

COUNCIL

8 OCTOBER 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 16 July 2020.

He will include:

- Covid 19
- Children's Services
- Housing
- Decisions made by the Cabinet on 4 August 2020, 25 August 2020 and 22 September 2020.

Record of Cabinet decisions

Tuesday, 4 August 2020

3.00pm to 4.26pm

Date of publication: 5 August 2020

Subject to call-in these decisions will be effective from 13 August 2020 (with the exception of decision numbers 85/2020, 86/2020, 87/2020 and 88/2020)

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
	Councillor Rupert Turpin	Portfolio Holder for Business Management
In Attendance:	Neil Davies, Chief Executive	
	Jade Hannah, Democratic Services Officer	
	Perry Holmes, Chief Legal Officer/Monitoring Officer	
	Teri Reynolds, Democratic Services Officer	

Apologies for absence

There were none.

Record of decisions

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

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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 Recovery

Background:

This report provided an overview of the Council's Covid-19 Recovery Plan, the emerging workstreams, the work undertaken to date and the Council's desire to return to a 'back to better' position.

Decision number:

The Cabinet noted the approach to the Council's Covid-19 Recovery and progress to date across the various workstreams.

Reasons:

To highlight the approach the Council is taking in managing the recovery from the Covid-19 pandemic and the processes in place for restarting of services post lockdown and longer-term recovery.

Innovation Park Medway Local Development Order - Request to Consult

Background:

This report sought permission to undertake further consultation on the Draft Innovation Park Medway (IPM) Local Development Order (LDO). The draft IPM LDO builds upon the masterplan to set principles for development which would allow developers and businesses to bring forward high quality development in the high-value technology, engineering, manufacturing, and knowledge-intensive sectors.

The report stated that an initial public consultation process was undertaken in 2019, which received comments from public and statutory consultees. Liaison had since been ongoing with statutory consultees to ensure their concerns are addressed prior

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to adoption of the LDO. This resulted in some changes to the LDO, Environmental Statement and supporting documentation, which would require re-consultation as a legislative requirement. The report added that ongoing liaison with Highways England (HE) and Natural England (NE) in particular, had led to changes to the Design Code and transport assessment work.

It was noted that in line with rule 15.11 of Chapter 4, Part 5 of the Constitution, call-in could be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interests. The Chairman of the Regeneration, Culture and Environment Overview and Scrutiny Committee had agreed that the decisions proposed were reasonable in all the circumstances and to them being treated as a matter of urgency and to waive call-in as this would enable officers to undertake consultation at the earliest opportunity.

The report noted that following public consultation, the LDO and supporting documents would be presented to Cabinet and Full Council for adoption.

Decision number: ***Decision:***

- | | |
|----------------|---|
| 85/2020 | The Cabinet approved consultation on the draft Local Development Order as set out in this report. |
| 86/2020 | The Cabinet agreed to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Leader, the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships and the Portfolio Holder for Planning, Economic Growth and Regulation to finalise and approve the Local Development Order, Environmental Statement and Design Code prior to public consultation, as set out in paragraph 2.8 of the report, in the interest of satisfying Environmental Impact Assessment requirements. |
| 87/2020 | The Cabinet agreed to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Leader, the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships and the Portfolio Holder for Planning, Economic Growth and Regulation to approve any necessary amendments to the draft Local Development Order prior to public re-consultation as a result of representations from Highways England, Natural England and/or Tonbridge and Malling Borough Council. |
| 88/2020 | The Cabinet agreed that decision numbers 85/2020, 86/2020 and 87/2020 were considered urgent and therefore should not be subject to call-in. |

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Reasons:

Public consultation on the LDO and Environmental Statement is necessary in order to adopt the LDO, allowing high quality development to come forward at IPM.

Planning Policy Update

Background:

This report provided an update on two aspects of the Planning Service's work. It presented a revised timetable to produce the Medway Local Plan in a Local Development Scheme (LDS). It also set out a Housing Delivery Test (HDT) Action Plan that considered measures to help boost the supply of housing in Medway.

The report explained that the updated Medway LDS, set out at Appendix 1 to the report, reflected the additional work on the Strategic Transport Assessment, in line with the advice from Highways England as a statutory consultee. It also presented the ongoing work on the preparation of Neighbourhood Plans in Medway.

