

# **COUNCIL**

**21 JANUARY 2021**

## **LEADER'S REPORT**

Councillor Alan Jarrett, Leader of the Council, will give a report on key developments since the last ordinary Council meeting on 8 October 2020.

He will include:

- Covid 19
- Children's Services
- Decisions made by the Cabinet on 9 October (urgent decision), 20 October, 17 November, 27 November (urgent decision), 4 December (urgent decision) and 15 December 2020 and 12 January 2021.



# **Record of decisions**

## **Leader using urgency powers**

**Friday, 9 October 2020**

**Date of publication: 9 October 2020**

### **Test & Trace Isolation Payments Schemes**

#### **Background:**

This report provided details of the new mandatory and discretionary Test and Trace Isolation Payments Schemes funded by the Government to respond to the COVID-19 pandemic, to which the Leader's approval, under urgency provisions, was sought.

The report explained that local authorities were required to implement the new schemes by 12 October 2020 at the latest. Eligible individuals who had been notified on or after 28 September 2020 that they had to self-isolate would be able to make backdated claims where necessary. Detailed information in relation to the schemes was set out at section 3 and Appendices 1 and 2 of 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 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 20 October 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.

## Cabinet, 9 October 2020

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 add the scheme to the Council's Revenue Budget. The use of these urgency provisions would be reported to Full Council on 21 January 2021 for information.

**Decision number:**      **Decision:**

**120/2020**      **The Leader, using urgency powers, agreed the mandatory and discretionary (option 1) proposals in respect of the Test and Trace Isolation Payments Schemes as set out in section 3 and Appendices 1 and 2 of the report and agreed to delegate authority to the Chief Finance Officer to consider and determine applications made under these schemes.**

**121/2020**      **The Leader, using urgency powers, agreed to delegate authority to the Chief Finance Officer, in consultation with the Leader and the Portfolio for Business Management, to make minor amendments to the schemes to enable it to adapt to the economic environment.**

**122/2020**      **The Leader, using urgency powers, agreed to delegate authority to the Chief Finance Officer, in consultation with the Leader and the Portfolio Holder for Business Management, to finalise and implement these proposals where further Government advice is awaited.**

**123/2020**      **The Leader agreed that decisions 120/2020, 121/2020 and 122/2020 are 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 the local taxpayer it is appropriate for the Council to introduce these measures.

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**Leader of the Council**

.....  
**Date**

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# **Record of Cabinet decisions (virtual meeting)**

**Tuesday, 20 October 2020**  
**3.00pm to 3.28pm**

**Date of publication: 21 October 2020**

**Subject to call-in these decisions will be effective from 29 October 2020**

<b>Present:</b>	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	
	<b>In Attendance:</b>	Neil Davies, Chief Executive	
		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 22 September 2020 and of the urgent decision taken by the Leader on 9 October 2020 were agreed by the Cabinet and signed by

## Cabinet, 20 October 2020

the Leader as a correct record, subject to decision number 118/2020, which referred to paragraphs 3.10 and 3.11 of the report, being amended to instead refer to paragraph 3.12.

### **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 5 (Medway Commercial Group – Business Strategy), 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.

Councillor Rupert Turpin declared an OSI in agenda item 5 (Medway Commercial Group – Business Strategy), because he was a 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.

### **Annual Review of the School Place Planning Strategy 2018-22**

#### **Background:**

This report provided an update on the progress made against the School Place Planning Strategy 2018-22, highlighting areas of demand for school places, action taken and made recommendations to ensure that sufficient good quality school places were available.

The report referred to recent Council action that had been undertaken to provide additional provision in Medway for children with special educational needs and disabilities.

#### ***Decision number:***

#### ***Decision:***

**The Cabinet noted the continued excellent progress made against the School Organisation Plan and School Place Planning Strategy frameworks, which have ensured that the Council has met its duty and sufficient school places are currently available to meet the increasing demand.**

## Cabinet, 20 October 2020

**129/2020**      **The Cabinet authorised officers to undertake further feasibility studies and statutory consultations as necessary to ensure that plans are in place to meet demand as and where it emerges.**

**The Cabinet noted the ongoing work being undertaken to ensure sufficient Special Educational Needs and Disabilities (SEND) provision is available within Medway as set out in section 7 of the report.**

### **Reasons:**

By approving the recommendations in section 13 of the report, the Cabinet will be ensuring that the Council meets its statutory duty to ensure sufficient good quality school places are available.

### **Medway Commercial Group - Business Strategy**

#### **Background:**

This report sought approval of Medway Commercial Group (MCG)'s Business Strategy, which was set out in an Exempt Appendix to the report, due to the commercially sensitive information it contained. The report also requested approval of a loan agreement on commercial terms with MCG to consolidate the outstanding credit owed to the Council by MCG and to approve amendments to the corporate structure of the company.

The Strategy included the transfer of Education Traded Services back to the Council and a renegotiation of Recruitment Traded Services.

#### **Decision number:**

#### **Decision:**

- 130/2020**      **The Cabinet approved the Business Strategy, as set out within the Exempt Appendix to the report, which would form the basis of an updated Business Plan which will be presented to Cabinet in February 2021.**
- 131/2020**      **The Cabinet approved the transfer of Education Traded Services back to Medway Council from 1 February 2021.**
- 132/2020**      **The Cabinet agreed to delegate authority to the Chief Legal Officer in consultation with the Chief Finance Officer and the Leader of the Council to renegotiate with Medway Commercial Group Ltd. (MCG) the matters specified in bullets 2 and 3 of the Summary section of the Exempt Appendix.**
- 133/2020**      **The Cabinet agreed to delegate authority to the Chief Legal**

**Cabinet, 20 October 2020**

**Officer in consultation with the Chief Finance Officer and the Leader of the Council to agree the terms of a loan facility to MCG.**

**134/2020**

**The Cabinet agreed to wind up Medway Public Services (MPS) as set out in paragraph 2.3 and section 5 of the report and agreed to delegate authority to the Chief Legal Officer to make the necessary amendments at Companies House to effect the changes.**

**Reasons:**

The Business Strategy demonstrates good business planning and will ensure good commercial performance and return on investment to the Council. Approval of the Strategy will underpin a refreshed Business Plan. The appropriate mechanism to consolidate credit to the Council is to facilitate a loan, at commercial rates for the timely repayment.

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**Leader of the Council**

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**Date**

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# Record of Cabinet decisions

**Tuesday, 17 November 2020**

**3.00pm to 4.50pm**

**Date of publication: 18 November 2020**

**Subject to call-in these decisions will be effective from 26 November 2020**

<b>Present:</b>	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 Martin Potter	Portfolio Holder for Education and Schools
	Councillor Rupert Turpin	Portfolio Holder for Business Management
	<b>In Attendance:</b>	Neil Davies, Chief Executive
	Perry Holmes, Chief Legal Officer/Monitoring Officer	
	Jon Pitt, Democratic Services Officer	

## **Leader's Announcement**

During the meeting, Councillor Jarrett announced that the order of the agenda would be varied to enable agenda item 6 (Medium Term Financial Strategy 2020 - 2023) to be considered by the Cabinet before agenda item 5 (Draft Capital and Revenue Budget 2021/22). All other agenda items were considered in the order set out in the agenda.

## **Apologies for absence**

Apologies for absence were received from Councillor Mrs Josie Iles.

## **Cabinet, 17 November 2020**

### **Record of decisions**

The record of the meeting held on 20 October 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 items 4 (Capital Strategy), 5 (Draft Capital and Revenue Budget 2021/22), 6 (Medium Term Financial Strategy 2020 – 2023), 9 (Revenue Budget Monitoring – Round 2 2020/21) and 10 (Capital Budget Monitoring – Round 2 2020/21) with regards to any reference to Medway Commercial Group Ltd (MCG) (and their subsidiaries) and Medway Development Company Ltd (MDC) because he is the Chairman of both companies and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in the discussions and votes on these items.

