local authority by Central Government.

Business Rate Relief

Background:

This report provided details of a request from Central Government that Local Authorities consider using their discretionary powers to award business rate relief in certain circumstances. This included reliefs for local newspapers, small businesses, pubs and a new discretionary rate relief, details of which were set out in paragraphs 2 and 3 of the report. It was also reported that the Government would legislate to enable local authorities to use their existing discretionary relief powers to support publicly owned public toilets from 1 April 2018.

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The report stated that officers were not currently in a position to be able to identify, quantify and award all these reliefs although the possibility of reliefs being awarded was taken into account by officers considering any recovery action. Therefore, it was proposed that the detailed qualifying criteria be delegated to the Chief Finance Officer, in consultation with the Portfolio Holder for Business Management, to enable reliefs to be approved up to the level of Government funding.

Decision number:

Decision:

- 99/2017** **The Cabinet agreed to adopt the discretionary rate relief scheme for local newspapers in line with Government guidelines.**
- 100/2017** **The Cabinet agreed to adopt the Supporting Small Business Rate Relief scheme in line with Government guidelines.**
- 101/2017** **The Cabinet agreed to adopt a Support for Pubs discretionary relief scheme and agreed to delegate authority to the Chief Finance Officer, in consultation with the Portfolio Holder for Business Management, to set the qualifying criteria, as outlined in paragraph 3.4 of the report.**
- 102/2017** **The Cabinet agreed to adopt a New Discretionary Rate Relief scheme to be met within Government funding limits, and agreed to delegate authority to the Chief Finance Officer, in consultation with the Portfolio Holder for Business Management, to agree the detailed application of the scheme, as outlined in paragraph 4.2 of the report.**

Reasons:

The relief schemes have been promoted by and will be funded by central government to assist small business ratepayers. Given the lack of cost to the local taxpayer it is appropriate for the Council to operate such a scheme.

The business usages for which the New Discretionary Rate Relief is awarded will be compatible with the Authority's wider objectives for the local area.

Rede Common - Local Nature Reserve Designation

Background:

This report provided details of the proposed designation of Rede Common, Strood, as a Local Nature Reserve (LNR) confirming the site's future as a wildlife and community asset. This required an agreement between Natural England and the Council (a declaration) and was subject to an agreed Management Plan, as set out in Appendix 1 to the report and the Cabinet to make a legal declaration.

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The report stated that Rede Common, known locally as 'Sandy Banks', was a green space in the heart of Strood. It was a small open space and Doorstep Green, of 11 hectares, but it was a place at the heart of the local community and was the only semi-natural greenspace site serving this community.

The Friends of Rede Common had been active for 10 years in promoting awareness and support of both the local public and Ward Councillors for the declaration of Rede Common as a LNR. The Friends of Groups had held numerous events promoting the declaration of the LNR.

Decision number: ***Decision:***

- 103/2017** **The Cabinet agreed the Rede Common Management Plan 2017-2021, as set out in Appendix 1 to the report.**
- 104/2017** **The Cabinet agreed to declare Rede Common as a Local Nature Reserve under the National Parks and Access to the Countryside Act 1949 to enable an agreement between the Council and Natural England to be entered into for the designation of the site as a Local Nature Reserve.**

Reasons:

It has been a long standing local ambition to declare the Rede Common site as a Local Nature Reserve. Such an action responds to the site's local importance and the Council's and the Friends of Rede Common's desire to maintain and enhance the site's biodiversity and community interests. This ambition also contributes to the Council's target of 1ha of LNR per 1000 head of population.

Partnership Agreement: Parent Carer Participation

Background:

This report provided details of the Partnership Agreement which set out how Medway Parents and Carers Forum, Medway Council and NHS Medway Clinical Commissioning Group (CCG) would work together to achieve the empowerment of parents and carers of children and young people with Special Educational Needs and Disabilities (SEND) so that there would be effective participation by parents and carers in decision making and the shaping of local services.

The report stated that the agreement had been developed in close collaboration with the Medway Parents and Carers Forum and had also been considered by the Medway Clinical Commissioning Group's Patient Experience and Patient and Public Engagement (PEPPE) Steering Group.

Decision number: **Decision:**

The Cabinet noted the report and the agreement as set out in Appendix 1 to the report.

Reasons:

To ensure that the Cabinet has formally received details of the partnership agreement between Medway Parents and Carers Forum, Medway Council and NHS Medway Clinical Commissioning Group.

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. One further form was tabled at the meeting.

Decision number: **Decision:**

105/2017 The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report and tabled at the meeting:

Business Support Department

- a) Lawyer, Employment and Contracts, Place Team, Legal Services
- b) Lawyer, Employment and Contracts, Place Team, Legal Services

Children and Adults

- c) Engagement & Quality Lead Officer x 1
- d) Engagement & Quality Lead Officer x 1
- e) Casework YOT Officer
- f) Restorative Justice Practitioner / Coordinator

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Regeneration, Culture, Environment and Transformation

g) Social Media Marketing Executive.

Reasons:

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

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Leader of the Council

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Date

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