

Record of Cabinet decisions

Tuesday, 21 November 2017

3.00pm to 4.49pm

Date of publication: 22 November 2017

**Subject to call-in these decisions will be effective from 30 November 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
Ann Domeney, Deputy Director, Children and Adults Services
Wayne Hemingway, Democratic Services Officer
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
Phil Watts, Chief Finance Officer
James Williams, Director of Public Health

Leader's Announcement

The Leader welcomed Councillor David Renard, Leader of Swindon Borough Council, to the meeting. Councillor Renard was part of the Review Team which was currently undertaking a Corporate Peer Challenge at Medway.

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 24 October 2017 was agreed and signed by the Leader as a correct record.

Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

Councillor Turpin declared an interest in agenda items 8 (Special Educational Needs Transport Budget, Proposed Home to School Transport Policy Changes and Associated Consultation) and 9 (Special Educational Needs Capital Programme) because he has a family member who is in receipt of Special Educational Needs (SEN) home to school transport. He left the room during consideration of these items.

Draft Capital and Revenue Budget 2018/19

Background:

This report provided an update on progress towards setting the Council's draft capital and revenue budgets for 2018/2019. It was noted that the draft budget was based on the principles contained in the Medium Term Financial Strategy (MTFS) 2017/2022, which had been approved by Cabinet on 26 September 2017 and reflected the latest formula grant assumptions. Draft budget requirements for the directorates in 2018/2019 were set out in Appendices 1-4 to the report.

It was reported that there was a £4.101m revenue budget deficit for 2018/2019, increasing to £17.715m by 2021/2022 which would need to be addressed through the budget setting process. Whilst officers had been working with Portfolio Holders to formulate savings proposals to address the projected revenue budget deficit, none of this work had progressed sufficiently to be reflected in the draft budget proposals.

In relation to the capital programme, it was reported that the existing programme, totalling £92.002m, for the next three years, reflected planned capital expenditure over the medium term and incorporated everything currently known about capital grant allocations.

In accordance with the Constitution, this report was the first stage of the budget consultation process leading to further consideration by Cabinet on 6 February 2018 and formal budget and council tax setting by Council on 22 February 2018. Budget

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proposals would now be submitted to the Council's overview and scrutiny committees.

Decision number: **Decision:**

123/2017 **The Cabinet instructed officers to continue to work with Portfolio Holders in formulating robust proposals to balance the budget for 2018/19 and beyond.**

124/2017 **The Cabinet agreed to refer the draft capital and revenue budgets to overview and scrutiny committees as work in progress, inviting them to offer comments on the proposals outlined.**

Reasons:

It is the responsibility of Cabinet to develop draft budget proposals for consideration by overview and scrutiny committees. These draft proposals are the first stage of the budget consultation process leading to further consideration by Cabinet on 6 February 2018 and formal council tax setting by Council on 22 February 2018.

The timetable for consideration by overview and scrutiny is as follows:

Business Support	30 November 2017
Children and Young People	5 December 2017
Regeneration, Culture and Environment	7 December 2017
Health and Adult Social Care	14 December 2017
Business Support	30 January 2018
Cabinet	6 February 2018
Council	22 February 2018

Public Consultation of Strood Waterfront Development Brief 2017

Background:

This report provided details of the draft 2017 Strood Waterfront Development Brief, which had been prepared for consultation. The report stated that the Council had adopted a Strood Riverside Development Brief in 2006, setting out the design principles and guidelines for land to the north of the railway line, along Canal Road, and how development could come forward on the site. There had been considerable changes, both locally and nationally since 2006 and this policy basis needed to be updated to reflect current conditions and opportunities.

The report stated that the updated policy would support the Council's ambitions to realise the regeneration opportunities presented by the sites in Strood. This could secure investment and deliver high quality development that would boost the area's economic, environmental and community wellbeing.

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The report also provided details of the proposed consultation process. It was noted that a Diversity Impact Assessment would be carried out during the consultation stage.