Councillor Adrian Gulvin declared an OSI in agenda items 4 (Capital Strategy), 5 (Draft Capital and Revenue Budget 2021/22), 6 (Medium Term Financial Strategy 2020 – 2023), 9 (Revenue Budget Monitoring – Round 2 2020/21) and 10 (Capital Budget Monitoring – Round 2 2020/21) with regards to any reference to Medway Development Company Ltd (MDC) because he is a Director of MDC and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in the discussions and votes on these items.

Councillor Rupert Turpin declared an OSI in agenda items 4 (Capital Strategy), 5 (Draft Capital and Revenue Budget 2021/22), 6 (Medium Term Financial Strategy 2020 – 2023), 9 (Revenue Budget Monitoring – Round 2 2020/21) and 10 (Capital Budget Monitoring – Round 2 2020/21) with regards to any reference to Medway Commercial Group Ltd (MCG) and Medway Norse Ltd because he is a Director of MCG and the Chairman of Medway Norse Ltd and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in the discussions and votes on these items.

#### Other interests

Councillor Rupert Turpin declared an interest in agenda item 4 (Capital Strategy) as his son attends Abbey Court School.

### **Capital Strategy**

#### **Background:**

This report introduced the Capital Strategy, which set out the Council's priorities for capital investment to deliver its strategic aims and the process for formulating the

## **Cabinet, 17 November 2020**

capital programme. The report also presented opportunities for future funding and the capital investment required to deliver the Council's aims, as laid out in the Council Strategy.

The report explained that the Capital Strategy had been formulated with regard to CIPFA's Prudential Code and should be viewed in conjunction with the Council's Medium Term Financial Strategy and the Council Plan, in order to integrate budget setting with service planning and ensure that priorities and funding were matched.

**Decision number:**

**135/2020**      **The Cabinet agreed the Capital Strategy, setting out the Council's priorities for capital investment and providing a framework for formulating the capital programme, for approval by Full Council in February.**

**Reasons:**

The Capital Strategy sets out how the Council sets its priorities for capital investment and the process for formulating the capital programme, and is therefore an important part of the framework underpinning the budget setting process.

### **Draft Capital and Revenue Budget 2021/22**

**Background:**

This report presented the Council's draft capital and revenue budgets for 2021/2022. The report noted that the draft budget was based on the principles contained in the Medium Term Financial Strategy (MTFS) 2021-2023, which was due to be considered by the Cabinet elsewhere on the agenda [the Cabinet considered the MTFS and agreed its underlying aims, decision no 138/2020 refers]. Draft budget requirements for the directorates in 2021/2022 were set out in Appendices 1 – 3 to the report.

The report explained that there was a £11.710m revenue budget deficit for 2021/2022, increasing to £20.403m by 2022/2023, which would need to be addressed through the budget setting process. Officers would continue to work with Portfolio Holders to formulate savings proposals to address the projected revenue budget deficit and would discuss options with the Leader and Cabinet Members through the normal budget setting process.

The report noted that in accordance with the Constitution, this report was the first stage of the budget consultation process leading to further consideration by Cabinet on 2 February 2021 and formal budget and council tax setting by Council on 18 February 2021. Budget proposals would now be submitted to the Council's overview and scrutiny committees.

## Cabinet, 17 November 2020

**Decision number:**

**Decision:**

**136/2020**

**The Cabinet instructed officers to continue to work with Portfolio Holders in formulating robust proposals to balance the budget for 2021/22 and beyond.**

**137/2020**

**The Cabinet agreed to refer the draft capital and revenue budgets to overview and scrutiny committees as work in progress, inviting them to offer comments on the proposals outlined.**

**Reasons:**

It is the responsibility of Cabinet to develop draft budget proposals for consideration by overview and scrutiny committees. These draft proposals are the first stage of the budget consultation process leading to further consideration by Cabinet on 2 February 2021 and formal council tax setting by Council on 18 February 2021.

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

Business Support	26 November 2020
Children and Young People	1 December 2020
Regeneration, Culture and Environment	3 December 2020
Health and Adult Social Care	10 December 2020
Business Support	28 January 2021
Cabinet	2 February 2021
Council	18 February 2021

### **Medium Term Financial Strategy 2020 - 2023**

**Background:**

This report introduced the Council's Medium Term Financial Strategy (MTFS) for 2020 – 2023 and made forward projections concerning the Council's budget requirement and the resources available to deliver its corporate priorities and objectives included in the Council Plan. Most importantly, the report articulated the Council's strategy for delivering a balanced budget.

The report stated that the Council faced a forecast deficit in 2021/22 of £11,710 million and it would seek to address this through the accompanying MTFS, as set out in Appendix 1 to the report. Notwithstanding the ongoing impact of Covid-19, service pressures impacting on the Council's budget requirement and the significant financial constraints imposed through Government grant reductions, the report stated that it must remain the Council's main strategic aim to achieve a sustainable budget without recourse to reserves.

The report explained that the MTFS had in previous years been presented to the Cabinet in September, with the Government having published a technical consultation paper in advance of the Provisional Local Government Finance

## Cabinet, 17 November 2020

Settlement. The impact of the changes proposed in the consultation modelled for Medway were then reflected, alongside the ongoing work to deliver a balanced budget, in the Draft Budget presented to the Cabinet at its November meeting. Due to the disruption caused by the ongoing Covid-19 pandemic, the Government had not issued any consultation on the Settlement, and as such the Council's MTFS had been delayed in anticipation of an announcement around funding for local authorities for 2021/22. Since then, the Chancellor of the Exchequer had decided that a one-year Spending Review would be conducted on 25 November 2020.

The report also set out the timetable for the Medium Term Financial Strategy and budget setting and it was noted that business and service planning would run concurrently. Diversity Impact Assessments would be undertaken and reported to Members as part of the budget and service planning process.

**Decision number:**      **Decision:**

**138/2020**      **The Cabinet agreed the underlying aims of the Medium Term Financial Strategy (MTFS).**

**The Cabinet noted the forecast level of overall funding over the medium term; and the projected budget deficit identified in the MTFS.**

**139/2020**      **The Cabinet agreed to bring forward proposals, through the financial planning process, to address this deficit.**

**Reasons:**

The Medium Term Financial Strategy is important in providing the framework underpinning the budget setting process and is presented to Cabinet in accordance with the timetable set out within the Constitution.

### **Kent and Medway Domestic Abuse Strategy**

**Background:**

This report requested Cabinet approval of the multi-agency Kent and Medway Domestic Abuse Strategy. The Strategy outlined five priority areas agreed by partners and consulted on with the public. The report noted that Medway would own a local action plan aligned to the Strategy that would be governed by the Medway domestic abuse sub-group that reported into the Community Safety Partnership (CSP).

The report explained that the Domestic Abuse Strategy aimed to prevent and reduce domestic abuse in Kent and Medway through collective working across partners to strengthen preventive activity, improve support for those who have suffered from abuse, and make better use of the combined resources across agencies. Many different services and providers support families and individuals affected by domestic abuse. The Strategy would drive the development of action to better connect the

## Cabinet, 17 November 2020

work across partners, focussing on the same objectives, enabling the strongest response and services possible.

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

**Decision number:**

**140/2020**      **The Cabinet approved the Kent and Medway Domestic Abuse Strategy, as set out at Appendix 1 to the report.**

### Reasons:

Reducing and preventing domestic abuse will improve outcomes for families and residents living in Medway. By approving the Strategy, Cabinet will be committing Medway Council to work alongside our key statutory partners to reduce the incidences of domestic abuse, better support victims and empower them to come forward and report in an environment where they will feel supported to take perpetrators to justice.

### Establishment of a Medway Community Lottery

#### Background:

This report requested that the Cabinet agree the establishment of an online Medway Community Lottery to help fund discretionary support for the local voluntary and community sector and to enable such organisations to raise funds which would directly benefit local people and communities.

