

Record of Cabinet decisions

Tuesday, 20 November 2018

3.00pm to 5.10pm

Date of publication: 21 November 2018

**Subject to call-in these decisions will be effective from 29 November 2018
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 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
	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	
	James Williams, Director of Public Health	

Apologies for absence

An apology for absence was received from Councillor Adrian Gulvin (Resources).

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Record of decisions

The record of the meeting held on 23 October 2018 was agreed and signed by the Leader as a correct record.

Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests (DPI)

There were none.

Other significant interests (OSIs)

Councillor Doe declared an OSI in agenda item 16 (Medway Commercial Group Ltd Six Monthly Report) because he is a Director of Medway Commercial Group and he relied on a dispensation agreed by the Monitoring Officer under section 6.17 of Part 4 – Employee Delegation Scheme of the Council's Constitution, to enable him to take part in the discussion and vote on this item.

Councillor Mackness declared an OSI in agenda item 16 (Medway Commercial Group Ltd Six Monthly Report) because he is the Chairman of Medway Commercial Group and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in the discussion and vote on this item.

Councillor Turpin declared an OSI in agenda item 9 (Tenancy Strategy 2018) because he is a private landlord of properties in Medway. Part way through the discussion of that item Cllr Turpin left the room for the remainder of the consideration and decision on that item.

Other interests

Councillor Mackness stated that whilst a company he has a share in, which is registered as a DPI, and it owns a tenanted property in Medway, he did not personally benefit financially and considered he could therefore contribute to the discussion and decision in relation to agenda items 8 (Housing Strategy 2018 – 2022) and 9 (Tenancy Strategy 2018).

Draft Capital and Revenue Budget 2019/20

Background:

This report provided an update on progress towards setting the Council's draft capital and revenue budgets for 2019/2020. It was noted that the draft budget was based on the principles contained in the Medium Term Financial Strategy (MTFS) 2018/2023, which had been approved by Cabinet on 25 September 2018 and reflected the latest formula grant assumptions. Draft budget requirements for the directorates in 2019/2020 were set out in Appendices 1-4 to the report.

It was reported that there was a £3.189m revenue budget deficit for 2019/2020, increasing to £16.331m by 2022/2023 which would need to be addressed through

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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 £227.771m for the next three years, reflected planned capital expenditure over the medium term. This did not incorporate recommended additions to the Capital Programme which were detailed at item 14 (Capital Budget Monitoring 2018/19 – Quarter 2) and were due to be reported to Council on 24 January 2019 for approval.

In accordance with the Constitution, this report was the first stage of the budget consultation process leading to further consideration by Cabinet on 5 February 2019 and formal budget and council tax setting by Council on 21 February 2019. Budget proposals would now be submitted to the Council's overview and scrutiny committees.

Decision number: **Decision:**

131/2018 The Cabinet instructed officers to continue to work with Portfolio Holders in formulating robust proposals to balance the budget for 2019/20 and beyond.

132/2018 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 5 February 2019 and formal council tax setting by Council on 21 February 2019.

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

Business Support	29 November 2018
Children and Young People	4 December 2018
Regeneration, Culture and Environment	6 December 2018
Health and Adult Social Care	13 December 2018
Business Support	31 January 2019
Cabinet	5 February 2019
Council	21 February 2019

Capital Strategy

Background:

This report outlined the Capital Strategy, which sets out how the Council determined its priorities for capital investment and the process for formulating the capital programme. It also presented opportunities for future funding and the arrangements in place for preparing the capital programme for future years.

The Strategy had been formulated with regard to the CIPFA's Prudential Code and should be viewed in conjunction with the Council's Medium Term Financial Strategy and the Council Plan, to integrate budget setting with service planning and ensure that priorities and funding were matched.

Decision number:

Decision:

133/2018

The Cabinet agreed the Capital Strategy as determining the Council's approach to setting capital investment priorities and formulating the capital programme for approval by Full Council.

Reasons:

The Capital Strategy sets out how the Council sets its priorities for capital investment and the process for formulating the capital programme, and is therefore an important part of the framework underpinning the budget setting process.

Joint Health and Wellbeing Strategy

Background:

This report presented the final version of Medway's Joint Health and Wellbeing Strategy (JHWS) 2018-2023 in line with the requirements of the Health and Social Care Act 2012.