The report stated that the key stages of the programme to adoption of the Local Plan are as follows:

Key Stage	Date
Publication of draft Plan (Regulation 19)	Spring 2021
Submission to Secretary of State (Regulation 22)	December 2021
Independent Examination (Regulation 24)	Spring 2022
Adoption (Regulation 26)	December 2022

The report explained that publication of the HDT Action Plan, attached at Appendix 2 to the report, by August 2020 was required by the Government. It was explained that the predicted results show that Medway will pass the HDT in 2022 if it delivers the number of homes set out in the housing trajectory based on market intelligence and analysis of past trends. The timing would coincide with adoption of the Local Plan and would mean Medway would be able to make decisions based on the adopted policies including the sites allocated for housing in favour of other sites.

A Diversity Impact Assessment had been carried out on the proposals, as set out in Appendix 3 to the report.

Decision number: **Decision:**

89/2020 **The Cabinet approved the Medway Local Development Scheme, 2020, to provide clarity on an updated programme for the preparation of the Medway Local Plan.**

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90/2020 **The Cabinet approved the publication of the Medway Housing Delivery Test Action Plan, 2020, as set out at Appendix 2.**

Reasons:

Cabinet is requested to approve the Medway LDS, 2020, to provide clarity on an updated programme for the preparation of the Medway Local Plan.

Cabinet is requested to approve the publication of the Medway HDT Action Plan, 2020, to meet requirements set by Government.

Voluntary Sector Task Group

Background:

This report presented the Task Group report titled 'The Voluntary Sector in Medway' which was set out at Appendix A to the report. The report provided details of the scope of the review, including the key lines of enquiry and the methodology together with the conclusions and recommendations of the Task Group.

The Business Support Overview and Scrutiny Committee considered the report at its meeting held on 2 July 2020 and its comments were set out in paragraph 5.4 of the report.

A Diversity Impact Assessment had been undertaken. This was included as Appendix 2 to the Task Group report.

During discussion of this matter Cabinet Members considered the impact of the Covid-19 pandemic and the needs of the community and voluntary sector in response.

Decision number: **Decision:**

The Cabinet noted the recommendations made by the Voluntary Sector Task Group set out at Appendix A.

The Cabinet noted the update on activity within the voluntary sector and the Council since March 2020 in response to the Covid-19 pandemic.

The Cabinet noted that the Business Support O&S Committee has agreed that a report on progressing the actions agreed by Cabinet be submitted to this Committee in January 2021 and that this update be given in the context of the latest situation with regard to the Council's

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Covid-19 Recovery Plan.

91/2020 **The Cabinet, in light of the impacts of Covid-19, instructed officers to undertake a full assessment of the recommendations arising from the Voluntary Sector Task Group and report back on the effect the pandemic has had on the needs of the sector.**

Reasons:

The recommendations seek to continue the Council's aim to help the voluntary sector by recognising that, in order to strengthen the relationship between the Council and the sector, a full review of the impacts of Covid-19 is needed to best understand the lessons that can be learned from the pandemic period and to accurately evaluate the needs of the sector.

Ofsted Update Report - Children's Services in Medway

Background:

This report provided the Cabinet with a progress update on improvement activity since the Ofsted Inspection of Local Authority Children's Services. The report explained that the current Improvement Plan, attached at Appendix 1 to the report, had been refreshed and updated to reflect the progress made and the priorities for moving the service forward over the next twelve months.

The Portfolio Holder for Children Services (Lead Member) also confirmed that the first Ofsted monitoring visit, which had been delayed earlier in the year due to the Covid-19 pandemic, had been rescheduled for 20 and 21 August 2020.

Decision number: **Decision:**

The Cabinet noted the content of this report, the improvement steps taken so far, and the progress made, and noted the updated Improvement Plan, attached at Appendix 1 to the report.

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.

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Gateway 3 Contract Award: Support to Live at Home Service - Extra Care Services

Background:

This report provided details of the tender and evaluation process for the Support to Live at Home Service - Extra Care element of the contract.

