

Record of Cabinet decisions

Tuesday, 16 November 2021

3.00pm to 5.05pm

Date of publication: 17 November 2021

**Subject to call-in these decisions will be effective from 25 November 2021
The record of decisions is subject to approval at the next meeting of the Cabinet**

Present:	Councillor Alan Jarrett	Leader of the Council
	Councillor Howard Doe	Deputy Leader and Portfolio Holder for Housing and Community Services
	Councillor David Brake	Portfolio Holder for Adults' Services
	Councillor Rodney Chambers, OBE	Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships
	Councillor Jane Chitty	Portfolio Holder for Planning, Economic Growth and Regulation
	Councillor Phil Filmer	Portfolio Holder for Front Line Services
	Councillor Adrian Gulvin	Portfolio Holder for Resources
	Councillor Gary Hackwell	Portfolio Holder for Business Management
	Councillor Mrs Josie Iles	Portfolio Holder for Children's Services – Lead Member (statutory responsibility)
	Councillor Martin Potter	Portfolio Holder for Education and Schools
In Attendance:	Neil Davies, Chief Executive	
	Bhupinder Gill, Assistant Director, Legal and Governance	
	Teri Reynolds, Democratic Services Officer	

Apologies for absence

There were none.

Records of decisions

The record of the meeting held on 19 October 2021 and the record of the urgent decision taken by the Leader on 21 October 2021 were agreed by the Cabinet and signed by the Leader as correct.

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Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Doe declared an OSI in agenda item 4 (Capital Strategy), item 12 (Medway Development Company Ltd – Six Monthly Update) and any other item that referred to Medway Development Company (MDC) because he was Chairman of Medway Development Company (MDC) Ltd. Councillor Doe relied on a dispensation granted by the Councillor Conduct Committee to enable him to take part in the discussion and votes on these items.

Councillor Adrian Gulvin declared an OSI in agenda item 4 (Capital Strategy), item 12 (Medway Development Company Ltd – Six Monthly Update) and any other item that referred to Medway Development Company (MDC) because he was a Director of Medway Development Company (MDC) Ltd. Councillor Gulvin relied on a dispensation granted by the Councillor Conduct Committee to enable him to take part in the discussion and votes on these items.

Other interests

There were none.

Leader's Announcements

The Leader informed the Cabinet that he would be varying the order of the agenda and would move the consideration of item 9 (Revenue Budget Monitoring 2021/22 Round 2) and item 10 (Capital Budget Monitoring 2021/22 Round 2) immediately after agenda item 4 (Capital Strategy). The record of decisions reflect the order in which items were considered.

Capital Strategy

Background:

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

The Capital Strategy was attached at Appendix 1 to the report the report and had been prepared with regard to the updated Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code. It sought to detail the framework within which decisions were made in respect of capital expenditure and funding, and the principles to which the Council adhered, in the context of the current capital budget.

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Decision number: **Decision:**

123/2021 **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.

Revenue Budget Monitoring 2021/22 Round 2

Background:

This report presented the results of the second round of the Council's revenue budget monitoring process for 2021/2022. The report set out that at its meeting on 18 February 2021, Full Council had set a total budget requirement of £351.862million for 2021/2022. Since approval of the budget, additional grant funding relating to the Covid-19 pandemic had been received, primarily to deliver the Restart Grants scheme to support Medway's businesses. These additions had taken the Round 2 budget requirement to a total of £364.497million. The forecast outturn for 2021/2022 currently represented a pressure of £8.495million, a worsening of £39,000 compared to the position reported at Round 1.

The report also detailed irrecoverable debts owed to the Council of £56,704.50. Agreement of the Cabinet was sought to write off these debts.

Decision number: **Decision:**

The Cabinet noted the results of the second round of revenue budget monitoring for 2021/2022.

130/2021 **The Cabinet approved the write off of irrecoverable debt of £56,704.50, as set out in section 9 of the report.**

Reasons:

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

The Cabinet has responsibility for agreeing debt write offs where these exceed the limits of delegated authority set out in the Council's Constitution.