The report also proposed the procurement of Gatherwell as the External Lottery Manager (ELM) on the basis of their experience of running lotteries for around 80 local authorities and that their remit was to increase funding to good causes. The report noted that no quotes had been obtained from alternative lottery providers as there did not appear to be any other company that could facilitate this type of local authority lottery. As the contract could only be awarded to one economic entity, this amounted to an exceptional circumstance and therefore, the Council's Contract Procedure Rules, as set out in the Constitution at Chapter 4, Part 7, paragraph 1.8, did not apply.

The report explained that each ticket for the lottery would cost £1 with the proceeds being distributed as follows:

- 50% directly paid to the good causes specified by individual lottery players;
- 10% being paid to the 'central fund' held by the Council and to be used for lottery related costs;
- 20% in prize money paid to participants;
- 20% paid to the ELM, with the 3.33% representing VAT being able to be reclaimed by the Council, to be added to the central fund.

## Cabinet, 17 November 2020

The estimated cost of setting up the lottery was around £7,300, this would be funded from within existing budgets.

A Diversity Impact Assessment had been undertaken in relation to the establishment of the Medway Community Lottery, as set out in Appendix 1 to the report.

**Decision number:**

**Decision:**

- 141/2020**      **The Cabinet agreed the establishment of the Medway Community Lottery for the purpose of raising funds to support good causes, benefitting the residents of Medway, (Option 3).**
- 142/2020**      **The Cabinet approved the procurement of Gatherwell as an External Lottery Manager (ELM) to run the operational side of the lottery, for an initial one year period, with the contract then continuing on a rolling basis, subject to a three month notice being required should the Council wish to end the agreement, as set out in paragraph 4.1 of the report.**
- 143/2020**      **The Cabinet agreed the criteria for determining which good causes should participate in the Lottery, as defined in paragraphs 5.1 to 5.3 of the report.**
- 144/2020**      **The Cabinet agreed to authorise the Chief Finance Officer to apply for any necessary licences from the Gambling Commission to enable the Lottery to operate.**
- 145/2020**      **The Cabinet agreed to nominate the Chief Finance Officer as the personal licence holder for the Lottery and agreed to authorise him to apply for the personal licence.**
- 146/2020**      **The Cabinet agreed to delegate authority to the Chief Finance Officer, in consultation with the Deputy Leader and Portfolio Holder for Housing and Community Services, to:**
- i) Manage and have oversight of the Lottery.**
  - ii) Approve appropriate policies and procedures associated with the Lottery.**

**Reasons:**

- i) To provide a self-sufficient stream of funding for local charities and other good causes, without placing a burden on the Council Tax payer.
- ii) To ensure that the Lottery is run effectively and lawfully, and without placing an unnecessary operational burden on the Executive.

## Revenue Budget Monitoring Report Round 2 2020/21

### Background:

This report presented the results of the second round of revenue budget monitoring 2020/21. The report explained that since the Council had set a total budget requirement of £323.365million at its meeting on 20 February 2020, the Government had announced, in response to the Covid-19 pandemic, a wide range of financial support packages. These were for individuals, businesses and public sector bodies leading the response, including emergency funding for councils. A total of £65.422million of additional grant funding had been added to the revenue budget, taking the Round 2 budget requirement to a total of £383.426million. In addition, the first claim against the Government's new income compensation scheme had been submitted, with an estimated £5.963million having been included in the revenue budget forecast in respect of that scheme.

The report set out that the forecast outturn for 2020/21 was a pressure of £2.486million.

The report explained the Council's income from Council Tax and Business Rates was held in a ringfenced collection fund account, from which authorities drew the budgeted level of income in each year, irrespective of actual income collected. Any shortfall on income collected compared to that budgeted level resulted in a collection fund deficit which was recovered by reducing the amount of income the Council could budget for in the following year. There had been no shortfall in 2019/20 on Council Tax or Business Rates, with the current budget being underpinned by collection fund surpluses from the previous year. The Government had announced their intention to allow councils to recover any deficits over three years, rather than the usual one, however this would still represent a significant pressure on the revenue budget for 2021/22 and beyond.

### ***Decision number:***

### ***Decision:***

**147/2020**

**The Cabinet noted the results of the second 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.**

### **Reasons:**

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



## **Capital Budget Monitoring Report Round 2 2020/21**

### **Background:**

This report presented the results of the second round of the Council's capital budget monitoring for the financial year 2020/21. The approved capital programme for 2020/21 was £437.062million.

### **Decision number:**

### **Decision:**

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

### **Reasons:**

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

## **Council Plan Monitoring and Risk Register Review 2020/21 - Quarter 2**

### **Background:**

This report provided details of how the Council had performed during quarter 2 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 35 as one was data only and 12 were not available for the reporting quarter. In summary, 24 out of 35 measures had met or exceeded target, 1 was slightly below target and 10 were significantly below target.

The report explained that during quarter 1 2020/21, a fundamental review of the Strategic Risk Register had taken place in view of the Covid-19 response and recovery. As a result of this review, the Quarter 2 review had been more light touch. Risk owners had reviewed and updated their risks, which had subsequently been reviewed and agreed by the Strategic Risk Management Group on 1 October 2020, with there having been no changes to current residual risk scores. The report explained that it was agreed at this meeting that Employment Skills should not be a separate risk as the Economic Recovery risk (SR46), which was already on the Strategic Risk Register, incorporated skills and employability. It was also agreed that a separate risk for Commercial Income should be added to the Register at Quarter 3 monitoring and that a Climate Change indicator should be added to the Register.

The report noted that the report would be considered by the Overview and Scrutiny Committees during November and December 2020.

## Cabinet, 17 November 2020

**Decision number:**

**Decision:**

The Cabinet noted the Q2 2020/21 performance against the measures used to monitor progress against the Council's priorities.

The Cabinet noted the Strategic Risk Register, as set out at Appendix 5 to the report.

The Cabinet noted that a separate Employment Skills risk would not be added to the register since the Economic Recovery risk (SR46), already on the Strategic Risk Register, incorporated skills and employability. Therefore, mitigation was already being addressed through this risk.

**148/2020**

The Cabinet agreed the proposal to add risk SR47: Climate Change to the Strategic Risk Register.

The Cabinet noted that a separate risk for Commercial Income would be added to the Strategic Risk Register at Q3 monitoring.

**Reasons:**

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

### **Gateway 1 Procurement Commencement: Recommissioning Older People and Working Age Adults Residential and Nursing Care**

**Background:**

This report advised that the Council has a statutory duty to provide and support vulnerable individuals, should they require residential or nursing care services. Residential care services supported a person's health, wellbeing and safety, assisting individuals with everyday tasks such as personal care.

The report explained that Medway Council currently had 29 Residential and 12 Nursing homes Care Quality Commission (CQC) registered for people over the age of 65 years. For working aged adults there were 32 learning disability care homes and 8 mental health care homes registered with the CQC, for people between the ages of 18-64 years.

The report set out the proposal for Medway Council to jointly procure these services with NHS Kent and Medway Clinical Commissioning Group (CCG), to provide residential and nursing care across Medway. The report explained that this option was preferred to the Council undertaking the procurement on its own as this would support the integration of health and social care services and enable the Council and CCG to deliver the services in parallel in terms of price and practice.

## **Cabinet, 17 November 2020**

Subject to approval by the Cabinet, a procurement process would commence. It was anticipated that the outcome of this would be presented to Cabinet in May / June 2021 for the Cabinet to approve the award of the contract to the successful bidder, with the service expected to go live in Summer 2021.

The Procurement Board considered the report on 21 October 2020 and supported the recommendation to commence a procurement process, as set out in paragraph 26 of the Cabinet report.

An Exempt Appendix contained information in relation to comparative prices for residential and nursing care services.

A Diversity Impact Assessment had been undertaken in relation to the proposed procurement process, as set out in Appendix 1 to the report.

***Decision number:***      ***Decision:***

**149/2020**      The Cabinet approved the commencement of a procurement process (as outlined in Option 3 at paragraph 18.3 of the report) to commission Working Age Adults' residential and nursing care through a Dynamic Purchasing System (DPS) and through a Framework Agreement for Older People's residential and nursing care services.