The report explained that the Support to Live at Home Service would replace the current framework agreements for the provision of Homecare and Extra Care services. The retendering of the Extra Care element of this framework had been required due to an inability to successfully appoint providers to the five Extra Care Schemes across Medway in January 2020.

The report had been considered by the Procurement Board on 15 July 2020, details of which were set out in section 8 of the report.

The Council's decision to award this contract would be subject to observing the procurement standstill period of a minimum of 10 days in accordance with the requirements of the Public Contracts Regulations 2015. The Council would be unable to enter into this framework agreement before the end of the standstill period.

Decision number:

92/2020

Decision:
The Cabinet approved the appointment of providers outlined below for the Support to Live at Home Service, Extra Care Framework.

Extra Care	
Provider	Scheme
London Care PLC	Lot 1 - Atlas Place
Care Outlook Ltd	Lot 2 - Bellerophon House
Independent Care and Support Ltd	Lot 3 - Montgomery Court
Independent Care and Support Ltd	Lot 4 - Prospect Place
London Care PLC	Lot 5 - Rogallo Place

Reasons:

The procurement of the Support to Live at Home Service will deliver a Homecare and Extra Care service that will enable the following:

- **High Quality** – enhanced service for Medway residents.
- **Basket of Hours** – greater flexibility for the service user in the way care is planned and delivered.
- **Outcomes Focused Care** – to ensure the care received meets the service users' desired outcomes.

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- **Ongoing Development** - the ability to develop the service, in line with innovative approaches

The recommended providers have demonstrated the ability to deliver services at, or exceed, the minimum standard required. They have also demonstrated the ability to deliver services at cost effective rates within the price cap published as part of the tender exercise.

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Leader of the Council

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Date

Teri Reynolds, Democratic Services Officer

Telephone: 01634 332104

Email: democratic.services@medway.gov.uk

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
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
	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: **Decision:**

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

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- 93/2020** **The Cabinet agreed that, in principle, the Council’s future 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**

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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:

- | | |
|----------------|--|
| 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

Jade Hannah, Democratic Services Officer
Telephone: 01634 332008
Email: democratic.services@medway.gov.uk

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Record of Cabinet decisions

Tuesday, 22 September 2020

3.01pm to 4.03pm

Date of publication: 23 September 2020

**Subject to call-in these decisions will be effective from 1 October 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 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	
	Jon Pitt, Democratic Services Officer		

Apologies for absence

Apologies for absence were received from Councillor Rodney Chambers (Portfolio Holder for Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships) and from Councillor Jane Chitty (Portfolio Holder for Planning, Economic Growth and Regulation).

Record of decisions

The record of the meeting held on 25 August 2020 was agreed by the Cabinet and signed by the Leader as a correct record.

Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Howard Doe declared an OSI in agenda item 9 (Medway Development Company Ltd Update), because he is the Chairman of Medway Development Company (MDC) Ltd 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.

Councillor Adrian Gulvin declared an OSI in agenda item 9 (Medway Development Company Ltd Update), because he is a Director of Medway Development Company (MDC) Ltd 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.

Councillor Rupert Turpin declared an OSI in agenda item 8 (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

Councillor Adrian Gulvin declared an other interest in agenda item 8 (Medway Norse Update) because he is Medway Council's representative on the Medway Norse Liaison Board. Cllr Gulvin participated in discussion and voting on the item.

Adoption Partnership - The London Borough of Bexley, Kent County Council and Medway Council Regional Adoption Agency (RAA)

Background

This report outlined how the recommendations made by Cabinet in January 2020 have been discharged and provided an update on progress made to develop a Regional Adoption Agency (RAA) in line with Government's expectations for Adoption Services nationally.

The report outlined the plans for Medway Council's involvement in the establishment of an RAA with the London Borough of Bexley and Kent County Council, which would be known as Adoption Partnership South East and was due to 'go live' on 1 November 2020.

The legal Partnership Agreement, attached as Appendix 1, outlined the arrangements for the exercise of adoption functions and operating practices of Adoption Partnership South East.

Cabinet, 22 September 2020

A Diversity Impact Assessment had been undertaken on the proposals, as set out in Appendix 3 to the report.

The report was accompanied by an exempt appendix which detailed the financial implications of establishing an RAA, including a Financial Protocol with regards to the relationship between the partners.