Capital Budget Monitoring 2021/22 Round 2

Background:

This report presented the results of the second round of the Council's capital budget monitoring process for 2021/2022. The report explained that this forecasted an underspend of £2.464million. The report provided details of a proposed virement, as set out in section 5 of the report.

**Decision
number:**

Decision:

The Cabinet noted the results of the second round of capital budget monitoring for 2021/22.

Reasons:

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

Draft Capital and Revenue Budget 2022/23

Background:

This report presented the Council's draft capital and revenue budgets for 2022/2023. The report noted that the draft budget was based on the principles contained in the Financial Outlook 2022-2023, which was reported to the Cabinet on 28 September 2021. Draft budget requirements for the directorates in 2022/2023 were set out in Appendices 1 – 4 to the report.

The report explained that initial projections for the costs of services in 2022/23 amounted to a budget requirement of £33.718million and projections of income arrived at a potential budget gap of £33.010million. Assumptions made in the report reduced the gap to £18.176million and 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 8 February 2022 and formal budget and council tax setting by Council on 24 February 2022. Budget proposals would now be submitted to the Council's overview and scrutiny committees.

**Decision
number:**

Decision:

124/2021

The Cabinet instructed officers to continue to work with Portfolio Holders in formulating robust proposals to balance the budget for 2022/23 and beyond.

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- 125/2021** **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.**
- 126/2021** **The Cabinet recommended to Full Council that in February 2022 when setting the Council Tax, a 300% premium for properties that have remained empty and unfurnished for more than two years be adopted, in line with the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018, as set out in paragraph 5.6 of the report.**

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 8 February 2022 and formal council tax setting by Council on 24 February 2022.

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

Business Support	25 November 2021
Children and Young People	1 December 2021
Regeneration, Culture and Environment	2 December 2021
Health and Adult Social Care	9 December 2021
Business Support	27 January 2022
Cabinet	8 February 2022
Council	24 February 2022

Anti-Social Behaviour and Policing Act 2014 Inclusion to the Scheme of Delegations of Regulatory Services

Background:

This report sought approval to allow Regulatory Services to make further use of the powers within the Anti-Social Behaviour (ASB) Crime and Policing Act 2014. The Act introduced a number of powers to put victims first and it simplified ASB powers, providing a range of powers to local authorities to tackle ASB, including Civil Injunction, the Community Protection Notice, the Public Space Protection Notice, the Spaces Protection Order and the absolute ground for possession.

A diversity Impact assessment had been completed and was attached at Appendix 1 to the report. It identified a potential impact on the aged, disability and low income groups, which was minimal.

Decision number:

Decision:

- 127/2021** **The Cabinet delegated authority to the Director of Place**

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and Deputy Chief Executive to exercise and to delegate to officers at an appropriate grade, the following functions under the Anti-Social Behaviour, Crime and Policing Act 2014:

- (a) Issuing Community Protection Warnings and Notices on behalf of the Council.**
- (b) Issuing Closure Notices on behalf of the Council for up to 24 hours.**
- (c) Issuing Fixed Penalty Notices for breach of any Community Protection Notice or Public Spaces Protection Order.**
- (d) That authority be delegated to the Director of Place as the designated officer of the Chief Executive to issue a Closure Notice under the 2014 Act on behalf of the Council for up to 48 hours.**
- (e) That approval be given to the Council's Community Trigger Protocol.**
- (f) That the amount of Fixed Penalty Notices relating to Fixed Penalty Notices issued under Section 52 and 68 of the 2014 Act is set by the Fees and Charges report.**

and such other similar mechanisms that are enacted and developed in the future to enable the Authority to effectively deliver its functions under this Act.

Reasons:

The Council has used the Anti-Social Behaviour and Policing Act since its adoption in 2014. The report asks the Cabinet to confirm its adoption and its use by Regulatory Services.

Kent and Medway Domestic Abuse Strategy (Addendum)

Background:

This report informed the Cabinet about an addendum required to the existing Kent and Medway Domestic Abuse Strategy and sought approval of the addendum to comply with the Domestic Abuse Act 2021.