**Reasons:**

The procurement of residential and nursing care services will deliver a service that will enable the following:

- i) Achievement of strategic objectives by updating the terms and conditions of residential and nursing care contracts.
- ii) Improvement to residential care by developing a specification that focuses on health prevention and individual service user needs.
- iii) Meeting the demand of the local population by working with care providers in recognising the changing needs of the local population, i.e. by increasing the number of specialist complex and challenging behaviour beds.
- iv) Provision of sustainable services by increasing capacity and improving quality of care within a price point that is sustainable for providers.

**Cabinet, 17 November 2020**

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**Leader of the Council**

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**Date**

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# **Record of decisions**

## **Leader using urgency powers**

**Friday, 27 November 2020**

### **Covid-19 Winter Grant Scheme**

#### **Background:**

This report provided details of the Winter Grant Scheme proposals funded by the Government to respond to the COVID-19 pandemic, to which the Leader's approval, under urgency provisions, was sought.

The report explained that on 8 November the Department for Work and Pensions announced a £170million COVID Winter Grant Scheme to support children, families and the most vulnerable over winter. The funding was ring-fenced and covered the period to the end of March 2021. Medway Council's initial allocation was £908,596.

The report stated that the aim of the scheme was "to give vulnerable households peace of mind in the run up to Christmas and over the Winter months during the pandemic by helping those who need it to have food on the table and other essentials, so every child will be warm and well-fed this winter."

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 Health and Adult Social Care 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 15 December 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

**Cabinet, 27 November 2020**

Health and Adult Social Care 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:**

**150/2020** The Leader, using urgency powers, agreed the proposals set out in section 3 of the report as the Council's approach to delivering the Covid Winter Grant and agreed to delegate authority to the Director of Public Health, in consultation with the Leader and the Portfolio Holder for Adults' Services, to finalise and implement these proposals.

**151/2020** The Leader, using urgency powers, agreed to delegate authority to the Director of Public Health in consultation with the Leader and the Portfolio Holder for Adults' Services, to make minor amendments to the proposals to enable them to continue to support vulnerable households in Medway, including establishing any discretionary eligibility criteria where discussions remain ongoing and where further Government advice is provided.

**152/2020** The Leader agreed that decisions 150/2020 and 151/2020 are 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 the local taxpayer it is appropriate for the Council to introduce these measures.

.....  
**Leader of the Council**

.....  
**Date**

**Jade Hannah, Democratic Services Officer**

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# **Record of decisions**

## **Leader using urgency powers**

**Friday, 4 December 2020**

### **Additional Restrictions Grant**

#### **Background:**

This report set out the latest Government schemes to support businesses impacted by Covid-19 through the Additional Restrictions Grant (ARG). The report sought the Leader's approval, under urgency provisions to agree use of the grant and to agree that proposals be developed for a range of activities and interventions to provide more broad support to Medway's businesses and the economy.

It was noted that the ARG scheme was fully funded by the Government, with Medway's allocation confirmed as £5,571,120. The Government had announced that there would be a new burdens grant to local authorities for the administration and delivery of the LRS (Closed) and ARG schemes, however neither a national quantum nor individual authority funding allocations had been confirmed.

The report set out that in May 2020, the Council had implemented a Discretionary Business Grants Scheme which had delivered 319 grants to businesses in Medway, averaging a payment of £5,793. It was anticipated that c1,600 enterprises would be supported through the LRS (Closed) mandatory scheme. It was estimated that there could potentially be demand for c.400 grants of up to £3,000 each per national lockdown period.

The report set out that up to £1.2m could be spent per national lockdown period. Based on an estimate that there may be at least another two national lockdowns by the end of March 2022, it was proposed that up to £3.6m could be spent through a scheme giving grants to businesses who were not receiving support through the mandatory LRS (Closed) scheme and for whom the restrictions had impacted their turnover by a minimum of 30%, with a payment of up to £3,000 per national lockdown period. The proposed grant scheme for each national lockdown period was outlined in Appendix 1 of the report.

The report also proposed that further evidence based policy development work be undertaken by the Economic Development, Regeneration, Business Intelligence and

## Cabinet, 4 December 2020

Finance teams to devise a range of activities and interventions to provide more broad support to Medway's businesses and the economy. The report recommended that the remainder of the Council's allocation, c£1,971,120, be allocated to this workstream.

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 was urgent and could not be reasonably deferred until the next Cabinet meeting on 15 December 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:***

- |                 |   |
|-----------------|---|
| <b>153/2020</b> | <b>The Leader, using urgency powers, agreed the proposal to use the Additional Restrictions Grant (ARG) to deliver a Discretionary Lockdown Grant Scheme as set out in paragraphs 3.3 to 3.4 and Appendix 1 to this report and agreed to delegate authority to the Chief Finance Officer to consider and determine applications made under this Scheme.</b>   |
| <b>154/2020</b> | <b>The Leader, using urgency powers, agreed to delegate authority to the Chief Finance Officer, in consultation with the Leader and the Portfolio for Business Management, to make minor amendments to this Scheme to enable it to adapt to the economic environment.</b>   |
| <b>155/2020</b> | <b>The Leader, using urgency powers, agreed to delegate authority to the Chief Finance Officer in consultation with the Portfolio Holders for Business Management and Planning, Economic Development and Regulation to develop proposals for a range of activities and interventions to provide more broad support to Medway's businesses and the economy as set out in paragraph 3.5 of the report, and report back to the Cabinet as appropriate to obtain any necessary further approvals.</b> |
| <b>156/2020</b> | <b>The Leader agreed that recommendations 7.1, 7.2 and 7.3 are considered urgent and therefore should not be subject to call in.</b>  |



**Cabinet, 4 December 2020**

**Reasons:**

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

.....  
**Leader of the Council**

.....  
**Date**

**Jon Pitt, Democratic Services Officer**

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# Record of Cabinet decisions

**Tuesday, 15 December 2020**

**3.01pm to 5.08pm**

**Date of publication: 16 December 2020**

**Subject to call-in these decisions will be effective from 29 December 2020  
The record of decisions is subject to approval at the next meeting of the Cabinet**

<b>Present:</b>	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	
	<b>In Attendance:</b>	Neil Davies, Chief Executive	
		Perry Holmes, Chief Legal Officer/Monitoring Officer	
		Jon Pitt, Democratic Services Officer	

## **Apologies for absence**

There were none.

## **Record of decisions**

The record of the meeting held on 17 November 2020 and of the urgent decisions taken by the Leader on 27 November 2020 and 4 December 2020 were agreed by the Cabinet and signed by the Leader as correct records.

## **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 items 7 (Britton Farm - Getting Building Fund Projects), 8 (Queen Street Development Update and Affordable Housing Scheme), 11 (Authority Monitoring Report) and 12 (Infrastructure Funding Statement), 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 these items.

Councillor Adrian Gulvin declared an OSI in agenda items 7 (Britton Farm - Getting Building Fund Projects), 8 (Queen Street Development Update and Affordable Housing Scheme), 11 (Authority Monitoring Report) and 12 (Infrastructure Funding Statement), 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 these items.

Councillor Rupert Turpin declared an OSI in agenda item 15 (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.

## **Innovation Park Medway Masterplan - Request to Adopt**

### **Background:**

This report sought Cabinet approval to adopt the Innovation Park Medway Masterplan 2020 as a Supplementary Planning Document (SPD). The masterplan outlined a scheme that would deliver a high quality innovation park, with flexible plots to encourage a wide range of high-value technology, engineering, manufacturing and knowledge-intensive businesses.

The report explained that the masterplan was publicly consulted on for six weeks from 17 September to 29 October 2018. A total of 42 responses were received through the 2018 public consultation. Two public events were held; one on a weekday evening and one on a weekend during the day. Only a small number of local residents/businesses had attended. Comments were summarised in section 6 of the report.