Decision number: **Decision:**

109/2020 **The Cabinet noted the content of the report and approved the Partnership Agreement, subject to there being no significant changes and delegated authority to the Director of People – Children and Adults Services, in consultation with the Chief Legal Officer to approve any changes.**

Reasons:

Approving the Partnership Agreement will enable Medway to proceed with the partnership and meet the timescales indicated in the report.

Public Space Protection Orders

Background

This report set out that Public Spaces Protection Orders ('PSPOs') had been introduced by section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014. The orders were created in relation to areas within the local authority's jurisdiction, where activities were taking place that were, or were likely to be, detrimental to the local community's quality of life. PSPOs imposed conditions or restrictions on people within that area. A Breach of a PSPO was an offence punishable by a fixed penalty notice and/or prosecution in the Magistrates Court.

There were currently two schemes in existence that had converted into PSPOs.

- Designated Public Place Orders (DPPOs) in Chatham, Gillingham, Rochester and Strood (also known as 'alcohol control zones')
- A Dog Control Order.

The report stated that Medway's approach to anti-social behaviour had led to a reduction in the number of incidents of Anti-Social Behaviour (ASB) across Medway. However, there was a determination to reduce incidents of ASB further, particularly as Kent Police continued to receive complaints from residents, visitors and local businesses across Medway about unreasonable ASB.

The report advised that the PSPOs were all due to expire on 19 October 2020 and summarised responses to the public consultations carried out to seek views on their renewal.

Cabinet, 22 September 2020

Decision number:

Decision:

110/2020

The Cabinet recommended to Full Council the approval of the extension for a further 3 years of the existing four town centre and two dog control Public Space Protection Orders (not varied or discharged).

Reasons:

The extension of the PSPOs should help to significantly reduce incidents of relevant ASB in the areas over the long-term and improve the quality of life for residents, visitors and local businesses.

New 3G Floodlit Football Artificial Turf Pitch and Changing Pavilion at Watling Street Playing Fields

Background

This report sought Cabinet approval for the construction of a new floodlit artificial turf football pitch and associated changing pavilion at Watling Street playing fields, Gillingham. The report set out the proposal that the artificial pitch would replace an existing Council grass pitch and that the Medway Sport, Leisure and Tourism service would be responsible for the management of the new facility, including bookings, income and expenditure. It was anticipated that the provision of an artificial turf pitch would enable more intensive use by a wider range of community groups.

The Football Foundation had awarded Medway a grant of £884,976 for the initial single-site pitch development, subject to Medway Council providing match funding of £400,000. A further £35,000 had been committed by Anchorians Football Club.

The report requested that Cabinet recommend to Full Council to approve the addition of £1,319,976 to the Council's capital programme to enable the project to be undertaken. The report also requested that Cabinet recommend to Full Council to approve the required match funding of £400,000, to be funded from Prudential borrowing.

A Diversity Impact Assessment had been undertaken on the proposals, as set out in Appendix 3 to the report.

Decision number:

Decision:

111/2020

The Cabinet approved the development of a new full size 3G artificial floodlit football turf pitch and associated changing pavilion at Watling Street playing fields, as set out as option 1 in section 4 of the report.

Cabinet, 22 September 2020

- 112/2020** **The Cabinet agreed to recommend to Full Council to approve the addition to the Capital programme of £1,319,976 for the development of a new full Size 3G artificial football turf pitch and associated changing pavilion at Watling Street playing fields, as set out in Section 4 of the report.**
- 113/2020** **The Cabinet agreed to recommend to Full Council to approve Medway Council's match funding of £400,000 to be funded from Prudential Borrowing.**

Reasons:

The capital sum requested will enable the development of a floodlit artificial football pitch, helping to address an identified need in Medway as expressed in the Medway Playing Pitch Strategy. Developing the project in partnership with the Football Foundation and an established local community football club will help create opportunities for future partnership investment in Medway.

Treasury Management Mid-Year Review Report 2020/21

Background

This report presented the mid-year review of the Treasury Management Strategy 2020/2021, which had been approved by Full Council alongside the Capital and Revenue Budgets on 20 February 2020. This report would also be considered by the Audit Committee on 24 September 2020 prior to final consideration at Full Council on 8 October 2020.

