

Record of Cabinet decisions

Tuesday, 19 November 2019

3.00pm to 5.14pm

Date of publication: 20 November 2019

**Subject to call-in these decisions will be effective from 28 November 2019
The record of decisions is subject to approval at the next meeting of the Cabinet**

Present:	Councillor Howard Doe	Deputy Leader and Portfolio Holder for Housing and Community Services	
	Councillor David Brake	Portfolio Holder for Adults' Services	
	Councillor Rodney Chambers, OBE	Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships	
	Councillor Jane Chitty	Portfolio Holder for Planning, Economic Growth and Regulation	
	Councillor Adrian Gulvin	Portfolio Holder for Resources	
	Councillor Mrs Josie Iles	Portfolio Holder for Children's Services – Lead Member (statutory responsibility)	
	Councillor Martin Potter	Portfolio Holder for Education and Schools	
	Councillor Rupert Turpin	Portfolio Holder for Business Management	

In Attendance: Neil Davies, Chief Executive
Katey Durkin, Head of Finance Strategy
Wayne Hemingway, Principal 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
Ian Sutherland, Director of People - Children and Adults Services
James Williams, Director of Public Health

Apologies for absence

Apologies for absence were received from Councillors Alan Jarrett (Leader of the Council) and Phil Filmer (Portfolio Holder for Front Line Services).

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Record of decisions

The record of the meeting held on 22 October 2019 was agreed by the Cabinet and signed by the Deputy Leader and Portfolio Holder for Housing and Community Services as a correct record.

Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Doe declared an OSI in agenda items 4 (Draft Capital and Revenue Budget 2020/21), 12 (Revenue Budget Monitoring – Round 2 2019/20) and 13 (Capital Budget Monitoring – Round 2 2019/20) with regards to any reference to Medway Commercial Group Ltd (MCG) (and their subsidiaries) and Medway Development Company Ltd (MDC) because he is the Chairman of both companies and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in the discussions and votes on these items.

Councillor Gulvin declared an OSI in agenda items 4 (Draft Capital and Revenue Budget 2020/21), 12 (Revenue Budget Monitoring – Round 2 2019/20) and 13 (Capital Budget Monitoring – Round 2 2019/20) with regards to any reference to Medway Development Company Ltd (MDC) because he is a Director of MDC and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in the discussions and votes on these items.

Councillor Turpin declared an OSI in agenda items 4 (Draft Capital and Revenue Budget 2020/21), 12 (Revenue Budget Monitoring – Round 2 2019/20) and 13 (Capital Budget Monitoring – Round 2 2019/20) with regards to any reference to Medway Commercial Group Ltd (MCG) and Medway Norse Ltd because he is a Director of MCG and the Chairman of Medway Norse Ltd and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in the discussions and votes on these items.

Other interests

There were none.

Draft Capital and Revenue Budget 2020/21

Background:

This report provided details of progress towards setting the Council's draft capital and revenue budgets for 2020/21. It was noted that the draft budget was based on the principles contained in the Medium Term Financial Strategy (MTFS) 2019-2024, which had been approved by Cabinet on 24 September 2019 and reflected the latest

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formula grant assumptions. Draft budget requirements for the directorates in 2020/21 were set out in Appendices 1-3 to the report.

It was reported that there was currently a £5.956 million revenue budget deficit for 2020/21, increasing to £17.327 million by 2023/24 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, little of this work had progressed sufficiently to be reflected in the draft budget proposals. In addition, the latest revenue budget monitoring report for round 2 was set out at agenda item 12.

In relation to the capital programme, it was reported that the existing programme, totalling £295.867 million, reflected planned capital expenditure over the medium term. This did not incorporate recommended additions to the Capital Programme which were detailed at agenda item 13 (Capital Budget Monitoring – Round 2 2019/20) and were due to be reported to Council on 23 January 2020 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 4 February 2020 and formal budget and council tax setting by Council on 20 February 2020. Budget proposals would now be submitted to the Council's overview and scrutiny committees, as set out in paragraph 13.2 of the report.

Decision number: ***Decision:***

126/2019 **The Cabinet agreed to instruct officers to continue to work with Portfolio Holders in formulating robust proposals to balance the budget for 2020/21 and beyond.**

127/2019 **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 4 February 2020 and formal council tax setting by Council on 20 February 2020.

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

Business Support	28 November 2019
Children and Young People	3 December 2019
Regeneration, Culture and Environment	5 December 2019
Health and Adult Social Care	16 January 2020
Business Support	30 January 2020

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Cabinet
Council

4 February 2020
20 February 2020

Medway Children and Young People's Plan 2019-2021

Background:

This report provided details of the Medway Children and Young People's Plan. The report stated that the Plan set a shared vision for everyone working with children and young people in Medway. It stated that the vision was for Medway to have a child-focussed future in which all children and young people would be 'thriving, healthy and learning well'. The Plan focussed on the three key outcomes:

- Thriving in our community;
- A healthy start;
- Learning well.

