

COUNCIL

16 JULY 2020

LEADER'S REPORT

Councillor Alan Jarrett, Leader of the Council, will give a report on key developments since the last ordinary Council meeting on 23 April 2020.

He will include:

- COVID-19
- Update on Capital Programme
- Children's Services
- Decisions made by the Cabinet on 4 May 2020 (urgent decision), 12 May 2020, 22 May 2020 (urgent decision), 9 June 2020, 12 June 2020 (urgent decision), 22 June 2020 (urgent decision) and 7 July 2020.

Record of Cabinet decisions

Monday, 4 May 2020

Date of publication: 4 May 2020

Pentagon Centre Tenants and Other Commercial Tenants - Rent Deferral

Background:

This report provided details a proposal to provide financial assistance in the form of rent deferral to tenants of the Pentagon Centre, Chatham and other commercial properties within the Council's property portfolio, to which the Leader's approval under urgency provisions was sought.

The report explained that requests had been made by tenants for relief from rent payments under lease arrangements and whilst the Government had instigated a number of fiscal measures to protect the economy through the Covid-19 pandemic, it had not specifically provided funding to the Council to deal with shortfalls in rental income. The report set out further that rather than forego rental income at the moment, officer advice was that an offer of a rent deferral should be made, to allow payment of rent due in the future, once the economic situation had improved. The rent deferral should be offered for no more than the first two quarters of the financial year 2020/2021.

The report noted that the urgency provisions were set out in the Constitution (paragraph 3.2 of Part 3 (Responsibility for Cabinet functions) of Chapter 3 (Responsibility for Functions) of the Constitution).

The Chairman of the Business Support Overview and Scrutiny Committee agreed that the taking of these decisions were urgent and could not be reasonably deferred until the next Cabinet meeting on 12 May 2020, in accordance with Section 11 (Cases of special urgency) of the Local Authorities (Executive Arrangements)(Meetings and Access to

Cabinet, 4 May 2020

Information)(England) Regulations 2012 and Rule 17 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution).

Additionally and 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. The Chairman of the Business Support Overview and Scrutiny Committee 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.

The report noted that furthermore, it was proposed that the Chief Executive uses the urgency provisions as set out in paragraph 4.1 of the Employee Delegation Scheme (including consultation with the Leader of the Council and the Leader of the Labour Group) to agree the budgetary impact of the action recommended at section 6 of the report. The use of these urgency provisions would be reported to Full Council on 16 July 2020 for information.

Decision number: ***Decision:***

- 52/2020** **The Leader, using urgency powers, agreed to delegate authority to the Chief Legal Officer in consultation with the Leader and the Portfolio Holder for Resources to agree the delaying of current rent of Pentagon Centre tenants as and when requested on a case by case basis. This agreement should follow professional advice from the Centre Management Team.**
- 53/2020** **The Leader, using urgency powers, agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader and the Portfolio Holder for Resources to agree the delaying of current rent of other commercial properties within the Council's property portfolio, on a case by case basis, after receipt of details of reduced income and future trading viability.**
- 54/2020** **The Leader agreed that decisions 52/2020 and 53/2020 are considered urgent and therefore should not be subject to call in.**

Reasons:

To provide support to tenants of Council owned commercial properties in response to the COVID-19 pandemic.

Cabinet, 4 May 2020

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Leader of the Council

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Date

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Record of Cabinet decisions (virtual meeting)

Tuesday, 12 May 2020
3.00pm to 3.42pm

Date of publication: 13 May 2020

Subject to call-in these decisions will be effective from 21 May 2020

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 Mrs Josie Iles	Portfolio Holder for Children's Services – Lead Member (statutory responsibility)
	Councillor Rupert Turpin	Portfolio Holder for Business Management
	In Attendance:	Neil Davies, Chief Executive
	Wayne Hemingway, Principal Democratic Services Officer	
	Perry Holmes, Chief Legal Officer/Monitoring Officer	
	Jon Pitt, Democratic Services Officer	
	Teri Reynolds, Democratic Services Officer	

Apologies for absence

An apology for absence was received from Councillor Martin Potter (Portfolio Holder for Education and Schools).

Record of decisions

The record of the meeting held on 7 April 2020 was agreed by the Cabinet and signed by the Leader as correct.

Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

Councillor Rodney Chambers OBE declared a disclosable pecuniary interest in item 4 (Housing Enforcement and Licensing Policy) as he was a private landlord. He therefore left the meeting for the discussion and decision on this item.