The report advised that throughout the development of the masterplan, discussions were held with Highways England in relation to the traffic impacts the scheme would

## Cabinet, 15 December 2020

generate. In March 2019, the Cabinet was advised that the Masterplan could be adopted subject to Highways England comment, with final adoption to follow.

Further work had since been undertaken to demonstrate the impact of Innovation Park Medway on the strategic and local road network, including modelling and mitigation design. The report stated that Highways England had suggested that a monitor and manage approach would be appropriate for the site, to be delivered through conditions in the proposed Local Development Order (LDO), agenda item 5 refers.

Highways England's response to the LDO consultation ensured that the highways impact could be dealt with in a way that would not have a significant impact on the strategic road network, considered in combination with future development (as proposed in the draft Local Plan through the Strategic Transport Assessment).

The report explained that Highways England had now responded, removing its objection, enabling Medway Council to fully adopt the Masterplan. No changes to the masterplan document itself had been made since the recommendation to adopt in 2019, subject to Highways England comment.

It was noted that as the site crossed the boundary with Tonbridge & Malling, the masterplan would need to be adopted by both Medway Council and Tonbridge & Malling Borough Council.

A Diversity Impact Assessment (DIA) on the Masterplan was set out at Appendix B to the report.

***Decision number:***      ***Decision:***

**157/2020**      **The Cabinet agreed to adopt the Innovation Park Medway Masterplan (2020), set out at Appendix A to the report as a Supplementary Planning Document (SPD), in line with paragraph 3.1 of the report.**

### **Reasons:**

Adoption of the masterplan as an SPD formally sets a standard through planning policy for high quality development to come forward at Innovation Park Medway.

### **Innovation Park Medway Local Development Order - Request to Adopt**

#### **Background:**

This report provided details of the Innovation Park Medway Local Development Order (LDO) and asked the Cabinet to recommend to Full Council that it be adopted. The report explained that the LDO built upon the masterplan (agenda item 4 refers) to set principles for development to bring forward high quality development in the high-value technology, engineering, manufacturing and knowledge-intensive sectors.

## **Cabinet, 15 December 2020**

The report described that an initial consultation on the LDO was undertaken from 7 June to 19 July 2019. Comments received were set out in the Consultation Statement, at Appendix D to the report. A number of further actions were required to address concerns regarding the transport assessment for Highways England, prior to the adoption of the LDO. In addition, Natural England also required several actions to address the impacts on the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Area of Conservation (SAC). These related to landscape and visual impact on the AONB, noise and tranquillity impact on the AONB, and air quality impacts on the North Downs SAC.

Additional modelling was undertaken in consultation with Highways England and KCC Highways, to identify the traffic impacts from Innovation Park Medway, with consideration of the potential wider impacts from the Strategic Transport Assessment. Mitigation design and further modelling was then undertaken for the key local and strategic junctions to demonstrate the impacts of the development could be mitigated satisfactorily.

Further work was also undertaken to address the concerns raised by Natural England and an addendum to the Environmental Statement was produced, including an additional chapter of the Design Code to reflect Natural England's concerns regarding landscape and visual impact on the AONB.

The report stated that a second public consultation was then undertaken by Medway Council on the new information from 26 October to 27 November 2020. Additional comments were gathered from statutory and public consultees, which are set out at Appendix E to the report. Tonbridge & Malling Borough Council conducted a separate consultation in parallel with a difference of three days to the start and end dates.

The report noted that the response from Natural England had been positive, recognising the additional work done to satisfy their concerns. Their comments provided a steer to some minor tweaks to the design code, which had been undertaken. The Kent Downs AONB Unit response was less positive. However, it did acknowledge the work done to date to further mitigate the impacts on the AONB, with input from both Natural England and the AONB unit.

The report also noted that officers had worked very closely with Highways England to reach agreement on the way forward. Further changes were made to the LDO to clarify the delivery of necessary mitigation measures at the right time and in the right place to be informed by a Monitor and Manage Mitigation Strategy. KCC Highways had also reached an agreed position whereby the Monitor and Manage Mitigation Strategy would consider the necessary trigger point for mitigation, particularly at Bridgewood Roundabout and the junction of Rochester Road/Laker Road, in consultation with KCC Highways and Highways England. On this basis KCC Highways confirmed they do not wish to raise objection on highway grounds.

The report explained that once adopted, the LDO would allow future occupants and developers to submit proposals through a self-certification form, verifying their proposals against the criteria set out in the Local Development Order and Design Code. The process would be limited to 28 days following a 7-day validation, to help

## Cabinet, 15 December 2020

provide a swift response and allow development to come forward in a short timeframe. This timeframe included discharge of conditions and no further consultation was required prior to approval.

A Diversity Impact Assessment was carried out during the consultation stage and was set out at Appendix G to the report.

**Decision number:**      **Decision:**

**158/2020**      **The Cabinet agreed to recommend to Full Council that the Local Development Order (LDO) as set out in Appendix A to the report is adopted in line with paragraph 3.1 of the report.**

**159/2020**      **The Cabinet agreed to recommend to Full Council to agree to delegate authority to the Director of Place and Deputy Chief Executive in consultation with the Leader and Portfolio Holders for Inward Investment, Strategic Regeneration and Partnerships and Planning, Economic Growth and Regulation to approve any necessary minor amendments to the LDO for the purposes of presentation, improving clarity, and consistency with Tonbridge & Malling Borough Council.**

**Reasons:**

Adoption of the LDO will set a clear planning framework to allow high quality development to come forward at Innovation Park Medway.

### **Procurement Strategy 2021-2025**

**Background:**

This report provided the Cabinet with an update on the progress made against the 2016-2021 Procurement Strategy. The report also recommended using the National Procurement Strategy for Medway Council's 2021-2025 Procurement Strategy objectives.

The report stated that Medway Council's Category Management team had carried out a self-assessment against the National Procurement Strategy. The main benefit of this exercise was that Medway could now reflect on its procurement related strengths and weaknesses against the national agenda. The National Strategy had 59 objectives split into 11 sections and the Category Management team assessed the Council as '3', or better against 39 objectives representing 66% of the objectives in the National Procurement Strategy.

The outstanding 20 objectives (34%), each with their own comments and action plans, were set out in Appendix 3 to the report and, subject to Cabinet approval,

## Cabinet, 15 December 2020

would be the focus of detailed work to improve the Council's performance during year one of the Strategy.

The report explained that by adopting and implementing the national framework, the Council would be in the most advantageous position to be able to work more closely with other public sector organisations and help, or be helped with, the development of Medway's procurement deliverables.

The Business Support Overview and Scrutiny Committee considered this report on 26 November 2020. The comments of this Committee are set out at section 6 of the report.

**Decision number:**      **Decision:**

**The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee set out at section 6 of the report.**

**160/2020      The Cabinet agreed that training on the Council's Procurement Strategy and the associated processes for local authority procurement be provided for all Members of the Council and that the Chief Legal Officer and the Head of Category Management be instructed to develop a proposal for the format and delivery of the training in consultation with the Chairman and Opposition Spokesperson of the Business Support Overview and Scrutiny Committee.**

**The Cabinet noted the achievements of the 2016-2021 Procurement Strategy as outlined in the objectives in Appendix 1 to the report.**

**161/2020      The Cabinet agreed to the utilisation of the National Procurement Strategy for the 2021-2025 Procurement Strategy's objectives.**

**162/2020      The Cabinet agreed that year one of the new strategy should be used to attain a score of 3 against all objectives as detailed within Appendix 3 to the report.**

**163/2020      The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for resources to progress the actions specified in Appendix 3 to the report, reporting back to the Cabinet to obtain any necessary approvals.**



## Cabinet, 15 December 2020

### Reasons:

The proposed Procurement Strategy will provide a holistic suite of objectives to ensure the service maintains national awareness but with the ability to focus on local issues effectively.

### **Britton Farm - Getting Building Fund Projects**

#### **Background:**

The Cabinet accepted this report as urgent to enable consideration of the matter at the earliest opportunity (the next scheduled Cabinet meeting was due to take place on 12 January 2021) to ensure compliance with the strict SELEP funding timescales.