The JHWS contained a proposed vision and a set of priorities, which had been chosen following the review of feedback from community engagement events, evidence from the Joint Strategic Needs Assessment (JSNA) and input from health and social care professionals and wider stakeholders including the voluntary sector. The strategy, which updated the previous JHWS agreed in 2012, was based around the same five strategic themes:

- Give every child a good start
- Enable our older population to live independently and well
- Prevent early death and increase years of healthy life
- Improve physical and mental health and wellbeing
- Reduce health inequalities

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The report explained that consultation to identify areas of importance to Medway residents was carried out and influenced the development of priority actions to deliver on the themes listed above.

It was noted that the Health and Wellbeing Board on 3 July 2018 and 6 November 2018 and the Health and Adult Social Care Overview and Scrutiny Committee on 21 August 2018 had considered the Strategy. Their comments were set out in the report.

A Diversity Impact Assessment screening form was attached at Appendix B to the report.

Decision number:

Decision:

The Cabinet noted and endorsed the comments and recommendations of the Health and Wellbeing Board and the Health and Adult Social Care Overview and Scrutiny Committee, as set out in sections 4, 5 and 6 of the report.

134/2018

The Cabinet approved the final Joint Health and Wellbeing Strategy 2018-2023, as set out in Appendix A to the report.

Reasons:

The strategy sets out the health and wellbeing issues for the community based on evidence from the Medway Joint Strategic Needs Assessment, what can be done to address them and what outcomes are intended to be achieved.

Medway Adult Mental Health Strategy 2018 to 2023

Background:

This report presented the Medway Adult Mental Health Strategy, which had been developed by NHS Medway Clinical Commissioning Group (CCG) and Medway Council and set out the vision for improving outcomes for people with mental health problems in Medway over the next five years.

An action plan outlining the key aims, actions, leads and outcome measures had been developed alongside the strategy and would be finalised once the strategy had received authorisation from Cabinet.

The strategy set out details of how the Council, the CCG and the other local partners would:

- Commit to achieving parity of esteem for mental health;
- Promote mental health and well-being in communities;
- Focus on early intervention and preventing Medway residents from developing significant mental health problems;

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- Ensure that when people need help they can access appropriate intervention quickly; that services are of the highest possible quality and will proactively support people to recover and remain well;
- Recognise the need for services to be integrated and work together to deliver high quality services close to home;
- Improve mental health provision in primary care, allowing specialist secondary care mental health services to focus on complex and specialist interventions.

It was noted that the Health and Adult Social Care Overview and Scrutiny Committee on 16 October 2018 and the Health and Wellbeing Board on 6 November 2018, had considered the Strategy. Their comments were set out in the report.

A Diversity Impact Assessment screening form was attached at Appendix 2 to the report.

Decision number: **Decision:**

The Cabinet noted the comments and recommendations of the Health and Adult Social Care Overview and Scrutiny Committee and the Health and Wellbeing Board, as set out in sections 5 and 6 of the report.

135/2018 The Cabinet delegated authority to the Director of People – Children and Adult Services, in consultation with the Portfolio Holder for Adults’ Services, to finalise and approve the content of the Medway Adult Mental Health Strategy 2018 – 2023, taking into account the recommendation of the Health and Wellbeing Board, as detailed in section 6 of the report.

136/2018 The Cabinet agreed to call for a Section 136 facility to be located in Medway, given that Medway had the highest number of Section 136 detentions in Kent and Medway.

Reasons:

Cabinet approval is required to implement The Medway Adult Mental Health Strategy 2018 to 2023 which sets out our vision for improving outcomes for people with mental health problems in Medway over the next five years.

Housing Strategy 2018-22

Background:

This report introduced the Housing Strategy 2018-2022, which replaced the existing strategy approved by Cabinet in 2014 and set out Medway’s strategic approach for housing services and detailed how the Council would enable the delivery of these services.

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The strategy, attached at Appendix 1 to the report, detailed the Council's planned response in meeting the housing needs of Medway's residents and was designed around three strategic priorities:

- Deliver homes that meet the identified need of Medway residents.
- Improve the quality of homes and people's lives.
- Ensure people can access housing and services to keep them independent.

It was noted that the strategy had been developed based upon a comprehensive review and consideration of the national and local context; achievements and progress of the 2015-18 Housing Strategy; consultation with stakeholders; and needs analysis including the Strategic Housing Economic Needs Assessment 2015.

The Business Support Overview and Scrutiny Committee had considered this report on 25 October 2018 and its comments and recommendations were detailed at section 5 of the report.

A Diversity Impact Assessment screening form had been completed and was attached at Appendix 2 to the report.

Decision number:

Decision:

The Cabinet noted the comments and recommendations of the Business Support Overview and Scrutiny Committee, as set out in section 5 of the report.