**Decision
number:**

Decision:

- 125/2017** **The Cabinet approved option 1 (consultation on the proposed Strood Waterfront Development Brief 2017, with the intent it will become a Supplementary Planning Document (SPD)), as set out in section 3 and 6 of the report and to consider the outcome of the public consultation, by way of a report back to Cabinet to agree the final version of the SPD.**
- 126/2017** **The Cabinet agreed to delegate authority to the Director of Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Portfolio Holders for Inward Investment, Strategic Regeneration and Partnerships and Planning, Economic Growth and Regulation, to approve any necessary minor amendments to the draft Strood Waterfront Development Brief 2017.**

Reasons:

Publicly consulting on the Strood Waterfront Development Brief 2017 is necessary in order for the Development Brief to be adopted as a Supplementary Planning Document, forming part of the Council's development plan, and allow the marketing of the sites at Riverside and Civic to proceed and bring forward homes at pace.

6 Monthly Review of the Council's Corporate Business Risk Register and Annual Review of the Strategic Risk Framework

Background:

This report provided details of the six monthly review of the Council's Corporate Business Risk Register and the annual review of the Strategic Risk Framework. It was noted that the strategy was reviewed annually to ensure that it remained up-to-date and continued to reflect the Council's approach to risk management. In addition, the Corporate Risk Register, which accompanied the strategy, ensured that all relevant key risks were recorded and this was reviewed and managed every six months by both management and Members.

The report set out details of the Risk Management Audit which had been carried out in August 2017, as set out in paragraph 5 of the report.

The report set out the comments of the Business Support Overview and Scrutiny Committee, as set out in paragraph 7 of the report.

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Decision number:

Decision:

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee as set out in section 7 of the report.

127/2017 The Cabinet approved the amendments to the Council's Risk Register as detailed in section 3 and Appendices A and B to the report, subject to a change to the risk rating of Transformation from C2 to B2 and any consequential changes to Appendices A and B to the report.

128/2017 The Cabinet approved the revised Risk Management Framework as set out in Appendix C to the report.

Reasons:

The establishment of a corporate framework for risk management is recommended by CIPFA and SOLACE and will complement and support the work already being carried out within each directorate to manage risks.

English Heritage Local Management Agreement Renewal

Background:

This report provided details of the proposed renewal of the Local Management Agreement (LMA) with English Heritage for the operation and maintenance of Rochester Castle, Upnor Castle and Temple Manor for a five year period.

The report set out details of the draft heads of terms following discussions between the Council and English Heritage, which would cap the Council's commitment to £500,000 for the five year period (a maximum of £100,000 per annum). The report also set out details of the Council's proposed contribution of £80,000 towards the recent repair of the perimeter wall of Upnor Castle.

Decision number:

Decision:

129/2017 The Cabinet approved option B (renewal of the Local Management Agreement (LMA) with English Heritage on amended terms), as set out in paragraph 2.6 and 3.1(B) of the report.

130/2017 The Cabinet agreed to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Deputy Leader and Portfolio Holder for Housing and Community Services, to conclude negotiations and finalise the LMA, including the draft amended Heads of Terms, with

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English Heritage subject to Full Council approval of the funding. However, should negotiations not be concluded on best terms then a report will be brought back to Cabinet accordingly.

131/2017 The Cabinet recommended to Full Council to approve a capital payment of £80,000 to English Heritage, as Medway Council's contribution to wall repairs undertaken at Upnor Castle.

The Cabinet noted that the Council's contribution of £500,000, capped at £100,000 per annum, under the draft amended Heads of Terms for the amended LMA will be considered as part of the Council's budget setting process, subject to the Council's contribution being matched by English Heritage.

Reasons:

The amended LMA will set out a binding service level agreement with English Heritage, providing a structured programme for the operation and maintenance of three historic properties in Medway and budgetary certainty.

The proposed capital payment of £80,000 recognises Medway's commitment to the maintenance of the Upnor Castle wall, while significantly reducing the original sum being requested. The proposed capital contribution of £500,000, over five years, capped at £100,000 per annum, recognises Medway's commitment to the ongoing management of these important heritage properties, in line with the Council Plan.