This report provided an update on the progress of three elements (the Skills and Employability Hub, public realm works and affordable housing scheme) of the Getting Building Fund Project at Britton Farm which represented an overall investment by the Council of £7.19 million in Gillingham, which would support local regeneration.

#### ***Decision number:***      ***Decision:***

**The Cabinet noted progress on the projects at Britton Farm, as set out in the report.**

### Reasons:

To ensure that the Cabinet is apprised of progress on the projects being undertaken by Medway Development Company Ltd at Britton Farm.

### **Queen Street Development Update and Affordable Housing Scheme**

#### **Background:**

The Cabinet agreed to accept this report as urgent to enable consideration of the matter at the earliest opportunity (the next scheduled Cabinet meeting was due to take place on 12 January 2021) to allow timely consideration of the two linked planning applications.

This report provided an update on the progress of a housing development on the Queen Street and Slicketts Hill car park site. The report explained that the Council had entered into a legal agreement with a developer, Creval to secure the redevelopment of the site, with the retention of public parking. After a Design Review Panel and two informal presentations to Members, a planning application for a residential scheme with 178 new homes had now been submitted for the proposal.

As a means to deliver the 45 affordable homes as part of this scheme the report proposed that Cabinet agree to commission Medway Development Company Ltd to

## Cabinet, 15 December 2020

deliver it on the basis that agreement had been reached in principle with MHS to acquire the site on completion.

Exempt appendices 1 and 2 to the report set out amendments to the legal agreement with Creval and draft Heads of Terms for a legal agreement with MHS.

***Decision number:***      ***Decision:***

- 164/2020**      **The Cabinet agreed option 2 as set out at paragraph 3.2 of the report and agreed to commission Medway Development Company Ltd, to complete the affordable scheme for the Queen Street development.**
- 165/2020**      **The Cabinet approved the amendments to the agreement with Creval set out in Exempt Appendix 1 and the draft Heads of Terms with MHS in Exempt Appendix 2.**
- 166/2020**      **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader of the Council, to complete all necessary legal agreements and amendments necessary to commission Medway Development Company Ltd to complete the affordable housing scheme of this project.**

**Reasons:**

The Council has a housing company that is building a reputation for completing schemes on time and on budget.

### **Mental Health Community Support**

**Background:**

This report provided details of the outcome of consultation on the future provision of 147 Nelson Road, Medway Council's in-house Community Resource Centre for those who have social care needs because of their mental health.

The report explained that the consultation was conducted from 9 January to 5 March 2020. Service users, the public, health professionals and staff were all invited to give their views on the proposals. Detailed information about the outcome of the consultation was set out at section 8 of the report.

Option 2 (Development of the Service) was the recommended way forward. The report explained that this option would introduce a model of community based mental health support and would strengthen the Council's offer for those suffering with poor mental health. This offer would be driven by a desire to provide good quality support in the community making good use of existing services.

## **Cabinet, 15 December 2020**

The Cabinet was advised that work would take place over the next six months with service Users, residents, partners and voluntary organisations to identify how the service would be developed to ensure the provision of good quality support in the community. It was suggested that an update report could be presented to the Cabinet in three months' time, particularly in relation to the bringing together of the service at 147 Nelson Road with the Community Support Outreach Team.

This report was considered by the Health and Adult Social Care Overview and Scrutiny Committee on 12 November 2020. The comments of this Committee were set out at section 5 of the report.

A Diversity Impact Assessment (DIA) had been carried out in relation to the proposals, as set out at Appendix 1 to the report.

***Decision number:***      ***Decision:***

**167/2020**      **The Cabinet noted the comments of the Health and Adult Social Care Overview and Scrutiny Committee set out at section 5 of the report together with the Director's comments set out at section 6 of the report and agreed Option 2 (Development of the Service).**

### **Reasons:**

Following the COVID-19 pandemic, Medway Council remains vigilant in our support for residents and service users with Mental Health needs.

Progressing with option 2 and developing the service by firstly bring together the service at 147 Nelson Road and our Community Support Outreach Team will strengthen our offer during what is a difficult time for those suffering with poor mental health.

## **Provisional Funding Formula for Mainstream Schools and Academies 2021-2022**

### **Background:**

The Cabinet accepted the report as urgent as the next scheduled meeting of the Cabinet was due to take place on 12 January 2021 and consideration of the report on 12 January would be too late to enable the Schools Forum to consider, at its meeting on 13 January 2021, whether to recommend approval of the final funding formula to Cabinet for the Cabinet to consider on 4 February 2021.

This report provided details of the 2021-22 funding arrangements for schools and academies and set out proposed changes to Medway's mainstream schools and academies provisional funding formula, following consideration by the Schools Forum on 3 December 2020.

## **Cabinet, 15 December 2020**

The report stated that the financial modelling had been built using the October 2018 census data but that the final budget allocations would be based on actual pupil numbers from the autumn census in October 2020. The data was due to be released by the Department for Education in Mid-December 2020.

The Schools Forum's recommendations were detailed in paragraph 4.2 of the report. This included implementation of a Medway schools and academies local funding formula from April 2021 and a recommendation to offer a Minimum Funding Per Pupil Guarantee of £4,180 for a Primary school/academy, £5,415 per pupil for secondary schools and £4,800 for an all-through school in 2021/22.

In order to balance the funding formula allocation back to the actual funding received, the Schools Forum had recommended that the local authority should adjust the factors set out at paragraph 3.5 of the report.

***Decision number:***

**168/2020**

***Decision:***

**The Cabinet instructed officers to implement the 2021-22 provisional funding formula, as detailed in paragraph 4.2 of the report, and noted that the Schools Forum, on 13 January 2021, will recommend approval of the final funding formula to Cabinet.**

**Reasons:**

The local authority is required to implement the funding formula changes from 2021-22 in accordance with the regulations and to inform the Education Skills Funding Agency.

### **Authority Monitoring Report**

**Background:**

This report provided details of the annual Authority Monitoring Report (AMR) and included an assessment of development trends and wider social, economic and environmental indicators, together with progress on the preparation of a new Medway Local Plan.

The report provided highlights of the AMR, as set out in section 4 of the report. Further details were set out in the appendices to the report, namely Volume 1: Medway Authority Monitoring Report 2020, which was set out in Appendix 1 to the report and Volume 3: Medway Local Aggregate Assessment 2019, which was set out in Appendix 2 to the report.

***Decision number:***

**169/2020**

***Decision:***

**The Cabinet approved the Medway Authority Monitoring Report 2020 for publication.**

## **Cabinet, 15 December 2020**

### **Reasons:**

To comply with the duty to compile and publish a planning monitoring report.

### **Infrastructure Funding Statement**

#### **Background:**

This report provided details of the Infrastructure Funding Statement (IFS) which set out information on developer contributions.

The report explained that it was a statutory duty of any authority that received a contribution from development through section 106 planning obligations or a Community Infrastructure Levy to prepare an IFS. Councils must publish annually details of receipts, expenditure and proposed spend of developer contributions. This first IFS, set out at Appendix 1 to the report, reported on the financial year 2019/20 and indicated the Council's priorities for investment in future years to provide for the sustainable growth of Medway.

#### **Decision number:**

**170/2020**

**Decision:**  
**The Cabinet approved the publication of the Infrastructure Funding Statement, 2020 as set out at Appendix 1 to the report.**

### **Reasons:**

To satisfy the requirement to publish an Infrastructure Funding Statement by 31 December 2020.

### **Monuments and Place Names Working Group**

#### **Background:**

This report explained that, following agreement of a motion by Full Council on 16 July 2020, a Monuments and Place Names Working Group had been established to consider monuments and place names in Medway. The report presented the outcome of the Working Group's work.

The report advised that the Working Group had met on three occasions and had produced a final report on 17 November 2020, which was attached as Appendix A to the Cabinet report.