Councillor Gulvin declared a disclosable pecuniary interest in item 4 (Housing Enforcement and Licensing Policy) as he was a private landlord. He therefore left the meeting for the discussion and decision on this item.

Councillor Rupert Turpin declared a disclosable pecuniary interest in item 4 (Housing Enforcement and Licensing Policy) as he was a private landlord. He therefore left the meeting for the discussion and decision on this item.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

Housing Enforcement and Licensing Policy

Background:

This report provided details of the proposed Housing Enforcement and Licensing Policy which had been revised following a review of technical and legislative amendments, enacting the relevant provisions of the Housing Act 2004 and Housing and Planning Act 2016. The Policy set out enforcement criteria regarding private rented sector housing and the range of legislative tools the Council could use to improve conditions.

The new Housing Enforcement and Licensing Policy aimed to ensure:

- Good quality, healthy housing for households renting in the Private Sector and to prioritise action to those homes which presented the greatest risks to Health and Safety;
- Houses in Multiple Occupation (HMO) were safe and well managed and all relevant Management Regulations were adhered to;
- All licensable HMOs were licensed and complied with current licence conditions and all relevant Management Regulations.

Cabinet, 12 May 2020

The draft Policy had been consulted on and details of the outcomes were set out at section 7 of the report. The Deputy Leader and Portfolio Holder for Housing and Community Services proposed a change to the wording of the Policy, at section 7.1, which was amended to read; “People immigrating to the UK, who require a visa, must provide evidence to the Home Office that the housing they propose to move in to would be free from any category 1 & 2 hazards”.

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

Decision number: ***Decision:***

55/2020 **The Cabinet agreed to adopt the Housing Enforcement and Licensing Policy, as set out in Appendix 1 to the report, subject to the rewording at section 7.1 of the Policy, as detailed above.**

Reasons:

The Housing Enforcement and Licensing Policy 2020 responds to the key changes to the legislation, whilst providing the legal basis for general enforcement activity.

Ofsted Update Report - Children's Services in Medway

Background:

This report provided the Cabinet with a progress update on improvement activity since Medway’s Ofsted Inspection of Local Authority Children’s Services, which took place in July 2019 and the outcome was an overall judgement of inadequate.

The report detailed a number of improvement activity examples, including:

- The establishment of an Improvement Board, set up in October 2019 to oversee progress of the Improvement Plan;
- Substantial additional resource has been put in to the service to add to the workforce and to enable realignment of the service model;
- An updated Quality Assurance Framework;
- Training and development for elected Members;
- Ongoing work with Partners in Practice and the Leadership Improvement Partner to identify and instil best practice arrangements;
- The recruitment of a permanent Assistant Director, Children’s Services, who began in post on 11 May 2020.

The report also detailed the impact of the Covid-19 pandemic and work being done to mitigate its impact on improvement and to keep children and staff as safe as possible.

Cabinet, 12 May 2020

Decision number: **Decision:**

The Cabinet noted the content of the report and the improvement steps taken so far.

Reasons:

To formally notify the Cabinet of the progress made in relation to improving Children's Social Care services.

To ensure Cabinet are aware of the feedback from and the ongoing involvement of the Children's Services Commissioner and the Statutory Direction from the Secretary of State.

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.

The report also detailed a proposal for a revised process for authorisation of recruitment to vacant posts whereby the Leader and relevant Portfolio Holder in each case would be responsible for the consideration and determination of any requests to unfreeze vacant posts, which are not exempted from the Recruitment Freeze following consultation with the relevant service area and HR, instead of a requirement to be reported to Cabinet meetings.

The report explained that this new process was considered appropriate to minimise unnecessary delay in filling vacancies where it was considered that recruitment should proceed in the interests of maintaining service standards, to achieve the Council's priorities or in order to meet statutory obligations.

Decision number: **Decision:**

56/2020 The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report:

Business Support Department

- a) Political Assistant to the Labour and Co-operative Group**

Regeneration, Culture and Environment

- b) Outreach Team Leader**
- c) Assistant Sports Development Officer.**

Cabinet, 12 May 2020

57/2020 The Cabinet agreed to maintain a recruitment freeze for all vacant posts, and agreed that the Leader and the relevant Portfolio Holder in each case be responsible for the consideration and determination of any requests to unfreeze vacant posts which are not exempted from the Recruitment Freeze following consultation with the relevant service area and HR with immediate effect.

Reasons:

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

Revisions to the recruitment freeze process will result in a more streamlined approach whilst preserving the rigour of close scrutiny of the need for recruitment in the context of prevailing budget pressures and Council priorities.

