

## Record of Cabinet decisions

**Tuesday, 5 February 2019**

**3.00pm to 5.10pm**

**Date of publication: 6 February 2019**

**Subject to call-in these decisions will be effective from 14 February 2019  
The record of decisions is subject to approval at the next meeting of the Cabinet**

<b>Present:</b>	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  
Katey Durkin, Head of Finance Strategy  
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  
James Williams, Director of Public Health

### **Apologies for absence**

There were none.

## Cabinet, 5 February 2019

### Record of decisions

The record of the meeting held on 15 January 2019 was agreed and signed by the Leader as a correct record.

### 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.

### Revenue Budget Monitoring 2018/2019 - Quarter 3

#### **Background:**

This report detailed the revenue budget forecasts as at the end of quarter 3 (December 2018). The report noted that, after management action, the forecast outturn for 2018/19 represented an adverse variance of £2.921million, 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:***

**7/2019**                      **Cabinet noted the result of the third quarter of revenue monitoring for 2018/19 and instructed officers to identify further management action to ensure a breakeven 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 2018/2019 - Quarter 3

### Background:

This report presented the capital monitoring information for the third quarter of the financial year, including outturn forecasts. The approved capital programme for 2018/19, and future years, was £228.930m.

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.

## Final 2019/20 Mainstream Schools and Academies Funding Formula

### Background:

This report provided details of the final funding proposals for Medway's schools and academies for 2019/2020. Officers, working with the Schools Forum, had consulted with schools and academies on the proposed new funding formula options for 2019/2020. It was noted that the Schools Forum had met on 15 January 2019 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 2019, 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 number:**      **Decision:**

**8/2019                      The Cabinet instructed officers to implement the Final 2019-20 Funding Formula for mainstream schools and**

## Cabinet, 5 February 2019

**academies, as set out in section 3 of the report.**

**9/2019**      **The Cabinet agreed that decision number 8/2019 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 2019-20 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 Education and Skills Funding Agency was 21 January 2019. However, on this occasion, the draft final funding formula was submitted by the deadline pending final approval by the Cabinet.

### **Housing Revenue Account (HRA) Capital and Revenue Budgets 2019/2020**

#### **Background:**

This report provided details of the proposed Housing Revenue Account (HRA) capital and revenue budgets for 2019/2020 including rent, garage rent and service charge levels. The report gave a breakdown of the factors taken into account formulating the budgets for 2019/2020.

The report 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 also 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 31 January 2019 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:**      **Decision:**

**The Cabinet considered the comments of the Business Support Overview and Scrutiny Committee in bringing this report forward for approval.**

**10/2019**      **The Cabinet recommended the following to Full Council on 21 February 2019 for approval:**

- a) A proposed rent decrease of 1% for the housing stock as set out in Appendix A to the report (based**

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**upon 53 collection weeks) with effect from 1 April 2019.**

- b) A proposed average rent of £82.47 per week based on a 53 week rent cycle be agreed for the six new build one bedroom bungalows at Petham Green Twydall (estimated let date Autumn 2019).**
- c) The baseline garage rent for Council tenants be increased by £1 from £8.12 to £9.12 with effect from 1 April 2019 per week.**
- d) A rent increase for all garage tenure types of 5% will be applied with effect from 1 April 2019 per week.**
- e) To approve the service charges and increases as set out in Appendix B to the report for 2019/20.**
- f) To approve the revenue budget for the HRA Service for 2019/20 as set out in Appendix C to the report.**
- g) To approve the proposed capital budget of £3.3m for the fourth phase of new build programme on various garage sites to be funded from borrowing and 1-4-1 capital receipts as set out in section 8.6.4 of the report.**
- h) To approve the provision for the repayment debt based on annuity based payment on the HRA outstanding debt to be £0.326m for 2019/20.**
- i) To 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 2019/20**

#### **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 31 January 2019 and its comments were set out in an addendum report, which

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included a recommendation that an additional measure is added to the Council Plan aimed at reflecting the overall direction of travel regarding children in temporary accommodation.

The Portfolio Holder for Educational Attainment and Improvement stated that he would work with officers to accurately align Council Plan measures relating to schools with the Local Authority's responsibilities.

A Diversity Impact Assessment (DIA) had been completed as part of the refresh process, as set out in Appendix 2 to the report.

**Decision number:**      **Decision:**

**The Cabinet noted the comments and recommendation of the Business Support Overview and Scrutiny Committee set out in the addendum report, which would be taken into consideration.**

**11/2019      The Cabinet recommended to Full Council to approve the proposed changes to programmes and measures of success summarised in paragraph 3.2 of the report and as detailed in Appendix 1 of the report, noting there would be further work on Council Plan measures relating to schools.**

**12/2019      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 as set out in paragraph 3.4 to the report and as detailed in Appendix 1 to the report once further information is received.**

**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 2019/2020**

**Background:**

This report presented proposals for the capital and revenue budgets for 2019/2020.