The report included an economic update for the first part of 2020/2021 and reviews of: the Treasury Management Strategy Statement and Annual Investment Strategy; the Council's Investment Portfolio and Borrowing Strategy for 2020/2021; any debt rescheduling undertaken during 2020/2021 and; compliance with Treasury and Prudential Limits for 2020/2021.

With reference to the key indicators table included in the summary of the report on page 211 of the agenda, concern was expressed that the table was potentially confusing as capital expenditure and external borrowing had been included on a year basis, but the capital financing requirement had not been. It was requested that the table be revised accordingly ahead of the report being presented to the Audit Committee.

Decision number:

Decision:

- 114/2020** **The Cabinet considered the report, noted its contents and agreed that comments on the report be passed to the Audit Committee.**

Cabinet, 22 September 2020

Reasons:

In accordance with the Chartered Institute of Public Finance Accountancy's (CIPFA) Code of Practice for Treasury Management, there should be a review of the Treasury Management Strategy at least half yearly.

Medway Norse Update

Background:

The Cabinet accepted this report as urgent to enable consideration of the report at the earliest opportunity.

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 first quarter of the 2020/2021 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.

Medway Development Company Ltd Update

Background

This report updated the Cabinet, as shareholder, about the first five residential developments being progressed by the Medway Development Company Ltd (MDC) including Waterfront Chatham, Britton Farm, Garrison Point, White Road and Mountbatten House.

The report advised that the MDC Board had met on 6 August 2020 and 27 August 2020 to review the Business Plan and progress against it. The Board noted good progress had been made against the first five development sites and discussed the impact of the Covid-19 pandemic on the Company's development programme. It suggested amendments that could be made to units to enable home working and reflected on property prices in the area.

Cabinet, 22 September 2020

The report also recommended that a new subsidiary be created to enable the company to own land and advised Cabinet about the production of Group Accounts in the future.

The report was accompanied by two exempt appendices. These set out MDC's updated Business Plan and timeline of developments as well as details of funding, to date, for the first five MDC developments.

The Cabinet was advised that, as set out in section 8 of the report on page 234 of the agenda, the Cabinet and Council had previously agreed £120 million of borrowing to fund the Company's initial five year programme. When the future need would arise to draw down funds to purchase further property, delegated authority would need to be put in place to agree this.

Decision number:

Decision:

The Cabinet noted the updates to progress against the Business Plan as set out in Exempt Appendix 1 to the report.

The Cabinet noted the investment made by Medway Development Company Ltd to date as set out in Exempt Appendix 2 to the report.

- 115/2020** **The Cabinet approved the establishment and the Articles of Association of a new subsidiary of Medway Development Company Ltd to allow it to own land and transact with purchasers or tenants, as detailed in section 4 of the report and Appendix 1 to the report.**
- 116/2020** **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Resources, to make the necessary amendments at Companies House to effect the changes agreed in decision 115/2020 above.**
- 117/2020** **The Cabinet agreed to commission Medway Development Company Ltd to project manage the Getting Building Fund projects at Britton Farm, Gillingham.**
- 118/2020** **The Cabinet agreed to part of the Upper Mount car park, Chatham being redeveloped as the affordable off-site provision for Mountbatten House, with the retention of the lower level car park spaces for continued public use, subject to planning permission being granted, as detailed in paragraphs 3.10 and 3.11 of the report.**
- 119/2020** **The Cabinet agreed to delegate authority to the Chief Legal Officer as Corporate Client for Medway Development**

Cabinet, 22 September 2020

Company Ltd to ensure that Medway Development Company Ltd accounts are produced for consolidation in the Council's accounts from this financial year (2020 - 2021).

Reasons:

To continue the regeneration of Chatham as Medway's "city centre" with the provision of high quality riverside housing, public realm and an improved retail offer and to continue the regeneration of Gillingham High Street area, to create new Adult Education provision, new housing and to enhance the local streetscene.

.....
Leader of the Council

.....
Date

Jon Pitt, Democratic Services Officer

Telephone: 01634 332715

Email: democratic.services@medway.gov.uk