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Leader of the Council

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Date

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Leader using urgency powers

Friday, 22 May 2020

Date of publication: 22 May 2020

Covid-19 Decision: Local Authority Discretionary Grants Fund

Background:

This report provided details of a proposal to administer the Local Authority Discretionary Grants Fund which the government had introduced in response to Covid-19, to which the Leader's approval under urgency provisions was sought.

The report explained that in March and April 2020, the government announced and issued guidance on a number of business support schemes. On 2 May 2020, the government announced the establishment of a discretionary 'top-up' fund to accommodate certain small businesses outside the scope of the previously-announced business grant fund schemes. Full guidance was issued on 13 May 2020, and officers had developed a proposed scheme, set out at paragraphs 2.6 to 2.18 and Appendix 1 to the report.

The report noted that the urgency provisions were set out in the Constitution (paragraph 3.2 of Part 3 (Responsibility for Cabinet functions) of Chapter 3 (Responsibility for Functions) of the Constitution).

The Chairman of the Regeneration, Culture and Environment Overview and Scrutiny Committee agreed that the taking of these decisions were urgent and could not be reasonably deferred until the next Cabinet meeting on 9 June 2020, in accordance with Section 11 (Cases of special urgency) of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 and Rule 17 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution).

Additionally and 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. The Chairman of the Regeneration, Culture and Environment Overview and Scrutiny Committee 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.

Cabinet, 22 May 2020

Decision number: Decision:

58/2020 The Leader, using urgency powers, agreed to delegate authority to the Assistant Director, Physical and Cultural Regeneration, in consultation with the Leader and Portfolio Holder for Planning, Economic Growth and Regulation, to consider and determine applications made under the Local Authority Discretionary Grants Scheme, as set out in section 2 of the report.

59/2020 The Leader agreed that decision 58/2020 is considered urgent and therefore should not be subject to call in.

Reasons:

Given the severity of the Covid-19 pandemic and the lack of cost to Medway Council it is appropriate for the Council to introduce these measures.

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Leader of the Council

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Date

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Record of Cabinet decisions (Virtual Meeting)

Tuesday, 9 June 2020
3.00pm to 4.34pm

Date of publication: 10 June 2020

Subject to call-in these decisions will be effective from 18 June 2020
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 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	
		Wayne Hemingway, Principal Democratic Services Officer	
		Perry Holmes, Chief Legal Officer/Monitoring Officer	

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 12 May 2020 and urgent decisions on 4 May 2020 and 22 May 2020 were agreed by the Cabinet and signed by the Leader as correct.

Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Turpin declared an OSI in agenda item 9 (Medway Norse Update), because he is 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 discussion and vote on this item.

Other interests

There were none.

Revenue and Capital Budget Outturn 2019/20

Background:

This report provided details of the final revenue and capital outturn position for the financial year ended 31 March 2020. The report stated that these figures would form part of the Council's Statement of Accounts, which due to the government extension granted in response to the disruption caused by Covid-19, would be considered by the Audit Committee in Autumn 2020.

The report stated that despite the disruption caused by Covid-19 late in the financial year, the continued work to manage expenditure, allied to the review of the Minimum Revenue Provision (MRP) and Medway's share of the Government surplus on the business rates levy meant that the final outturn represented a net underspend on services of £2.8million, which would be transferred to the Council's usable general fund reserves.

Decision number: ***Decision:***

The Cabinet noted the 2019/20 revenue and capital outturn position.

Reasons:

Cabinet is the body charged with the executive management of the Council's budget and it is therefore important for the final outturn to be reported to Cabinet.

Cabinet, 9 June 2020

COVID-19 Response

Background:

The Cabinet agreed to accept this as an urgent item to ensure that the Cabinet was formally apprised of the process for managing the restarting of services post lockdown and longer term recovery at the earliest opportunity.

This report provided details of the Council's response to the COVID-19 (Coronavirus) global pandemic. It also outlined the approach in the coming weeks as priorities around the Council's response which would alter to reflect the partial lifting of the lockdown and the moves to restart the economy and reopen businesses and schools.

The report provided detailed information as to how the Council had managed the response to the pandemic, the requirement to develop a COVID-19 Local Outbreak Control Plan, and the Council's work with the voluntary and community sector.

The report also provided detailed information, at a service level (critical or non-critical), in terms of the Council's response to the pandemic.