It was noted that the Cabinet had considered initial budget proposals on 20 November 2018, 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 £3.189 million in 2019/2020 rising to £16.330 million by 2022/2023.

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The report stated that the proposed revenue budget requirement of £298.403 million (as set out in Appendix 2 to the report) exceeded the estimated available resources by £660,900. However, options were being considered to address this prior to the Council's budget setting meeting on 21 February 2019.

The proposed capital programme for 2019/2020, incorporating existing schemes and anticipated funding allocations, was £229 million. An overall summary and a summary by directorate of the proposed capital programme were attached at Appendix 4 to 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 (31 January 2019) were set out for Cabinet in an addendum report.

The schedule of fees and charges was set out in Appendix 6 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 21 February 2019.

***Decision number:***      ***Decision:***

**The Cabinet noted the comments from overview and scrutiny committees as summarised in Appendix 1 to the report.**

**13/2019      The Cabinet recommended to Council that the net revenue budget summarised at Appendix 2 to the report, should be set at £297.742 million, and that this should be funded by a 2.994% increase in Council Tax for 2019/20 with the equivalent Band D figure at £1,412.44. Final proposals to address the £661,000 deficit would be reported to Council on 21 February 2019.**

**14/2019      The Cabinet recommended to Council the capital budget proposals, as set out in Appendix 4 to the report.**

**15/2019      The Cabinet recommended to Council the fees and charges set out at Appendix 6 to the report, subject to the removal of a number of the proposed increases including some bulky waste collection increases and some parking charge increases which would be recommended to Special Council on 21 February 2019.**

**16/2019      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**

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**1992 for resolution by Special Council on 21 February 2019.**

**17/2019**      **The Cabinet recommended to Council to agree to delegate authority to the Chief Finance Officer, in consultation with the Leader and relevant Portfolio Holder, to vary existing fees and charges and introduce new fees charges during the financial year on the basis set out in paragraphs 10.3 and 10.4 of the report.**

### **Reasons:**

The constitution requires that Cabinet's budget proposals must be forwarded 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 2019/20**

#### **Background:**

This report provided details of the Council's Treasury Management Strategy for 2019/2020. 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 8 January 2019 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 number:**      **Decision:**

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

**18/2019**      **The Cabinet recommended approval of the Treasury Management Strategy 2019/2020, as set out in Appendix A to the report, to Full Council.**

**19/2019**      **The Cabinet approved the Treasury Management Practices, as set out in Appendix C to the report.**



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### 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.

### Retail Rate Relief 2019/20 and 2020/21

#### Background:

The Deputy Leader chaired the meeting from this point as the Leader had to leave the meeting (note: item 12 – Housing Infrastructure Fund Bid – New Routes to Good Growth was taken ahead of this item, before the Leader left).

This report set out the Council's proposed Business Rates Retail Relief Policy 2019/20 and 2020/21.

The Government had announced in the Autumn Statement 2018, its intention for occupiers of retail properties with a rateable value below £51,000 to receive a discount of one third of their chargeable amount on their rate bills for 2019-20 and 2020-21 and in December 2018 guidance was issued to support local authorities with criteria to determine funding, which was detailed in section 3 of the report.

#### **Decision number:**      **Decision:**

**20/2019**      **The Cabinet agreed that retail relief for hereditaments as defined in paragraphs 3.1 to 3.3 of the report be awarded in appropriate circumstances.**

**21/2019**      **The Cabinet agreed that retail relief for hereditaments as defined in paragraphs 3.4 to 3.6 of the report are not awarded.**

### Reasons:

The retail relief scheme has 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 a scheme.

### Housing Infrastructure Fund Bid - New Routes to Good Growth

#### Background:

This report provided details of Medway's Housing Infrastructure Fund (HIF) Bid – New Routes to Good Growth, which planned for much needed infrastructure to enable growth in and around the Hoo Peninsula and waterfront regeneration sites and sought approval for the submission of the Bid for up to £170million on 1 March 2019.

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The report detailed the current estimated costs of the deliverables within the bid but it was noted that the figures may vary slightly prior to submission as work was ongoing with the business case, which would calculate the value for money and benefit versus cost ratio. Therefore the report sought delegated authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Leader to agree the final HIF Bid for submission on 1 March 2019 and also to make any required changes following submission.

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 bid business case and bid submission would need to be completed and uploaded to the HIF Portal from mid-late February to ensure that all documents are received prior to the 1 March 2019 submission date. The Chairman of the Regeneration, Culture and Environment 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 number:***      ***Decision:***

- 22/2019**      **The Cabinet approved the submission of the Housing Infrastructure Fund (HIF) bid to the Ministry of Housing, Communities and Local Government on 1 March 2019 for up to £170 million.**
- 23/2019**      **The Cabinet agreed to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Leader, to agree the final submission of the HIF Bid, as detailed within the report.**
- 24/2019**      **The Cabinet agreed to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Leader, that following submission of the bid, to liaise with Homes England to make any required changes to the HIF bid prior to the MHCLG's final decision on the outcome of the bid.**
- 25/2019**      **The Cabinet agreed that decision numbers 22/2019, 23/2019 and 24/2019 were considered urgent and therefore should not be subject to call in.**

**Reasons:**

To enable the HIF Bid to be submitted to the Ministry of Housing, Communities and Local Government on time.