Special Educational Needs Transport Budget, Proposed Home to School Transport Policy Changes and Associated Consultation

Background:

This report provided details of a proposal to consult on changes to Medway's SEN Home to School Transport Policy to increase the flexibility of options, support potential cashable savings and cost avoidance and ensure spend would remain within the budget envelope.

The report provided details of the Association of Directors of Children's Services (ADCS) survey on home to school transport spend in 2015/16, the findings of which, in relation to Medway, were set out in paragraph 3.2 of the report.

The report also provided details of the proposed specific changes which would be subject to consultation, as set out in section 4 of the report.

**Decision
number:**

Decision:

132/2017

The Cabinet agreed to a 6 week consultation period commencing in December 2017 on changes to Special Educational Needs (SEN) Transport Policy as set out in section 4 to the report. The Medway Parents and Carers Forum will be invited to assist in facilitating this process in line with the Partnership Agreement endorsed by Cabinet in September 2017. Feedback will be reported through the Children and Young People Overview and Scrutiny Committee on 8 March 2017 for further consideration and decision by Cabinet on 10 April 2017.

Reasons:

Changes are required in relation to the fulfilment of the Council's statutory duties to provide travel assistance to pupils with Special Educational Needs. This is in order to ensure financial sustainability. An open consultation process will help to inform the viability and acceptability of the proposed changes to parents and carers in receipt of travel assistance.

Special Educational Needs Capital Programme

Background:

This report provided details of the proposed Special Educational Needs (SEN) Capital Programme for the central government funding initiative, which would fund capital projects to support special educational provision in the local authority. Details of the criteria were set out in the report.

The report stated that Medway had been allocated £459,000 per annum between 2018-2020, totalling £1,377,000. It was anticipated that the first tranche of funding would not be received until the summer of 2018 subject to satisfactory completion of consultation.

Diversity Impact Assessments would be provided for individual proposals brought forward as a result of actions from this report.

**Decision
number:**

Decision:

133/2017

The Cabinet authorised officers to commence the development of a programme of work meeting the criteria set out in the report in sections 2.2-2.4 and 3.1, and the consultation process, as set out in paragraph 2.5 and section 6 of the report.

134/2017 **The Cabinet agreed to delegate authority to the Director of Children and Adult Services, in consultation with the Portfolio Holder for Children’s Services (Lead Member), to approve the programme following the period of consultation and to commence the design and tender process for the programme within the available budget and following the Council’s procurement processes.**

Reasons:

By following the process as set out Cabinet will be ensuring that the Council satisfies the criteria set by central government for the funding.

By approving the recommendations for projects included within the programme, Cabinet is ensuring that appropriate and sufficient SEN places are available to meet a variety of increasing demand.

Provisional Funding Formula for Mainstream Schools and Academies 2018-2019

Background:

This report advised the Cabinet that officers had formulated and consulted upon the 2018-19 schools and academies draft funding arrangements and set out the recommended changes to Medway’s mainstream schools and academies funding formula. The consultation had included three funding formula options which had been presented to the Schools Forum, as set out in section 3 of the report.

The Cabinet noted that during the consultation the Schools Forum had provisionally agreed to the implementation of funding formula option three (to use a Local Funding Formula which is moving towards the National Funding Formula).

It was noted that the Cabinet would receive a further report on 16 January 2018 which would set out proposals for the final funding formula, which would be updated to reflect the 2017 school census data.

Decision number: ***Decision:***

135/2017 **The Cabinet instructed officers to implement the 2018-19 provisional funding formula (option 3) and to note that the Schools Forum will recommend approval of the final funding formula to Cabinet on 16 January 2018.**

Reasons:

The local authority is required to implement the funding formula changes from 2018-19 in accordance with the regulations and to inform the Education Skills Funding Agency.

Update Regarding the Regional Adoption Agency

Background:

This report provided details of an update on progress to develop a Regional Adoption Agency (RAA) in line with the Government's expectations for Adoption Services and Cabinet decision 124/2016, on 25 October 2016, which, agreed in principle, to enter into formal dialogue, with a view to the establishment of the RAA with the local authority partners, London Borough of Bexley and Kent County Council, subject to formal agreement from the Cabinet on the findings.