Decision number:

Decision:

The Cabinet noted the Council's response to the COVID-19 pandemic

60/2020

The Cabinet agreed to delegate authority to the Director of Public Health in consultation with the Leader to submit the Outbreak Control Plan, as described in section 4 of the report.

Reasons:

Outcome of HMIP Inspection of Youth Offending Team

Background:

The Cabinet agreed to accept this report as urgent to ensure that it could consider the outcome of the HMIP Inspection at the earliest opportunity.

This report provided details of the outcome of the HMIP inspection of the Youth Offending Team (YOT), which took place during 24 to 28 February 2020, and was published on 4 June 2020. Overall, Medway YOT had been rated as: 'Requires improvement'. This rating had been determined by HMIP following their assessment of the YOT in three specific areas of its work, referred to as 'domains'. Although Medway was rated "requires improvement", based on the inspection framework and scoring mechanism, it was only one point away from a 'good' judgement

Cabinet, 9 June 2020

The report stated that there were 12 'standards' shared across the domains. Each standard reflected a specific evidence based element of YOT work underpinned by existing models or particular frameworks that should inform the work of the YOT and wider partnership. They were designed to drive improvements in the quality of work with children and young people who had offended. An Improvement Plan which responded to the inspection, was set out in Appendix B to the report.

Decision number: **Decision:**

61/2020 **The Cabinet noted the findings of the HMIP Inspection of the Youth Offending Team and agreed the Youth Offending Team Improvement Plan, as set out in Appendix B to the report.**

Reasons:

To formally notify the Cabinet of the outcome of the inspection and to show Medway's commitment to responding to the inspection's findings.

S75 Update: Better Care Fund

Background:

The Cabinet agreed to accept this report as urgent to ensure that it could finalise the Better Care Fund S75 Agreement at the earliest opportunity to ensure the continuation of the services funded by the Better Care Fund and the delivery of coronavirus funding from Central Government.

This report provided details of the Better Care Fund S75 agreement for 2020/21 which had been updated to reflect the new Kent and Medway CCG arrangements. In addition, this report set out a proposal for a variation to the S75 agreement for 2020/21 to include the Covid 19 (Coronavirus) funding in relation to hospital discharges and out of hospital work, as detailed in section 4 of the report.

The report also provided details of the proposal to extend the existing Better Care Fund arrangements of 2019/20 until the new policy framework and planning guidance was issued for this financial year.

Decision number: **Decision:**

62/2020 **The Cabinet agreed the revision of the S75 arrangements to include reference to the new Kent and Medway CCG and to pool the Coronavirus funding as detailed in section 4 of the report for the period from 1 April 2020 to 31 March 2021.**

63/2020 **The Cabinet agreed an extension of the existing BCF plan to cover the interim period until planning guidance is**

Cabinet, 9 June 2020

issued and to delegate authority for the development and delivery of Medway's Better Care Fund programme during 2020/2021 to the Director of People - Children and Adults Services, in consultation with the Medway NHS Clinical Commissioning Group Deputy Managing Director, Chief Legal Officer and the Portfolio Holder for Adults' Services.

Reasons:

The extension of the existing BCF Plan and S75 arrangements to cover the period from 1 April 2020 to 31 March 2021 will enable the arrangements and services that sit within the Better Care Fund to be dealt with as seamlessly as possible as soon as the policy framework and planning guidance from Central Government is received. This has been delayed due to the Coronavirus Pandemic.

Given the severity of the Covid-19 pandemic and the funding available to Medway Council it is appropriate for the Council to introduce these measures.

Housing Infrastructure Fund (HIF) New Routes to Good Growth - Project Delivery

Background:

The Cabinet agreed to accept this as urgent to meet the target date for signing the Grant Determination Agreement by 30 June 2020.

This report provides an update on the progress of Medway's Housing Infrastructure Fund (HIF) Bid – New Routes to Good Growth, which will provide much needed infrastructure to enable growth in and around the Hoo Peninsula.

The report provided details of a proposal to enable, in principle, should it become necessary, for the Council to utilise compulsory acquisition powers to ensure delivery of the required infrastructure of road, rail and Strategic Environmental Management Scheme (SEMS) that was to be supported by the Housing Infrastructure Fund.

The report stated that as this was an in principle decision, a further report would be presented to Cabinet at a later date detailing the full acquisition programme and seeking approval for the detailed acquisition proposals.

An exempt appendix provided details of the High Level Compulsory Acquisition Strategy and the indicative timeline.