137/2018

The Cabinet agreed that the Government be requested to consider changing the rules on out of area placements to require Councils to notify host authorities in all cases of out of area placements and to urge local authorities to house people within their own local authority area wherever possible.

138/2018

The Cabinet agreed that the Housing Minister be requested to review the private rental sector market including the possibility of tightening the regulations governing this sector, given its impact on the overall housing market.

139/2018

The Cabinet approved the Housing Strategy 2018-2022, as set out in Appendix 1 to the report.

Reasons:

The reason to approve is to ensure that there is a shared and up to date understanding of Medway's housing market and how gaps in housing and/or in housing related support services can be addressed.

Tenancy Strategy 2018

Background:

This report presented the Tenancy Strategy 2018, which replaced the existing strategy which had been drafted in 2012 and required updating following changes in legislation.

The revised strategy, attached at Appendix 2 to the report, provided guidance that registered providers should have regard to when formulating policies relating to:

- The kinds of tenancies they grant;
- The circumstances in which they will grant a tenancy of a particular kind;
- Where they grant tenancies for a certain term, the lengths of the terms;
- The circumstances in which they will grant a further tenancy on the coming to an end of an existing tenancy.

The Business Support Overview and Scrutiny Committee had considered this report on 25 October 2018 and its comments and recommendations were detailed at section 5 of the report.

A Diversity Impact Assessment screening form had been completed and was attached at Appendix 3 to the report.

Decision number:

Decision:

The Cabinet noted the comments and recommendations of the Business Support Overview and Scrutiny Committee, as set out in section 5 of the report.

140/2018 The Cabinet approved the Tenancy Strategy 2018.

Reasons:

The new Tenancy Strategy is aligned with current legislation and government policy and is more suitable for use than the current Strategy.

Six Monthly Review of the Council's Corporate Risk Register and Annual Review of the Risk Management Strategy

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.

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The Risk Management Strategy had been reviewed by the Strategic Risk Management Group. There were some minor amendments to clarify the wording and to include the Audit & Counter Fraud Team in the roles and responsibilities section.

In relation to the Corporate Risk Register there were no new risks proposed and no risks were proposed to be removed. The format had been revised to:

- Provide a clearer story for each risk;
- Capture inherent, residual and target risk scores in line with the Risk Management Strategy;
- Reduce duplication and the length of the document by removing the 'tracked change' history.

The report was considered by the Business Support Overview and Scrutiny Committee on 25 October 2018 and its comments and recommendations, which included a proposed addition to the Corporate Risk Register in relation to cybersecurity, were set out in Section 4 of the report.

Decision number: **Decision:**

The Cabinet noted the comments and recommendations of the Business Support Overview and Scrutiny Committee, as set out in section 4 of the report.

141/2018 The Cabinet agreed that the risk of cybersecurity be added to the Corporate Risk Register.

142/2018 The Cabinet approved the amendments to the Risk Management Strategy as detailed in section 3.1 of the report

143/2018 The Cabinet approved the amendments to the Corporate Risk Register as detailed in section 3.2 of 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.

Provisional Funding Formula for Mainstream Schools and Academies 2019/20

Background:

This report advised the Cabinet that officers had formulated and consulted upon the 2019-20 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 the development of two funding formula options which had been presented to the Schools Forum, as set out in section 3 of the report.

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The Cabinet noted that during the consultation the Schools Forum had provisionally agreed to the implementation of funding formula option two (to implement a revised Local Funding Formula (LFF) for 2019/20 that adjusts 10 of the unit costs attached to six funding factors used in the LFF, which is moving towards the National Funding Formula).

It was noted that the Cabinet would receive a further report on 5 February 2019 which would set out proposals for the final funding formula, which would be updated to reflect the 2018 school census data.

Decision number: **Decision:**

144/2018 The Cabinet instructed officers to implement the 2019/20 provisional funding formula and to note that the Schools Forum will recommend approval of the final funding formula to Cabinet on 5 February 2019.

Reasons:

The local authority is required to implement the funding formula changes from 2019/20 in accordance with the regulations and to inform the Education Skills Funding Agency.

Referral from Business Support Overview and Scrutiny Committee: The Potential Impact of Brexit

Background:

The report set out a referral from Business Support Overview and Scrutiny Committee held on 25 October 2018, following its consideration of a report concerning the potential impact of Brexit.

