

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.

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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.

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**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.

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- 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.**

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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.

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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**

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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.

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Leader of the Council

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Date

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