Decision number:

64/2020 **The Cabinet agreed, in principle, that should it become necessary it will utilise compulsory acquisition powers to ensure delivery of the required infrastructure of road, rail and Strategic Environmental Management Scheme (SEMS). As this is an in principle decision a further report will be**

Cabinet, 9 June 2020

presented seeking approval for the detailed acquisition proposals.

The Cabinet noted the high-level strategy and timeline for use of compulsory acquisition powers.

Reasons:

In order to enter into the Grant Determination Agreement the Council is required to demonstrate commitment to use compulsory acquisition powers should it become necessary.

Renewal of Lease at Northbank House

Background:

This report provided details of a proposal to renew the lease and grant agreement in respect of Northbank House on the Medway City Estate. The original lease was granted from 30 December 1996 for a term of 10 years, which expired on 29 December 2006. Subsequent leases had been granted with the last 7 year lease granted on 30 September 2013 and expiring on 1 October 2020. The report provided details of the benefits that IPS International Ltd, the lessee, had delivered in Medway.

An exempt appendix provided further information in respect of the financial and legal analysis of the renewal of the lease of Northbank House.

Decision number: ***Decision:***

65/2020 **The Cabinet agree to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Resources to:**

- (i) serve any necessary notices, to take a surrender of the current lease and to grant a new lease or leases and any necessary supplementary agreement(s) in respect of Northbank House.**
- (ii) use the 2003 consent order, so that the property can be let at less than best consideration.**

Reasons:

To maintain the Council's income flow from the property.

To help the tenant to continue to deliver training services for the benefit of the area.

Medway Norse Update

Background:

This report provided details of a review of the performance of the Medway Norse Joint Venture from the perspective of the Council client for the third and fourth quarters of the 2019/2020 financial year.

The report also included an update on the Joint Venture's achievements and financial performance prepared by the Partnership Director at Medway Norse.

The report provided a breakdown of performance for each service area covered by Medway Norse.

Decision number:

Decision:

The Cabinet noted the contents of this report and its appendix.

Reasons:

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

Council Plan Monitoring and Risk Register Review 2019/2020 - Quarter 4

Background:

This report provided details of how the Council had performed in 2019/20 against the Council's three priorities using 44 key measures of success and 13 programmes which supported these priorities.

It was explained that, with regards to quarter 4, it was only possible to report on 39 of the key measures of success as 1 measure was data only and 4 measures were not currently available. It was noted that 59% of key measures of success had met or exceeded the target, 15% were slightly below the target and that 26% of key measures of success were significantly below target.

In addition, the report set out how the Council's response to Covid-19 had been controlled using the principles and tools of the Risk Management Strategy.

Cabinet Members highlighted a number of key issues during discussion.

Cabinet, 9 June 2020

**Decision
number:**

Decision:

The Cabinet noted the Q4 2019/20 performance against the measures used to monitor progress against the Council's priorities.

The Cabinet noted that during Q4 2019/20 risks have been managed through the Council's Emergency Planning process.

The Cabinet noted that the Strategic Risk Management Group will resume monitoring strategic risks during quarter 1 2020/21.

Reasons:

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

Cabinet Advisory Groups

Background:

This report provided a review of the various Cabinet Advisory Groups and asked the Cabinet to agree to the re-establishment of the Groups for 2019/2020 and sought approval to the establishment of two new Groups.

The report noted that these Groups did not have any decision making powers and could consist of both executive and non-executive Councillors.

**Decision
number:**

Decision:

66/2020

The Cabinet agreed the re-establishment of the Cabinet Advisory Groups with the terms of reference set out in sections 2 to 12 and Appendices 2 to 4 to the report.

67/2020

The Cabinet agreed the establishment of the Medway Special Educational Needs and Disabilities (SEND) Partnership Board as a Cabinet Advisory Group, with the terms of reference and membership set out in Appendix 5 to the report.

68/2020

The Cabinet agreed the establishment of the New Routes to Good Growth Housing Infrastructure Fund (HIF) Delivery Board as a Cabinet Advisory Group, with the terms of reference and membership set out in Appendix 6 to the report.

Cabinet, 9 June 2020

69/2020 The Cabinet agreed the appointment of Members to these bodies, as set out in Appendix 1 to the report, for 2020/21.

Reasons:

The re-establishment of these groups will support the Cabinet in decision-making and the development of policies.

Establishment of the Medway Special Educational Needs and Disabilities (SEND) Partnership Board will inform and champion the delivery of the SEND Strategy and Accelerated Improvement Plan.