This report had been considered by the Business Support Overview and Scrutiny Committee on 26 November 2020. The comments of this Committee were set out at section 5 of the report.

A Diversity Impact Assessment (DIA) had been carried out in relation to the proposals, as set out at Appendix B to the report.

## Cabinet, 15 December 2020

**Decision  
number:**

**Decision:**

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee set out as section 5 of the report.

**171/2020**

The Cabinet agreed to rename the Sir John Hawkins car park to “St John’s Car Park.”

**Reasons:**

Sir John Hawkins has links to the slave trade and the cross-party Working Group recommends the changing of the name to something that is more in keeping with Medway’s cultural heritage and future.

### **Voluntary Sector Task Group**

**Background:**

This report set out that the recommendations of the Voluntary Sector Task Group that had previously been presented to the Cabinet on 4 August 2020. At this meeting, the Cabinet noted these recommendations and 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 that the pandemic has had on the needs of the sector. (decision no. 91/2020 refers).

Taking into consideration the COVID-19 impact and the recommendations of the Task Group, the revised recommendations to Cabinet, set out in the report, focused on developing a local lottery programme to provide a new income generation stream for the voluntary sector; development of a written commitment that the Council, NHS and voluntary sector would work collaboratively on shared ambitions; the ambition of developing a single point of contact for the third sector to contact the Council and; to review the options for a Social Value Policy that would allow the third sector to benefit from the Council’s supply chain, which also factors in the climate change ambitions of the Council.

A Diversity Impact Assessment (DIA) had been carried out in relation to the recommendations of the Task Group, as set out at Appendix C to the report.

**Decision  
number:**

**Decision:**

**172/2020**

The Cabinet agreed the revised priority action areas to support the Voluntary and Community Sector (VCS) as set out in section 4 of the report, including:

- i) Agreeing the development of a business case to create a voluntary sector liaison post.

## Cabinet, 15 December 2020

- ii) **Agreeing the development of a written document between the Council, NHS and VCS that signifies its commitment to work in partnership.**
- iii) **Agreeing the development of a social value policy and climate change partnership with the NHS and the VCS.**

**173/2020**      **The Cabinet agreed to delegate authority to the Director of Public Health, in consultation with the Deputy Leader and Portfolio Holder for Housing and Community Services and Portfolio Holder for Adults' Services to progress the priority action areas specified in paragraph 8.1 of the report, reporting back to the Cabinet to obtain any necessary approvals.**

### **Reasons:**

The recommendations are consistent with those of the Business Support Overview and Scrutiny Committee Task Group and factor in the recent COVID-19 impacts on the Voluntary Sector. The recommendations will allow Medway Council and the NHS to strengthen its existing relationship with the community and voluntary sector.

### **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 second 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.

The report set out that in July 2020, Medway Norse had commenced delivery of the graffiti service and handyman roles to enable a seamless service delivery of all frontline street cleaning operations. Whilst this formed part of a wider reorganisation of Front Line Services, the report advised that Cabinet approval was required to formalise this transfer.

**Decision number:**      **Decision:**

**174/2020**      **The Cabinet noted the contents of this report and its Appendix and formally approved the transfer of the graffiti and handyman service to Medway Norse.**

**Cabinet, 15 December 2020**

**Reasons:**

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

.....  
**Leader of the Council**

.....  
**Date**

**Jon Pitt, Democratic Services Officer**

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# Record of Cabinet decisions

**Tuesday, 12 January 2021**

**3.02pm to 4.17pm**

**Date of publication: 13 January 2021**

**Subject to call-in these decisions will be effective from 21 January 2021  
The record of decisions is subject to approval at the next meeting of the Cabinet**

<b>Present:</b>	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	
	<b>In Attendance:</b>	Neil Davies, Chief Executive	
		Jade Hannah, Democratic Services Officer	
	Perry Holmes, Chief Legal Officer/Monitoring Officer		

## **Apologies for absence**

There were none.

## **Leader's Announcements**

The Leader of the Council, Councillor Jarrett, advised Cabinet Members that agenda item 6 (Rainham Community Hub) had been withdrawn from the agenda.

## **Cabinet, 12 January 2021**

### **Record of Decisions**

The record of the meeting held on 15 December 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)

There were none.

#### Other interests

There were none.

### **Medway Cultural Strategy 2020-2030**

#### **Background:**

This report provided details of the Medway Cultural Strategy 2020-2030. The report stated that this was a ten-year Medway-wide partnership strategy. It was a shared ambition for the future, built on extensive engagement across Medway and demonstrated how important culture was to Medway's future, enabling everyone to have the opportunity to take part in, or contribute to cultural life.

The report explained that consultation took place from November 2019 to September 2020. Stakeholders included the cultural sector across Medway and Kent, the education sector, community organisations, residents who engage, residents who do not engage, potential sponsors, funders and local businesses. Full details were set out in section 5 of the report.

The report also explained that the Strategy would be accompanied by an action plan to show how, as a partnership, the Strategy would be implemented. The action plan would be led by the Creative Medway Compact and driven by the Creative Medway Working Groups, bringing together projects, programmes and opportunities that matched the shared ambition and vision of the Strategy.

The Strategy had been considered by the Regeneration, Culture and Environment Overview and Scrutiny Committee on 3 December 2020, details of which were set out in section 14 of the report.

A Diversity Impact Assessment had been undertaken on the Strategy, as set out in Appendix 2 to the report.

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**Decision  
number:**

**Decision:**

- 1/2021**      **The Cabinet noted the comments of the Regeneration, Culture and Environment Overview and Scrutiny Committee and agreed to adopt Medway's new Cultural Strategy set out at Appendix 1 to the report and the Creative Medway governance and delivery model set out at section 11 of the report.**
- 2/2021**      **The Cabinet agreed to appoint the Deputy Leader and Portfolio Holder for Housing and Community Services to the Creative Medway Compact as the Local Authority representative.**
- 3/2021**      **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 contribute to the development of and agree the terms of reference of the Creative Medway Compact when appropriate on behalf of the Council as a partner to it.**

**Reasons:**

Only in becoming a committed partner can the Council fully participate and contribute to the delivery of the strategy and governance model, enabling us to embed culture within our priorities, securing Medway's cultural and creative landscape for present and for future generations.

### **Kent and Medway Energy and Low Emissions Strategy**

**Background:**

This report provided an update on the Kent and Medway Energy and Low Emissions Strategy (KMELES) and sought its formal adoption by the Cabinet.

The report explained that the Strategy had been produced by Kent County Council following a public consultation period during July-September 2019. Medway Council, along with all other Kent local authorities, was invited to participate and responded to the consultation on the Draft Strategy and engaged further in an Implementation Plan workshop at the end of 2019.

Following the evaluation of comments received during the consultation process, a final Draft Strategy was produced with 10 high level priorities identified for action. The Strategy was further reviewed and amended during May 2020 to account for Covid-19.

The report noted that the Strategy had been approved by the Kent Chief Executives Group and Kent Leaders Group with the Leader as co-signatory. The Strategy was

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formally launched by Kent County Council at the Kent and Medway Net-Zero Conference on 27 November 2020. Local authorities across Kent were now being asked to take the Strategy through their own internal processes for formal adoption.

The report explained that the Strategy would inform the Council's emerging Climate Change Action Plan.

The Strategy had been considered by the Regeneration, Culture and Environment Overview and Scrutiny Committee on 3 December 2020, details of which were set out in section 6 of the report.

**Decision number:**      **Decision:**

**4/2021      The Cabinet noted the comments of the Regeneration, Culture and Environment Overview and Scrutiny Committee set out at section 6 of the report and agreed to adopt the Kent and Medway Energy and Low Emissions Strategy.**

### **Reasons:**

Approving the Kent and Medway Energy and Low Emissions Strategy will support the Council's emerging Climate Change Action Plan and contribute to the Council's actions to address the Climate Change Emergency declared by Council in April 2019.

The Strategy identifies a list of high-level priorities which will ensure that Kent and Medway will achieve net-zero emissions by 2050.

