

Record of Cabinet decisions (virtual meeting)

Tuesday, 25 August 2020

3.02pm to 4.19pm

Date of publication: 26 August 2020

Subject to call-in these decisions will be effective from 4 September 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 Martin Potter	Portfolio Holder for Education and Schools
	In Attendance:	Neil Davies, Chief Executive
	Jade Hannah, Democratic Services Officer	
	Perry Holmes, Chief Legal Officer/Monitoring Officer	

Apologies for absence

An apology for absence was received from Councillor Rupert Turpin (Portfolio Holder for Business Management).

Record of decisions

The record of the meeting held on 4 August 2020 was agreed by the Cabinet and signed by the Leader as a correct record.

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Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

Councillor Rodney Chambers OBE declared a disclosable pecuniary interest in agenda item 7 (Referrals from Business Support Overview and Scrutiny Committee - Selective Licensing and Consultation) as he was a private landlord. He therefore left the meeting for the discussion and vote on this item.

Councillor Adrian Gulvin declared a disclosable pecuniary interest in agenda item 7 (Referrals from Business Support Overview and Scrutiny Committee - Selective Licensing and Consultation) as he was a private landlord. He therefore left the meeting for the discussion and vote on this item.

Other significant interests (OSIs)

Councillor Howard Doe declared an OSI in agenda item 11 (Medway Commercial Group – Six Monthly Progress Report), because he was Chairman and Director of Medway Commercial Group Limited and he relied on a dispensation granted by the Councillor Conduct Committee to enable him to take part in the discussion and vote on this item.

Other interests

There were none.

COVID-19 Finance Update

Background:

This report provided further information regarding the Council's response to and recovery from the Covid-19 (Coronavirus) global pandemic.

The report focused on the financial implications of the pandemic and the financial support that the Government had provided to local authorities in response to this challenge. This included the funding made available to support local businesses and vulnerable members of the community.

The report also updated Cabinet on the steps taken to equip elected Members with the technology necessary to facilitate online meetings during the period of lockdown and the further work undertaken to maximise the benefits from this investment.

Decision number:

The Cabinet noted the implications of the Covid-19 pandemic on the Council's finances and how these are being managed.

93/2020 The Cabinet agreed that, in principle, the Council's future

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formal meetings continue to be livestreamed, subject to a detailed analysis of costs.

94/2020 The Cabinet agreed to request that all Members use their medway.gov.uk e-mail address for all Council business and communication with Council officers.

Reasons:

To highlight the role that the Council has played in responding to Covid-19 and explain how the financial challenges are being dealt with as effectively as possible within the funding envelope available.

Education Travel Assistance Policy

Background:

This report provided details of two remaining recommendations from the Local Government Ombudsman (LGO) in response to a complaint. These were:

- Reimburse the parent for the actual home to school travel assistance cost incurred for the academic year 2016/17 together with interest based upon the increase in the Retail Price Index from September 2017; and
- Amend the Education Travel Assistance Policy to take into consideration the availability of places where the applicant applied for the nearest school at the time of the original admission application regardless of preference rank.

The report explained that the compensatory payment to the parent for the 2016/17 academic year of £775.00 had been paid from the Mainstream Home to School Transport budget.

The report provided details of proposed amendments to Education Travel Assistance Policy (previously the Home to School Transport Policy) which were set out in detail at section 4 and Appendix 1 to the report.

The report stated that although this was a policy change, a Diversity Impact Assessment was not completed as the changes to the Policy were proposed upon recommendation from the LGO, and with no consultation required, would be deemed to be a positive change for pupils and parents.

Decision number: **Decision:**

95/2020 The Cabinet agreed to delegate authority to the Director of People – Children and Adults Services, in consultation with the Portfolio Holders for Children’s Services (Lead Member) and Education and Schools, to amend the Education Travel Assistance Policy taking into account the recommendations of the Local Government Ombudsman

(LGO) and to approve the Policy.

Reasons:

The decision will ensure that the policy is compliant with the LGO recommendations and the Department for Education guidance.