Establishment of the New Routes to Good Growth Housing Infrastructure Fund (HIF) Delivery Board will ensure effective monitoring and management of the HIF's delivery.

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Leader of the Council

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Date

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Leader using urgency powers

Friday, 12 June 2020

Date of publication: 12 June 2020

Revised Arrangements for the Medway Test

Background:

This report provided details of a proposal to change the Medway Test dates and arrangements in Autumn 2020, as a consequence of the COVID 19 pandemic, to which the Leader's approval under urgency provisions was sought.

The report explained that education leaders in Medway, parents, members, other authorities and officers had all stated their concern at the short time available to prepare for the test. The report set out five options for the Leader's consideration, with option 3 as the preferred option as it provided the longest delay which allowed for a review and would not negatively impact upon the admissions process.

The report noted that the urgency provisions were set out in the Constitution (paragraph 3.2 of Part 3 (Responsibility for Cabinet functions) of Chapter 3 (Responsibility for Functions) of the Constitution).

The Chairman of the Children and Young People Overview and Scrutiny Committee agreed that the taking of these decisions were urgent and could not be reasonably deferred until the next Cabinet meeting on 7 July 2020, in accordance with Section 11 (Cases of special urgency) of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 and Rule 17 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution).

Additionally, and 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. The Chairman of the Children and Young People Overview and Scrutiny Committee 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.

Cabinet, 12 June 2020

**Decision
number:**

Decision:

70/2020

The Leader, using urgency powers, agreed to the revision of the dates for the Medway test as set out in option 3 at section 3.9 of the report.

71/2020

The Leader agreed that decision 70/2020 is considered urgent and therefore should not be subject to call in.

Reasons:

Given the severity of the Covid-19 pandemic it is reasonable to make changes to the Medway Test dates.

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Leader of the Council

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Date

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Leader using urgency powers

Monday, 22 June 2020

Date of publication: 22 June 2020

Claim Against the Council

Background:

This exempt report provided details of a proposal to settle a claim against the Council. The report stated that the claimant had issued High Court proceedings against the Council which was subject to strict timescales.

The report noted that the urgency provisions were set out in the Constitution (paragraph 3.2 of Part 3 (Responsibility for Cabinet functions) of Chapter 3 (Responsibility for Functions) of the Constitution).

The Chairman of the Business Support Overview and Scrutiny Committee agreed that the taking of these decisions were urgent and could not be reasonably deferred until the next Cabinet meeting on 7 July 2020, in accordance with Section 11 (Cases of special urgency) of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 and Rule 17 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution).

Additionally, and 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. The Chairman of the Business Support Overview and Scrutiny Committee 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:

72/2020 The Leader, using urgency powers, agreed to authorise the Chief Legal Officer to make a payment pursuant to a part 36 offer, as set out in section 4 of the exempt report.

Cabinet, 22 June 2020

73/2020 The Leader requested an update report from the Chief Legal Officer to Cabinet about the proceedings before any further steps are taken, beyond that set out in decision no. 72/2020.

74/2020 The Leader agreed that decisions 72/2020 and 73/2020 are considered urgent and therefore should not be subject to call in.

Reasons:

This will act to mitigate the Council's risk in this litigation.

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Leader of the Council

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Date

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Record of Cabinet decisions (Virtual Meeting)

Tuesday, 7 July 2020
3.00pm to 4.40pm

Date of publication: 8 July 2020

**Subject to call-in these decisions will be effective from 16 July 2020.
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 Phil Filmer	Portfolio Holder for Front Line Services
	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
Perry Holmes, Chief Legal Officer/Monitoring Officer
Teri Reynolds, Democratic Services Officer

Apologies for absence

An apology of absence was received from Councillor Chitty (Portfolio Holder for Planning, Economic Growth and Regulation).

Record of decisions

The record of the meeting held on 9 June 2020 and the urgent decisions on 12 June 2020 and 22 June 2020 were agreed by the Cabinet and signed by the Leader as correct.

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.

COVID-19 Response

Background:

This report provided details of the Council's response to the COVID-19 (Coronavirus) global pandemic, adding updated information since the report was last presented to the Cabinet on 9 June 2020. It outlined the approach in the coming weeks as priorities around the Council's response would alter to reflect the easing of the lockdown and the moves to restart the economy and reopen businesses and schools.

The report provided detailed information as to how the Council had managed the response to the pandemic, the requirement to develop a COVID-19 Local Outbreak Control Plan, and the Council's work with the voluntary and community sector. The report also provided detailed information, at a service level (critical or noncritical), in terms of the Council's response to the pandemic.