### **Rainham Community Hub**

This agenda item was withdrawn.

### **Options Paper for Medway Children's Assessment Unit**

#### **Background:**

This report outlined the options available to Medway Council to develop an Assessment Unit to support with the reunification of children back with families or into more suitable and longer-term arrangements.

The report explained that due to the high levels of vulnerability of the young people undergoing assessment, one Assessment Unit would support no more than 4 young people at a time. The unit would be run as a children's home and there would be a methodology behind the support programme to the young people that would run on a cyclical basis. The home would be staffed by a wrap-around multi-professional support team and additional support brought in as required by the care plans for the young people.

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The options were considered by the Children and Young People Overview and Scrutiny Committee on 7 January 2021, details of which were set out in an addendum report. The addendum report also provided an analysis of the Committee's recommendation.

During the discussion of this item, the Portfolio Holder for Children's Services (Lead Member) explained that the preferred option was to progress 4b, as this option would meet the requirement to deliver an Assessment Unit at pace and would offer the greatest flexibility.

**Decision number:**      **Decision:**

**The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee.**

**5/2021      The Cabinet agreed to proceed with option 4b, as set out in section 3 of the report and in doing so agreed to:**

- **commence procurement of a four-bed Children Assessment Unit for 14-17 year olds at the Old Vicarage site;**
- **delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Resources and the Portfolio Holder for Children's Services (Lead Member), to acquire two alternative units and obtain all necessary consents for their use for the future provision of the service, for the purposes as set out in paragraph 3.4.8 of the main report;**
- **delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Resources, to declare surplus and to dispose of the Old Vicarage site, on best terms reasonably obtainable, once the property is no longer needed;**
- **delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Resources, to lease the Old Vicarage and the two new properties as part of the letting of the outsourcing contracts;**
- **recommend to Full Council that it adds £1,500,000 to the capital programme to fund the purchase and related fees and costs for the purchase and conversion of the 2 alternative properties.**

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### Reasons:

Option 4b delivers the most cost-effective service in the shortest timeline while placing the management of our vulnerable and complex children in the hands of experts well-resourced to do the job, by operating two units after a two-year period.

Option 4b builds in the opportunity to improve outcomes for a larger number of Medway's young people over time, whilst delivering value for money and the greatest cost savings of the options examined. It offers a long-term opportunity to contribute towards savings in public money and protect the Council from reputational risk.

### School Admission Arrangements 2022

#### Background:

This report provided details of the outcome of the consultation on the coordinated admission schemes and arrangements for primary and secondary schools for September 2022.

Section 3 of the report outlined the proposed changes to admissions arrangements.

The proposed changes to the 2022 secondary admission arrangements were:

- the revision of dates to fit the 2022/23 admission timeline.
- supporting medical information to be provided directly to schools rather than via Medway Council. The schools consider this information and rank applicants rather than Medway Council.
- The addition of an additional day to the Medway Test 2022.

The proposed changes to primary admissions 2022/23 were:

- the revision of dates to fit the 2022 admission timeline.
- the layout of the Supplementary Information Form has been amended to conform with Web Content Accessibility Guidelines.
- supporting medical information to be provided directly to schools rather than via Medway Council. The schools consider this information and rank applicants rather than Medway Council.

The report explained no responses to the consultation had been received.

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

**Decision number:**

**6/2021**

**Decision:**

**The Cabinet agreed the amendments to the admissions arrangements for 2022 as set out in section 3 of the report**

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and approved:

- a) **The co-ordinated scheme for admissions to secondary schools 2022 as set out at Appendix 1 to the report.**
- b) **The co-ordinated scheme for admissions to primary schools 2022, incorporating the admissions arrangements for Community and Voluntary Controlled schools set out at Appendix 2 to the report.**

### Reasons:

Approving the proposed admissions arrangements would ensure that the Council meets its statutory duty to comply with admissions legislation.

### Council Tax Reduction Scheme

#### Background:

This report provided details of the Council Tax Reduction Scheme (CTRS) 2021/2022 for Cabinet's consideration ahead of final consideration and approval by Full Council on 21 January 2020.

The report stated that the April 2021 allowances were not due to be announced until January 2021 and would be included in the Council report. However, the uprating intentions for 2021/22 had been announced and were included at Appendix 1 to the report. Other than the annual uprating, there were no proposed changes to the CTRS for 2021/22.

A Diversity Impact Assessment had been undertaken on the proposals, as set out in Appendix 2 to the report.

**Decision number:**      **Decision:**

**7/2021**              **The Cabinet agreed to recommend the current Council Tax Reduction Scheme (which will therefore be subject to annual uprating) to Council for adoption on 21 January 2021.**

### Reasons:

The scheme continues to balance the need for supporting those currently in receipt of CTRS and the ability of the Council to fund the scheme within the current budgetary constraints.

The Council's Council Tax Discretionary Relief scheme provides additional support in the case of hardship.

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### Provisional Local Government Finance Settlement 2021/22

#### Background:

The Cabinet accepted this report as urgent to enable consideration of the matter at the earliest opportunity given that the final budget proposals would be submitted to the next scheduled Cabinet meeting on 2 February 2021.

This report provided details of the provisional local government settlement announced by the Secretary of State on 17 December 2020. It also provided updated assumptions in relation to locally raised taxes.

The report explained that the Council Tax referendum limit had remained at its historic level of 2%, however the Adult Social Care precept had been extended for a further year, allowing upper tier authorities the flexibility to increase Council Tax by a further 3% above the referendum limit. Medway's Draft Budget assumed that Council Tax would be increased by 1.994%. However, this report now assumed the Council would avail itself of this flexibility and increase the Council Tax by 4.995%.

Concerning business rates, the report explained that the widely anticipated review of the Business Rates Retention scheme and plans to reset the baseline from next year had once again been deferred, whilst the Government continued to focus on other, more pressing issues. In the meantime, the 50% business rate retention scheme would continue in its existing form and Medway remained a top-up authority.

The report also provided details of the impact on other grants, set out at sections 6 to 12 of the report.

During the discussion of this item, the Leader of the Council clarified a typographical error at paragraph 13.1 of the report. The date should read 17 November 2020.

#### ***Decision number:***      ***Decision:***

**The Cabinet noted the implications of the provisional settlement in formulating its 2021/22 budget proposals.**

#### Reasons:

These provisional levels of grant are a fundamental component of the 2021/22 budget, and their announcement is a further stage in the process of preparing a balanced budget.

### Annual Adoption Report

#### Background:

This report provided details of the Adoption Agency's Annual Report, which covered adoption performance over the last year and provided an update on the work of the team.



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This report also included information about the Adoption Partnership South East, the newly formed Regional Adoption Agency (RAA) with Kent County Council and the London Borough of Bexley. The report noted that future annual reports on the work around adoption would be produced by the Head of the Adoption Partnership South East.

The annual report was considered by the Children and Young People Overview and Scrutiny Committee on 1 December 2020, details of which were set out at section 9 of the report.

***Decision number:***      ***Decision:***

**The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee set out at section 9 of the report and noted the Annual Adoption Report.**

### **Reasons:**

Statutory guidance requires adoption agencies to report on adoption agency activity in the last year.

### **Annual Fostering Report**

#### **Background:**

This report provided details of the work completed by the Fostering Service over the last year, how in-house fostering services had met the needs of Medway's looked after children and of the work which should be undertaken in the coming year.

The report noted that a further annual report would be produced in May 2021 which would detail the work for the financial year and this report would be produced annually in May in subsequent years.

The annual report was considered by the Children and Young People Overview and Scrutiny Committee on 1 December 2020, details of which were set out at section 17 of the report.

***Decision number:***      ***Decision:***

**The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee set out at section 17 of the report and noted the Fostering Service Annual Report 2019-20.**

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**Reasons:**

The National Minimum Standards for Fostering (2011) require that Fostering Agencies report the activity of the fostering service to its governing bodies.

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**Leader of the Council**

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**Date**

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