The Act added requirements for Tier 1 authorities regarding the safe accommodation and the report therefore focused on the safe accommodation addendum to the existing Kent and Medway Domestic Abuse Strategy which began on page 22 of the document, attached at Appendix 1 to the report.

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The Equality Impact Assessment (EqIA) had been updated and attached at Appendix 3 to the report.

Decision number: **Decision:**

128/2021 **The Cabinet agreed the addition of the Safe Accommodation Addendum to the existing Kent and Medway Domestic Abuse Strategy 2020-2023 and delegated authority to the Director of Public Health, in Consultation with the Portfolio Holder for Resources, to agree the final published version of the document, once the document has been provided by Kent County Council.**

Reasons:

The addendum is required to ensure that the existing strategy complies with the DA Act. The existing strategy and the addendum are common across Kent and Medway.

Medway City Status Bid

Background:

This report informed the Cabinet about the Council's intention to bid to gain City Status recognition by entering the Civic Competition which had been launched to celebrate Her Majesty The Queen's Platinum Jubilee in 2022.

The Bid would include the five towns of Medway including Chatham, Rochester, Strood, Gillingham and Rainham, together with its thriving villages on the Peninsula and communities across Medway. The bid would focus on Medway's rich heritage and its outstanding future with universities, colleges and regeneration programme.

The Regeneration, Culture and Environment Overview and Scrutiny Committee considered the report at its meeting on 14 October 2021 and its comments were set out at section 3 of the report.

Decision number: **Decision:**

129/2021 **The Cabinet supported Medway's City Status Bid and to share Medway's story/narrative with residents and across their networks to garner additional support for Medway's Bid.**

Reasons:

Achieving City Status will bring an enhanced sense of pride in Medway and will further raise Medway's profile as a great place to live, work, learn and visit.

Council Plan Performance Monitoring Report and Risk Register Quarter 2 2021/22

Background:

This report provided details of how the Council had performed during quarter 2 in 2021/22 against the Council's three priorities and the actions being taken to improve performance. The report also presented the quarter 2 review of strategic risks.

There were 50 Council Plan measures for 2021/22, of which it was currently possible to report on 37 as 11 measures were not available this quarter and two measures were data only. In summary, 27 out of the 37 measures reported on met or exceeded target, four were slightly below target and six were significantly below target.

The report was due to be considered by the Overview and Scrutiny Committees during November and December 2021.

Decision number: ***Decision:***

The Cabinet noted the Q2 2021/22 performance against the measures used to monitor progress against the Council's priorities.

131/2021 The Cabinet agreed the Strategic Risk Register, as set out at Appendix 5 to the report.

Reasons:

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

Medway Development Company Ltd - Six Monthly Update

Background:

This report updated the Cabinet, as shareholder, about the range of developments being progressed by the Medway Development Company Ltd (MDC). These developments were Chatham Waterfront, Garrison Point, Mountbatten House and Britton Farm Residential.

The report also sought the Cabinet's agreement of the White Road Closure Report, details of which were set out in Exempt Appendix 1. The report was accompanied by two further exempt appendices. These set out a summary of MDC loans and project expenditure and the MDC Risk Register.

The report was the fifth update report to the Cabinet as a shareholder of MDC, with the most recent update having been considered by Cabinet on 2 February 2021. A report had also been presented to the Cabinet on 15 December 2020 in relation to

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the Getting Building Fund. An Audit review of MDC had recommended six monthly reporting to the Cabinet and so for 2021 this report would be the second of two updates.

Decision number: **Decision:**

The Cabinet noted the progress being made on the projects outlined in the report.

The Cabinet noted the additional benefits which MDC provide, such as assisting the Council in compiling funding bids, for example the FHSF and Get Building Fund programmes.

132/2021 The Cabinet noted and agreed the White Road closure report produced for MDC's first completed scheme 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 and the risks update in Exempt Appendix 3.

Reasons:

To continue the regeneration of Chatham and Gillingham with the provision of high-quality housing, public realm works and an improved retail offer.

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Leader of the Council

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Date

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