The report set out details of the consultation process, as set out in section 8 of the report.

The Plan was considered by the Children and Young People Overview and Scrutiny Committee on 25 July 2019 and the Health and Wellbeing Board on 5 November 2019, details of which were set out in sections 4 and 5 of the report respectively.

A Diversity Impact Assessment had been undertaken on the Plan, details of which were set out in Appendix 5 to the report.

Decision number: ***Decision:***

The Cabinet noted the comments made by the Children and Young People Overview and Scrutiny Committee and the Health and Wellbeing Board and the responses from the Director of People – Children and Adults Services, as set out at sections 4 – 6 of the report.

128/2019 The Cabinet approved the Medway Children and Young People's Plan, as set out at Appendix 1 to the report and the accompanying documents attached at Appendices 2 and 3 to the report.

Reasons:

The Medway Children and Young People's Plan sets key strategic priorities for partnership action to improve outcomes for Medway's children and young people and help them achieve their potential. It maintains Medway Council's momentum in promoting good practice as well as its commitment to ensuring a child-focused future for Medway. Central to this is that the Council helps Medway's children and young people to be "Thriving, Healthy and Learn Well".

Joint Special Educational Needs and Disabilities Strategy

Background:

This report provided details of the Joint Special Educational Needs and Disability (SEND) Strategy, which had been developed by the Council and Medway Clinical Commissioning Group (CCG). This Strategy set out the local area's vision, guiding principles and the key areas of development that would be the focus for Medway's children and young people with SEND over the coming five years.

The report provided details of the Strategy's vision for children and young people in Medway:

- Be happy, healthy and safe;
- Achieve their potential;
- Be part of, and contribute to, their communities;
- Be resilient and as independent as possible and be able to make choices about their future.

The report also provided details of the Strategy's seven joint strategic priorities and a set of principles for children and young people with SEND, as set out in paragraphs 2.4 and 2.5 of the report.

The report set out details of the consultation process, as set out in section 5 of the report.

The Strategy had been considered by the Children and Young People Overview and Scrutiny Committee on 3 October 2019 and the Health and Wellbeing Board on 5 November 2019, details of which were set out in sections 7 and 8 of the report.

A Diversity Impact Assessment had been undertaken on the Strategy, details of which were set out in Appendix 5 to the report.

Decision number: ***Decision:***

The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee and the Health and Wellbeing Board, set out at sections 7 and 8 of the report.

129/2019 The Cabinet approved the Strategy, as set out at Appendix 1 to the report.

Reasons:

The Strategy is a Local Area Joint Strategy, reflecting shared strategic direction of travel for the local area, including key partners in health and education settings. The Strategy was informed by the views of parents and young people and focuses on key areas for improvement across the Council, health, social care and education

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with the key aim of improving the opportunities for young people with SEND to live fulfilled lives and achieve independence in or near their local community.

Homelessness and Rough Sleeper Strategy 2019-2024

Background:

This report provided details of the Homelessness and Rough Sleeper Strategy 2019-2024. The Strategy responded to the Homelessness Reduction Act 2017, government guidance on homelessness and rough sleeping and current practice in Medway.

The report stated that the Strategy addressed five main themes, reflecting the advice of the current Homelessness Code of Guidance for Local Authorities:

- Providing advice and information to prevent homelessness;
- Identifying households at risk of homelessness early;
- Intervening before homelessness occurs;
- Preventing recurring homelessness;
- Working with partner agencies.

The report set out details of the consultation process, as set out in section 6 of the report.

The Strategy had been considered by the Business Support Overview and Scrutiny Committee on 24 October 2019, details of which were set out in section 7 of the report.

A Diversity Impact Assessment had been undertaken on the Strategy, details of which were set out in Appendix 2 to the report.

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.

130/2019 The Cabinet approved the Homelessness and Rough Sleeper Strategy 2019-24 as set out at Appendix 1 to the report.

Reasons:

The Homelessness Act 2002 requires all local housing authorities to carry out a review of homelessness and provide and publish a strategy based on its findings.

This Strategy meets that requirement and is named and planned in accordance with the government's Rough Sleeper Strategy 2018 and is considered suitable by the

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Ministry for Housing, Communities and Local Government's rough sleeper initiative adviser.

Risk Strategy Annual Review

Background:

This report provided details of the annual review of the Risk Strategy. The report stated 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 particular, this review brought the Strategy in line with the International Standard in Risk Management (ISO 31000:2018(E)), which provided a common approach to managing any type of risk and could be applied to any activity and updated the format to be consistent with other Council strategies.