Decision number: **Decision:**

The Cabinet noted the Council's response to the Covid-19 pandemic.

Reasons:

To highlight the role that the Council has played in responding to Covid-19 as well as supporting the process in place for managing the restarting of services post lockdown and longer-term recovery.

Community Safety Partnership Plan 2020 - 2024

Background:

This report provided details of the proposed Community Safety Partnership (CSP) Plan which covered the period from 2020 to 2024 and would form part of the

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Council's Policy Framework. As part of the development of the new Plan, the CSP has conducted a strategic assessment of community safety issues in Medway.

The Plan contained four new priorities going forward, developed from the strategic assessment findings, and were proposed to be:

- Safeguarding Adults and Children.
- Reducing Vulnerability.
- Reducing Reoffending.
- Listening to our Communities and Partners.

The draft plan had been considered by the Health and Wellbeing Board on 18 February 2020 and the Regeneration, Culture and Environment Overview and Scrutiny Committee on 11 June 2020. Their comments were set out in sections 6 and 7 of the report.

A Diversity Impact Assessment had been carried out on the proposals set out in this report and was attached at Appendix 3 to the report.

Decision number: **Decision:**

The Cabinet noted the comments from the Health and Wellbeing Board, as set out at section 6 of the report.

The Cabinet noted the comments from the Regeneration, Culture and Environment Overview and Scrutiny Committee and the Director's comments in response, as set out at sections 7 and 8 of the report.

75/2020 The Cabinet agreed to recommend the proposed Community Safety Plan 2020 – 2024 to full Council on 16 July 2020 for approval.

Reasons:

The Community Safety Plan discharges the Council's statutory requirement to produce a plan for community safety.

Medway Youth Justice Strategic Partnership Plan for 2020-2023

Background:

This report provided details of the proposed Youth Justice Partnership Strategic Plan which covered the period from 2020 to 2023 and would form part of the Council's Policy Framework. It had been co-produced with Youth Justice Partnership Board members and was influenced by national research and evidence of effective practice.

The Plan, which would be refreshed annually to take account of any changes to the national and local youth justice landscape and services, also included Medway's

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recent HMIP inspection findings. The plan's strategic priorities going forward, developed from the strategic assessment findings, were proposed to be:

- Prevent youth crime.
- Reduce re-offending.
- Safeguard young people from harm.
- Protect the public from harm.

The draft plan had been considered by the Children and Young People Overview and Scrutiny Committee on 2 June 2020. Their comments were set out in section 8 of the report.

A Diversity Impact Assessment had been carried out on the proposals set out in this report and was attached at Appendix 2 to the report.

Decision number:

Decision:

The Cabinet noted the comments from the Children and Young People Overview and Scrutiny Committee, as set out at section 8 of the report.

76/2020

The Cabinet agreed to recommend Full Council to approve the Medway Youth Justice Partnership Strategic Plan 2020 – 2023, including its accompanying delivery plan (Appendix A to the Strategic Plan) all underpinned by the use of a public health approach.

77/2020

The Cabinet agreed to recommend Full Council to agree that reducing reoffending and custody rates should be a major priority for all Members as well as the Youth Justice Partnership Board.

Reasons:

The Crime and Disorder Act 1998, requires Local Authorities to have a Youth Justice Plan, which is updated annually to set out how youth justice will be delivered locally within available resources.

The Plan will enable the Medway Youth Justice Partnership Board to drive forward the improvement needed, to strengthen links with the Children's Service Improvement Board and align to address the HMIP inspection findings.

Treasury Management Outturn Annual Report

Background:

This report provided an overview of treasury management activity during 2019/20.

The report stated that overall, the Interest and Financing budget made a surplus over its targeted budget of £5,348,000. The underspend in interest paid was due to the

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timing and amounts of borrowing and also the increased use of intra-authority in recent months as a reaction to the hike in Public Works Loan Board (PWLB) rates.

The report also stated that there had been an expectation that the Bank Rate would remain at 0.75% during 2019/20 and until the uncertainties over Brexit have cleared. However, there were two emergency cuts to the Bank Rate in March 2020, initially to 0.25%, then to 0.10%.

The report would also be considered by the Audit Committee on 30 July 2020.

Decision number:

Decision:
The Cabinet noted the treasury management outturn annual report.

Reasons:

Section 7.1 (e) of the Council's Financial Rules state that the Chief Finance Officer shall report to Cabinet and the Audit Committee not later than September on treasury management activities in the previous year.