Special Educational Needs and Disabilities (SEND) Capital Programme

Background:

This report provided details of proposals to meet the rising demand for specialist school places in Medway. The report outlined work undertaken so far to provide additional places for pupils with Special Educational Needs and Disabilities (SEND) and explained that despite this, further places were required to meet demand, particularly for secondary aged pupils with Autistic Spectrum Disorder (ASD) and Severe learning Difficulties (SLD)/Profound and Multiple Learning Difficulties (PMLD). The proposals to provide additional places were set out in section 3 of the report and included the expansion of Abbey Court and Bradfields Academy.

A Diversity Impact Assessment had been undertaken on the proposals as set out in Appendix 1 to the report.

Decision number:

Decision:

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|----------------|--|
| 96/2020 | The Cabinet approved the expansion of Abbey Court Special School as set out in sections 3.1 to 3.4 of the report. |
| 97/2020 | The Cabinet approved the expansion of Bradfields Special School as set out in sections 3.5 to 3.7 of the report. |
| 98/2020 | The Cabinet agreed to recommend to Full Council the virement of funds within the Education Capital programme as set out in sections 8.2 to 8.4 of the report. |

Reasons:

Expanding Abbey Court and Bradfields will provide additional secondary SEND places, allowing the Council to meet its statutory duty to provide school places and reduce the numbers of pupils needing to be placed out of area or in independent provision.

Approval of the funding will enable the projects to be undertaken and provide significant savings in future years against the High Needs Budget.

Referrals from Business Support Overview and Scrutiny Committee - Selective Licensing and Consultation

Background:

This report provided details of two referrals from the Business Support Overview and Scrutiny meeting held on 2 July 2020 in relation to selective licensing and consultation.

In relation to selective licensing, the comments of the Business Support Overview and Scrutiny Committee were set out paragraphs 2.4.2 to 2.4.8 of the report. The Committee agreed to recommend to the Cabinet that officers commence work to formally assess the need for selective and/or additional licensing in specific areas of Medway.

In relation to consultation, the comments of the Business Support Overview and Scrutiny Committee were set out paragraphs 2.5.1 to 2.5.2 of the report. The Committee agreed to ask Cabinet to review the consultation process across the Council, including response levels.

Decision number:* *Decision:

99/2020 The Cabinet noted the views of the Business Support Overview and Scrutiny Committee regarding the introduction of a scheme for selective/additional licensing in specific areas of Medway but resolved not to pursue such a scheme at this time for the reasons set out in paragraph 8.3 of the report.

The Cabinet noted the Council's arrangements for how it carries out consultation.

Reasons:

Whilst such licensing schemes are laudable and could yield distinct benefits, because of the additional revenue costs required and the uncertainty associated with any scheme being fully self-funding it is prudent to pause at this stage enabling the scheme to be considered at a future date when the Council's financial position improves.

Revenue Budget Monitoring Round 1 2020/21

Background:

This report presented the results of the first round of revenue budget monitoring 2020/21. The report explained that the first round of budget monitoring for 2020/21 forecasted an overspend on services of £22.920million, however the non-ringfenced Covid-19 Grant forecasted to be available to fund this pressure in 2020/21 amounted to £22.095million. A total of £4.941million of the overspend against the SEND budget

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had been transferred to the DSG reserve taking the cumulative deficit on that reserve to £14.287million. This resulted in a net pressure of £756,000.

The report also presented a summary of debts written off during the 2017/18, 2018/19 and 2019/20 financial years in line with the constitutional requirement to submit a report to Cabinet on an annual basis setting out details of all debt written off.

Concerning table 1 of the report, the Leader clarified that the drawdown from reserves referenced did not reflect a drawdown from the Council's general fund reserves.

Decision number: ***Decision:***

100/2020 **The Cabinet noted the results of the first round of revenue budget monitoring for 2020/21 and agreed to instruct senior management to continue to exercise tight control to reduce expenditure within their areas and to identify a range of management actions in order to reduce expenditure and increase income.**

The Cabinet noted the proposal for the Chief Executive to pursue a reduced working week and flexible retirement, as set out in paragraph 6.2.3 of the report.

Reasons:

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

Capital Budget Monitoring Round 1 2020/21

Background:

This report presented the results of the first round of the Council's capital budget monitoring for the financial year 2020/21. The approved capital programme for 2020/21 was £429.681million.

Decision number: ***Decision:***

The Cabinet noted the results of the first round of capital budget monitoring for 2020/21.