The report also stated that the Strategic Risk Register was now subject to an increased frequency of reviewing the risk register, which would enable risks to be reported alongside performance and budget monitoring and therefore support decision making.

The annual review was considered by the Audit Committee on 26 September 2019 and the Business Support Overview and Scrutiny Committee on 24 October 2019, details of which were set out in section 4 of the report.

Decision number:

The Cabinet noted the comments of the Audit Committee and the Business Support Overview and Scrutiny Committee set out at section 4 of the report.

131/2019 The Cabinet approved the Risk Management Strategy as set out at Appendix 1 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.

Future High Street Fund Chatham - Business Case Development

Background:

This report provided details of an update on the development of the Business Case for the Future High Streets Fund Chatham funding bid. The report stated that in early 2019, the Council had developed and submitted an Expression of Interest (EOI) for funding to regenerate and re-imagine Chatham's High Street and town centre working closely with key partner organisations. During early August 2019, the Ministry for Housing, Communities and Local Government (MHCLG) had informed

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the Council that the EOI had been successful and the Council had been invited to develop and submit an outline business case by 15 January 2020 and a final business case by 30 April 2020.

The report provided details of the further work required to develop and submit the outline and final business cases as well as the projects being scoped as part of this process.

Decision number: ***Decision:***

- 132/2019** **The Cabinet agreed to support the development and submission of the outline and final Future High Street Chatham Business Cases in accordance with paragraphs 2.2 and 2.3 and section 3 of the report.**
- 133/2019** **The Cabinet agreed to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Portfolio Holder for Planning, Economic Growth and Regulation to develop, finalise and approve the outline and final Business Cases and submit them to the Ministry of Housing, Communities and Local Government by the deadlines set out in paragraph 2.8 of the report.**

Reasons:

To enable the Future High Streets Fund bid to be submitted to the Ministry of Housing, Communities and Local Government in line with the deadlines set out at paragraph 2.8 of the report.

To support the priorities within Medway Council's Strategy in regenerating Chatham as Medway's Waterfront University City Centre.

South East Local Enterprise Partnership (SELEP) Future Board Structure

Background:

This report provided details of the Government's reforms to Local Enterprise Partnerships (LEPs) and the necessary steps required to be taken by the South East Local Enterprise Partnership (SELEP) to comply with the changes.

The report provided details of the outcome of the Government's review of the LEPs and included details of the required changes to them, as set out in paragraph 2.4 of the report. This included the requirement that LEPs must become companies to allow them to enter into legal commitments to take on further responsibilities in the future, as well as a number of other requirements.

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The report also provided details of the progress made by SELEP on the required changes, noting that a further report would be submitted to Cabinet on 14 January 2020 on this matter.

Decision number: **Decision:**

134/2019 **The Cabinet agreed to reaffirm its ongoing commitment to, and involvement in, the South East Local Enterprise Partnership (SELEP) and give its support in principle for the proposals for new governance arrangements, including:**

- **the establishment of a new legal personality;**
- **the refresh of the Joint Committee agreement; and**
- **the nomination of a Cabinet representative as Company Director**

135/2019 **The Cabinet agreed that the related suite of governance documentation should be submitted to Cabinet for full consideration and approval in due course.**

Reasons:

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

Secondary Surge Classes for September 2020

Background:

The Cabinet accepted this item as urgent to enable officers to commence the design and tender process for the projects required to provide the surge classes in readiness for September 2020 at the earliest opportunity, notwithstanding that Full Council approval was required for the virement for scheme 9, as set out in paragraph 6.7 of the report.

This report provided details of the position regarding secondary school places for the intake in September 2020, setting out the proposed solutions, and sought approval for the commencement of the programme to create an additional 248 year 7 non-selective school places to ensure that demand would be met.

The report stated that whilst Medway, working in partnership with Academy Trusts, had been successful with recent bids for new secondary schools, the delay in the opening of Leigh Academy Rainham until 2021 had resulted in a need for the Council to identify a number of surge classes to meet demand for school places. The report provided details of 9 schemes, as set out in paragraph 6.7 of the report.

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The report provided details of the proposed funding source for these schemes, as detailed in paragraphs 3.7 and 3.8 of the report.

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

Decision number: **Decision:**

- 136/2019** **The Cabinet agreed the commencement of the design and tender process for the projects required to provide the surge classes in readiness for September 2020.**
- The Cabinet noted the virement from the SEND school budget of the funding required for schemes 3, 4 and 5, as shown in the table at paragraph 6.7 of the report, under the Director's delegation.**
- 137/2019** **The Cabinet agreed a virement from the SEND school budget of the funding required for schemes 6, 7 and 8 as shown in the table at paragraph 6.7 of the report.**
- 138/2019** **The Cabinet recommended to Council the approval of a virement from the SEND school budget of the funding required for scheme 9, as shown in the table at paragraph 6.7 of the report.**

Reasons:

By approving the recommendations in section 8, the Cabinet will be ensuring that the Council meets its statutory duty to ensure sufficient good quality school places are available.