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To secure funding for the future infrastructure required to enable the development of 12,100 homes by 2043 on the Hoo Peninsula.

### **South Thames Gateway Building Control Business Plan 2019/2022**

#### **Background:**

This report provided details of the South Thames Gateway Building Control Partnership Business Plan for 2019/2022 and Delivery Plan.

The Business Plan, as set out in the exempt appendix, outlined how the building control function would be delivered on behalf of the partnership Councils (currently Medway, Gravesham, Swale and Canterbury) up until 2022 and indicated the reduced contributions for each partner.

#### **Decision number:**

**26/2019**      **The Cabinet approved the proposed Business Plan for 2019/2022 and Delivery Plan for the South Thames Gateway Building Control Partnership, as set out in the Exempt Appendix to the report, and noted the proposed contribution of £122,945 for 2019/2020.**

#### **Reasons:**

The constitution of the Joint Committee requires approval of the Business Plan for the following year by the Cabinet of each Partner Authority.

### **Land Between 5 and 11 Tennyson Avenue, Cliffe Woods, Rochester, ME3 8JF**

#### **Background:**

This report provided information concerning a proposed residential development of land between 5 and 11 Tennyson Avenue, Cliffe Woods, Rochester, ME3 8JF and requested the Cabinet to delegate authority for officers to release or vary the restrictive covenant on part of the land to permit residential development.

The report explained that the current owners were a registered charity and had obtained outline planning consent for the erection of a pair of semi-detached houses on part of the land (hatched black on the plan attached at Appendix 1) and had marketed the site. They had provisionally agreed with a potential purchaser to dispose of the hatched black area whilst retaining access and parking for the village hall. The proceeds from the disposal would be used to refurbish the village hall.

Before the development could take place the restrictive covenant, set out at paragraph 2.2 of the report, would need to be released or revoked.

**Decision  
number:**

**Decision:**

**27/2019**

**The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Resources, to vary or release the restrictive covenant on part of the subject land hatched black on the plan set out in Appendix 1 to the report, on the best terms reasonably obtainable.**

**Reasons:**

The Council will receive a significant receipt and release or variation of the covenant will permit the development of 2 residential units in a rural location making use of redundant land.

### **Special Educational Needs and Disabilities (SEND) Needs Analysis**

**Background:**

This report advised the Cabinet of a revised forecast of the number and type of school places required for children and young people who had a Special Education Need and/or Disability.

It was noted that there were currently 2,229 children and young people in Medway with an Education Health and Care Plan (EHCP), which was an increase of 14.2% from the number in 2017 and it was forecast that the number of children by 2023 was predicted to be 3,216. The report also forecast demand for SEND provision type, assuming the percentage of pupils with EHCP attending mainstream schools remains static, which reflects Medway and national data trends.

**Decision  
number:**

**Decision:**

**28/2019**

**The Cabinet noted the report and agreed to instruct officers to progress the development of a SEND Place Commissioning Strategy to meet the forecast demand for SEND school places.**

**Reasons:**

This report provides an analysis of the current and future SEND pupil population in Medway and is aimed to assist the Council in understanding the future demand for SEND school places and in planning for future provision in order for the Council to meet its statutory duties.

## Annual Adoption Report

### Background:

This report provided details of the Adoption Agency's Annual Report (September 2017 to September 2018). This annual report covered adoption performance during this period 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 this report on 10 January 2019 and its comments were set out in section 6 of 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 7 of the report.**

**The Cabinet noted the Annual Adoption Report as set out in the report.**

### Reasons:

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

## Annual Report - Fostering Service

### 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 report covered fully the service and its development in 2017/18, and provided a number of highlights, as set out in paragraph 3.1 of the report.

The Children and Young People Overview and Scrutiny Committee considered this report on 10 January 2019 and had recommended it to the Cabinet.

### **Decision number:**

### **Decision:**

**The Cabinet noted the Fostering Service Annual Report 2017-18, as set out at Appendix 1 of the report.**

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### Reasons:

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

### 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:**

### **Decision:**

**29/2019**      **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report.**

#### **Business Support Department**

- a) **Accounting Technician Control Team x 2**
- b) **Executive Assistant to the Chief Finance Officer**

#### **Children and Adults**

- c) **Performance and Intelligence Analyst**
- d) **Financial Review Coordinator**
- e) **Social Care Lawyer**

#### **Public Health**

- f) **Head of Children's Partnership Commissioning**
- g) **Head of Adults Partnership Commissioning and Better Care Fund**

### Reasons:

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

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**Leader of the Council**

.....  
**Date**

**Teri Reynolds, Democratic Services Officers**

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