101/2020 **The Cabinet approved the virement of £750,000 from the High Needs Special Places scheme to fund the Council's agreed contribution to the Department for Education towards the new build school at Cornwallis Avenue, Gillingham as set out in paragraph 4.2 of the report.**

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- 102/2020** The Cabinet agreed to recommend to Full Council the addition of £121,000 to the Capital Programme Management scheme, to be funded by S106 contributions as set out at paragraph 4.3 of the report.
- 103/2020** The Cabinet agreed to recommend to Full Council the addition of £3.050million for further works to Strood Riverside Phase 1&2, funded from borrowing in lieu of future capital receipts, to the Council's Capital Programme as set out at paragraph 5.2 of the report.
- 104/2020** The Cabinet agreed to recommend to Full Council the addition of £300,000 in respect of HRA buyback, which was omitted in error from the budget set in February as set out at paragraph 6.1 of the report.
- 105/2020** The Cabinet agreed to recommend to Full Council the addition of £384,000 to the Mountbatten House Purchase scheme, to be funded from a virement from the Medway Development Company Ltd holding scheme as set out at paragraph 7.2 of the report.
- 106/2020** The Cabinet agreed to recommend to Full Council the addition of £3,275,300 under the Flexible Use of Capital Receipts Strategy, to fund a new transformation programme as set out in section 9 of this 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 and Risk Register Review Quarter 1 2020/21

Background:

This report provided details of how the Council had performed during quarter 1 in 2020/21 against the Council's three priorities and the actions being taken to improve performance.

There were 48 Council Plan measures for 2020/21, of which it was currently possible to report on 39 as two were data only and seven were not available for the reporting quarter. In summary, 24 out of 39 measures had met or exceeded target, 6 were slightly below target and 9 were significantly below target.

The report explained that during quarter 1 of 2020/21, as the Council had moved from the Response to Recovery phase of the Emergency Planning procedures, the Strategic Risk Management Group (SRMG) had resumed monitoring strategic risks. Therefore, this report also presented the Q1 2020/21 review of the Council's

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Strategic Risk Register. Proposed changes to the Risk Register were outlined in paragraphs 2.2 to 2.4 of the report.

It was noted that this report would be considered by the Overview and Scrutiny Committees during October 2020.

Cabinet Members highlighted a number of key issues during discussion.

Decision number: **Decision:**

The Cabinet noted the Q1 2020/21 performance against the measures used to monitor progress against the Council's priorities.

The Cabinet noted that during Q1 20/21 the Strategic Risk Management Group has resumed monitoring of strategic risks.

107/2020 The Cabinet agreed the amended strategic risk register at Appendix 5 to the report including:

- **changes to the current residual risk score for risks SR17 and SR35 as set out at paragraph 2.2. of the report**
- **the proposal to remove risks SR21 Procurement savings – capacity and delivery and SR37 Local Authority's ongoing relationship with all schools and academies as set out at paragraph 2.3 of the report, and**
- **the proposal to add risks SR46: Medway's Economic Recovery from Covid19 and SR09A: Changing Demographics of Older People and Working Age Adults as set out at paragraph 2.4 of the report.**

Reasons:

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

Medway Commercial Group - Six Monthly Progress Report

Background:

This report provided a six-monthly progress report on Medway Commercial Group's (MCG) performance for quarter 4 (2019-2020) to quarter 1 (2020 -2021). The report also explained a requirement for MCG to align its accounting policies and year end

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with Medway Council due to the Council requirement to produce Group Accounts from this financial year (2020 -2021).

The report explained that in quarter 1 of this financial year the MCG Board commissioned a Business Strategy for MCG which was scheduled for Board approval in September and would be presented to the Cabinet in October 2020. The Business Strategy would set out a road map for business areas of activity for MCG including the adoption of a new organisational structure from financial year 2021-2022 and brand identity to support improved commercial performance.

Decision number:

Decision:
The Cabinet noted the six-monthly performance report for MCG for the period Quarter 4 (2019-20) to Quarter 1 (2020-2021).

108/2020 The Cabinet agreed to delegate authority to the Chief Legal Officer as Corporate Client for MCG to ensure that MCG Accounts are produced for consolidation in the Council's Accounts from this financial year (2020 – 2021).

The Cabinet noted that a further report will be presented to its October meeting cycle on adoption of MCG's Business Strategy.

Reasons:

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

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Leader of the Council

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Date

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