The rules relating to the virement of capital funding are set out in the Council's Constitution.

Revenue Budget Monitoring - Round 2 2019/20

Background:

This report provided details of the second round of revenue budget monitoring 2019/20. The report noted that, after proposed management action, the forecast outturn for 2019/20 represented a forecast pressure of £6.695 million. Management action plans were being formulated by directorate management teams and it was anticipated that this figure would be reduced significantly as the year progressed.

The report set out an explanation of the pressures being faced and the corrective management action proposed by directorate management teams. The report also stated that the round 2 monitoring was considered by Corporate Management Team

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on 16 October and in addition to service managers being tasked with formulating a significant package of management action, all members of Corporate Management Team had resolved to exercise much tighter scrutiny and management over expenditure.

Decision number: **Decision:**

139/2019 **The Cabinet noted the results of the second round of revenue budget monitoring for 2019/20 and agreed to continue to work with senior officers to identify a range of measures to reduce expenditure within their portfolio areas.**

Reasons:

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

Capital Budget Monitoring - Round 2 2019/20

Background

This report provided details of the second round of the Council's capital budget monitoring for the financial year 2019/20. The approved capital programme for 2019/20 was £295.867 million. The report also provided details of a number of proposed additions to the capital programme, details of which were set out in section 3 of the report.

Decision number: **Decision:**

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

140/2019 **The Cabinet recommended to Full Council that the capital programme is increased by £102,259 in respect of the additional cost identified for Mercury Abatement as set out in paragraph 3.5 of the report, funded from borrowing.**

141/2019 **The Cabinet recommended to Full Council that the budget for Command of the Heights is increased by £397,259 reflecting additional resources as set out in paragraph 3.6 of the report.**

142/2019 **The Cabinet recommended to Full Council that the capital programme be increased by £22,942 in respect of the additional costs on Rochester Station Totem as set out in paragraph 3.8 of the report, to be funded from capital receipts.**

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- 143/2019** The Cabinet recommended to Full Council that the capital programme be increased by £4.1 million for the HRA new Build Phase IV as set out in paragraph 3.11 of the report, to be funded 70% from borrowing and 30% from 'Right to Buy' capital receipts in line with the existing scheme.
- 144/2019** The Cabinet recommended to Full Council that the capital programme be increased by £300,000 to create the HRA Buy Back scheme, to be funded from HRA Reserves and Right to Buy receipts, as set out in paragraph 3.12 of the report.
- 145/2019** The Cabinet agreed that £200,000 be vired from the Strood Town Centre SELEP funded scheme to the Medway City Estate Connectivity SELEP funded scheme, as set out in paragraph 3.13 of the report.
- 146/2019** The Cabinet recommended to Full Council that the Capital Programme be increased by £380,000 in respect of the ICT Data Centre works, to be funded from prudential borrowing as set out in paragraph 3.14 of 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 and Risk Register Review Quarter 2 2019/20

Background:

This report provided details of how the Council had performed during quarter 2 in 2019/20 against the Council's three priorities and the actions being taken to improve performance. There were 44 Council Plan measures for 2019/20, of which it was currently possible to report on 36 as two were data only and 6 were not available for the reporting quarter.

In summary, 24 out of 36 measures had met or exceeded target, 6 were slightly below target and 6 were significantly below target.

The report also presented the quarter 2 2019/20 review of the Strategic Risk Register. Proposed amendments to the Risk Register were set out in paragraphs 2.2 and 2.3 of the report and the revised Risk Register was attached at Appendix 5 to the report.

It was noted that this report would be considered by the Overview and Scrutiny Committees November 2019 – January 2020.

Cabinet Members highlighted a number of key issues during discussion.

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**Decision
number:**

Decision:

The Cabinet noted the Q2 2019/20 performance against the measures used to monitor progress against the Council's priorities.

147/2019

The Cabinet agreed the amended Strategic Risk Register as set out in Appendix 5 to the report including the following:

- The proposed changes to the current residual risk score for risks SR33, SR34, SR35, SR38 and SR21, as detailed in paragraph 2.2 of the report.
- The proposal to remove risk ref SR38: the transfer of the waste contract to Medway Norse, as detailed in paragraph 2.3 of the report.

Reasons:

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

Recruitment Freeze

Background:

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

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

**Decision
number:**

Decision:

148/2019

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

Public Health

- a) Data Quality and Monitoring Claims Officers x 3.

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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