The report provided some information regarding the Brexit White Paper, published on 12 July 2018, which confirmed the UK's Brexit negotiating position with the EU and it explained that a series of technical notices had been published by the Government, setting out information to allow businesses and citizens to understand what they would need to do in the event of a 'no deal' scenario. The report also explained that the extent of preparatory work by local authorities was varied but general consensus was that the landscape was not sufficiently clear to make detailed plans and preparations.

Decision number: **Decision:**

The Cabinet noted the comments and recommendations from the Business Support Overview and Scrutiny Committee.

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145/2018 The Cabinet agreed to take no further action on this item.

Reasons:

The Business Support Overview and Scrutiny Committee has made this recommendation to Cabinet in accordance with its entitlement, under the Council's Constitution, to make recommendations to Cabinet arising from the outcome of the scrutiny process (Constitution – Articles of the Constitution - Chapter 2, Article 6, Paragraph 6.4). Cabinet is, therefore, required to consider its response.

Revenue Budget Monitoring 2018/19 - Quarter 2

Background:

This report detailed the revenue budget forecasts as at the end of quarter 2 (September 2018). The report noted that, after management action, the forecast outturn for 2017/18 was a potential overspend of £3.856m, 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.

Decision number: **Decision:**

146/2018 The Cabinet noted the result of the second quarter of revenue monitoring for 2018/19 and instructed officers to identify further management action to ensure a break even position is achieved by year end.

Reasons:

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

Capital Budget Monitoring 2018/19 - 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 2018/19, and future years, was £227.773m.

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

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Decision number:

Decision:

The Cabinet noted the spending forecasts summarised at Table 1 of the report.

147/2018

The Cabinet recommended to Full Council that the following sums be added to the Capital Programme:

- a) The sum of £299,000 be added in respect of the Children and Adults Mobile Working as set out in paragraph 3.3 of the report.
- b) The sum of £33,000 be added in respect of the Medway Adult Education's Management Information System as set out in paragraph 4.5 of the report.
- c) The sum of £11,000 to form a new scheme with a total value of £34,000 in respect of the Shared Licensing Service, as set out in paragraph 4.6 of the report.

148/2018

The Cabinet recommended to Full Council to add a sum of up to £25,000 to the capital programme in respect of a capital grant to RVS as set out in paragraph 4.7 of the report.

149/2018

The Cabinet agreed to delegate authority to the Chief Finance Officer, in consultation with the Leader, to determine the final amount of the capital grant to RVS (up to £25,000) on review of the final business case.

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 2018/19

Background:

This report summarised the performance of the Council's Measures of Success for July-September (quarter 2) 2018/19 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 and the 43 measures of success used to track performance. However, this report only included information on 38 measures of success as 1 of these was data only, and for 4 measures, the data was not expected until later in the year. Of the 38 measures of success, 66% had met or exceeded the target, 13% had performed slightly below the target and 21% were significantly below target.

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It was noted that the report would be considered by the Overview and Scrutiny Committees between December and January.

Cabinet Members highlighted a number of successes within their portfolios.

Decision number: **Decision:**

The Cabinet noted the quarter 2 performance of 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.

Medway Commercial Group Ltd Six Monthly Report

Background:

This report provided details of Medway Commercial Group Limited's (MCG) achievements and performance over the preceding six months (1 April – 30 September 2018) and its plans for future growth and development.

In particular, the report stated that MCG exceeded its budgeted return to the Council in 2017/18 by approximately £43,000 and for the current financial year, MCG would meet the budgeted income contributions to the Council, therefore it would exceed its agreed accumulated savings for the current and previous financial years.

Decision number: **Decision:**

The Cabinet noted the achievements, current business operations and performance of Medway Commercial Group Limited (MCG) as detailed in the report.

Reasons:

When Cabinet agreed to establish the LATCo it was also agreed that regular monitoring reports would be provided to Cabinet.

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Recruitment Freeze

Background:

This report presented information on vacancies that officers had requested approval to commence recruitment for, following progress 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:

Decision:

150/2018

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

Children and Adults:

- a) Placement Officer**
- b) Performance and Intelligence Analyst**
- c) Performance and Intelligence Graduate**
- d) Practice Support Officer – Children’s Admin Support Service x2**
- e) Leaving Care Personal Advisor**
- f) Admin Support Officer x2**

Business Support Department:

- g) Legal Support Assistant – Children**
- h) Paralegal – Children x2**

Regeneration, Culture, Environment and Transformation:

- i) Catering Assistant – Innovation Centre Medway**
- j) Receptionist – Innovation Centre Medway**

Reasons:

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

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Leader of the Council

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Date

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