Housing Revenue Account: Additional Borrowing to Increase HRA Housing Stock

Background:

This report sought approval for the Housing Revenue Account (HRA) to acquire additional housing units to meet housing needs and for Cabinet to recommend full Council to agree to borrow additional funds to explore the purchasing of sites, at varying stages of development, as and when financially viable development opportunities arise.

The report stated that the HRA was engaged with a developer in relation to two potential sites which could provide 42 new affordable rented units. Further details relating to the two developments were provided in an Exempt Appendix to the report.

A Diversity Impact Assessment had been carried out on the proposals and was attached at Appendix 2 to the report.

Decision number:

78/2020 **The Cabinet approved the acquisition by the HRA to meet housing need of suitable housing units.**

79/2020 **The Cabinet agreed to recommend Full Council the addition of £10m to the HRA Capital Programme, in order to increase the stock of HRA affordable housing. This funding to be met from borrowing against HRA rents, HRA reserves and Right to Buy 1-4-1 receipts or grant**

funding, where available.

80/2020 Subject to this addition being agreed by Full Council, the Cabinet agreed to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Deputy Leader and Portfolio Holder for Housing and Community Services to agree expenditure on increasing the HRA affordable housing stock, as and when a financially viable development opportunity becomes available.

Reasons:

The suggested recommendation will contribute to a number of key strategic objectives;

- It will increase the amount of affordable rented housing that can be allocated to those that are in housing need.
- Increasing the Council's housing stock ensures that there is a greater supply of good quality homes that can be provided to Medway's vulnerable children and families.
- The additional development and/or purchase of property can be sustained by the HRA business plan.
- The Council's direct involvement will ensure that the units are utilised for Medway Council residents.

Splashes Sports Centre Development

Background:

This report sought approval for a redevelopment programme for Splashes, up to a maximum value of £5million and to recommend that addition to the Council's capital programme to enable the project to be undertaken.

The report stated that the 30 year old leisure facility was well-used, offering Medway's only family fun pool, including a flume and wave machine, as well as more structured activities such as swimming lessons and fitness gym, with an average monthly footfall of circa 23,000 visitors. There had been a number of infrastructure issues and repairs and feedback demonstrated ongoing dissatisfaction with aspects of the centre. The proposed refurbishment, which was detailed at section 4 of the report, would address these issues.

A Diversity Impact Assessment had been carried out on the proposals and was attached at Appendix 1 to the report.

Decision number: **Decision:**

81/2020 **The Cabinet approved the redevelopment of Splashes Sports Centre, as set out in Section 4 of the report.**

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- 82/2020** **The Cabinet agreed to recommend Full Council to approve the addition to the Capital programme of £5 million to fund the refurbishment of the Splashes Sports Centre, as outlined in section 4 of the report.**
- 83/2020** **Subject to Council approval, the Cabinet agreed the establishment of the Splashes Development Project Board and an Officer Working Group, as detailed in Section 4 of the report, and to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Board, to deliver the development within the agreed funding envelope.**

Reasons:

Without investment, advice received is that Splashes sports centre will continue to deteriorate and will become increasingly unattractive to customers, impacting revenue generation. The capital sum requested will allow necessary development to provide a long-term future for the centre to the benefit of Medway residents.

Addition to the Capital Programme - Play Areas

Background:

The Cabinet agreed to accept this report as urgent in order to make recommendations for the required addition to the Council's Capital Programme to Full Council on 16 July 2020. The subsequent Full Council meeting was scheduled to take place on 8 October 2020.

This report sought approval to recommend Full Council to add £135,000 Play Area investment to the Council's Capital Programme, supporting Medway's ambitions to be recognised as a Child-Friendly City. This programme of investment, which related to the refurbishment of three priority sites, detailed at section 3 of the report, was for the financial year 2020/21. Proposals for future years, which would be informed by an annual play inspection later in 2020/21, would be considered as part of the Council's Budget Setting process.

Decision number:* **Decision:*

- 84/2020** **The Cabinet agreed to recommend to Full Council the capital addition of £135,000 to the Capital Programme, to refurbish Play Areas as set out in this Report, to be funded from prudential borrowing.**

Reasons:

Without investment, play areas in Medway will continue to deteriorate and will become increasingly unattractive to children and their families. The funding

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requested will allow necessary development to provide a long-term future for play areas across Medway and will support the Council's aspiration to become a Child-Friendly City, putting our young people at the centre of everything we do and assist with the Council's drive to address childhood obesity.

.....
Leader of the Council

.....
Date

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