The report stated that the three local authorities had increased partnership working to meet the longer term plan to implement an RAA. To date, the plan had not secured government funding to support this development, therefore, this was being completed within existing resources.

The report also provided details of key areas which had been progressed since October 2016 including new governance arrangements, undertaking of financial benchmarking to understand budget allocation, partnership working to ascertain agreed financial principles and integrating social work practice with shared policies and procedures.

Decision number:

The Cabinet noted the update report on the progress to develop a Regional Adoption Agency.

Reasons:

To enable continued partnership working with Kent County Council and the London Borough of Bexley to progress the development of a Regional Adoption Agency in line with the Government's expectations for Adoption Services.

Revenue Budget Monitoring 2017/2018 - Quarter 2

Background:

This report detailed the revenue budget forecasts as at the end of quarter 2 (September 2017). The report noted that, after management action, the forecast outturn for 2017/18 was a potential overspend of £1.507m, with an expectation that this figure would be reduced further as the financial year progressed.

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

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**Decision
number:**

Decision:

136/2017

The Cabinet noted the result of the second round of revenue monitoring for 2017/18 and agreed the forecast position and proposed management action.

Reasons

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

Capital Budget Monitoring 2017/2018 - Quarter 2

Background

This report presented the capital monitoring information for the second quarter of the financial year, including outturn forecasts and reference to any new schemes. The approved capital programme for 2017/18, and future years, was £92.002m.

The report provided details of new schemes and virements, as set out in section 4 of the report.

**Decision
number:**

Decision:

The Cabinet noted the spending forecasts summarised at table 1 in the report.

Reasons

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

Council Plan Performance Monitoring Report Quarter 2 2017/18

Background:

This report summarised the performance of the Council's Measures of Success for July-September (quarter 2) 2017/18 as set out in the Council Plan.

The report and accompanying appendix included progress reports on performance in quarter 2 2017/18 against the Council's three priorities using 40 measures of success and 13 programmes which supported the priorities.

However, this report only included information on 29 measures of success as 11 of these were either data only, or data was not expected until after the report was published.

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The report highlighted the following:

Council Plan measures of success:

- 69% on target; and
- 53% improved over the long term.

Examples of new achievements in quarter 2 included:

- £3.7 million Local Growth Funding – successfully secured for Rochester Airport Technology Park;
- £200,000 Controlling Migration Funding – successfully secured;
- All 15 business units let – new Innovation Studios, Strood;
- Eastgate House – Grade 1 listed Elizabethan Town House – opened – July;
- New state of the art Medway Archive Centre opened – July;
- 312 private sector properties improved due to Medway intervention (target: 100)
- 7 sites awarded Green Flag status – July;
- 1st Schools' Emotional and Wellbeing Conference – July – 100 attendees;
- 4th annual Healthy Weight Summit – 6 July – over 25 partner agencies attended; and
- 2 'Big Lunch' events – promoting social connectedness among communities.

Examples of performance improvements included:

- 84.9% (62) primary schools judged 'good' or better compared with 83.1% (59) in Q1;
- Biggest improvement in health visiting coverage of any authority in the South East since transition;
- 57.3% achieved required standard (reading, writing, maths) KS2 compared with 49% in 2015/16;
- 50% of adults with learning difficulties in settled accommodation compared with 48.4% in Q1.

Cabinet Members highlighted a number of successes within their portfolios.

Decision number: ***Decision:***

The Cabinet noted the quarter 2 2017/18 performance against the measures of success used to monitor progress against the Council's priorities.

Reasons:

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

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Recruitment Freeze

Background:

This report presented information on a vacancy 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 post were set out within Appendix 1 to the report.

Decision number: ***Decision:***

137/2017 **The Cabinet agreed to unfreeze the following post, as detailed in Appendix 1 to the report.**

Business Support Department

a) Political Assistant to Labour Group.

Reasons:

The post 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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