

Record of Cabinet decisions

Tuesday, 8 March 2022

3.00pm to 4:29pm

Date of publication: 9 March 2022

**Subject to call-in these decisions will be effective from 17 March 2022
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	
	Jon Pitt, Democratic Services Officer	
	Bhupinder Gill, Assistant Director, Legal and Governance	

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 8 February 2022 was agreed by the Cabinet and signed by the Leader as correct.

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Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Doe declared an OSI in relation to agenda item 7 (Revenue Budget Monitoring 2021/2022 - Round 3), item 8 (Capital Budget Monitoring 2021/2022 - Round 3), item 9 (Council Plan Performance Monitoring and Risk Register Review Quarter 3 2021/2022) and item 10 (Kyndi - Six Monthly Progress Report) because he is the Chairman of both Medway Development Company and Kyndi 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 Gulvin declared an OSI in agenda item 7 (Revenue Budget Monitoring 2021/2022 - Round 3), item 8 (Capital Budget Monitoring 2021/2022 - Round 3) and item 9 (Council Plan Performance Monitoring and Risk Register Review Quarter 3 2021/2022) because he is 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.

Cliffe and Cliffe Woods Neighbourhood Plan

Background:

This report sought approval to publish the draft Cliffe and Cliffe Woods Neighbourhood Plan for formal consultation and to arrange an independent examination, in accordance with the Neighbourhood Planning regulations. The draft Neighbourhood Plan had been prepared by Cliffe and Cliffe Woods Parish Council and had been submitted to Medway Council as the local planning authority to progress through to adoption.

The report advised that Cliffe and Cliffe Woods had been the first Neighbourhood Area designated in Medway, in 2015, for the purpose of preparing a Neighbourhood Plan. Further plans were in preparation for High Halstow, Arches (Chatham) and Hoo St Werburgh, while Frindsbury Extra Parish Council was anticipated to start work shortly.

A Diversity Impact Assessment (DIA) had been completed in relation to the Plan, as set out in Appendix 5 to the report.

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Decision number: Decision:

34/2022 The Cabinet approved the publication of the Submission Draft Cliffe and Cliffe Woods Neighbourhood Plan (as set out at Appendix 1), for an eight week period of formal consultation.

35/2022 The Cabinet approved that the draft Neighbourhood Plan be sent to independent examination, following the completion of the consultation.

Reasons:

To meet the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended) to progress the preparation of a Neighbourhood Plan for Cliffe and Cliffe Woods.

Action to Return a Long-Term Derelict Property into use at 6 High Street, Gillingham ME7 1BB

Background:

This report requested Cabinet approval of the acquisition of 6 High Street, Gillingham ME7 1BB, through a Compulsory Purchase Order (CPO) and the disposal of the property, with conditions imposed to secure its refurbishment.

The report explained that the property was a three- storey terrace building located close to the Gillingham Community Hub and that it comprised a former retail unit at ground floor level and a flat on the first and second floor. The property was in very poor repair and condition and had been vacant since at least 2013. According to Land Registry records, the current freehold owner had owned the property since 4 December 2002.

The report was accompanied by an exempt appendix. This set out key information relating to the likely cost of purchasing the property via a CPO and other associated costs. It also detailed debts associated with the property.

Decision number: Decision:

36/2022 The Cabinet agreed that the Council make a Compulsory Purchase Order (CPO) under the Acquisition of Land Act 1981 and s226(a) of the Town and Country Planning Act 1990, for the acquisition of 6 High St Gillingham, for the purposes of the provision of housing accommodation, with a potential commercial use on the ground floor.

37/2022 The Cabinet agreed to delegate authority to the Director of Place and Deputy Chief Executive, in consultation the Portfolio Holder for Resources, to:

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- a) Delegate securing of funding for the CPO to officers.
- b) Take all necessary steps to secure the making, confirmation and implementation of the CPO, including the publication and service of notices and all other associated procedural steps.
- c) Acquire the Property whether by voluntary agreement or compulsorily using the statutory powers set out in paragraph 8.1 of the report.
- d) Once acquired, dispose of the Property by one of the two options set out in paragraph 3.3 of the report with appropriate conditions to secure its repair.
- e) Suspend or abandon the CPO proceedings or withdraw an order on being satisfied that the Property will be satisfactorily renovated and re-occupied.
- f) Take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting or defending proceedings.
- g) Take all other necessary action to give effect to these recommendations.

38/2022 **The Cabinet agreed to fund the CPO and related costs from the Regeneration Investment Fund Scheme in the current Capital Programme.**

Reasons:

The property is one of a number of similar abandoned and derelict buildings across Medway, which are being assessed and considered by officers in consultation with the Portfolio Holder.

The property has been derelict and empty for over 8 years, its condition has steadily deteriorated and is now proving to be detrimental to the character of the area and neighbourhood as well as being a waste of employment space and residential accommodation in an area with high housing demand.

Officers and external agencies have also been unable to locate the owner.

The property has attracted a number of complaints from local residents and therefore is having a detrimental effect on them, as it is affecting enjoyment of their properties. CPO action will allow the physical appearance of the property to be brought in line with neighbouring properties, thereby increasing the economic and social wellbeing of the area.

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Works to enhance the appearance of the property will remove its current blighting effect and improve the local environment for neighbouring properties.

Re-occupation/ re-use would also reduce the likelihood of the property attracting anti-social behaviour, crime and vandalism.

The Council considers that the CPO will result in the property being brought back into use. The CPO is necessary and justified as last resort as this benefit could not be achieved by agreement.

Council Tax Discretionary Relief

Background:

This report asked the Cabinet to agree an extension of the implementation of the care leaver policy for Council Tax for the period 1 April 2022 to 31 March 2023. It also requested approval of the Council Tax Discretionary Relief Policy.

The report explained that in March 2021, the Cabinet had agreed a discretionary Council Tax relief policy to empower and encourage the care leaver to apply for appropriate reductions, such as council tax reduction, single person discount or disregards. The Council would subsequently reduce the liability to nil in most cases after the statutory reductions were made.

The report also advised that since 2013, the Council had operated a scheme to assist those in financial need with their Council Tax. This was commonly known as the Council Tax Discretionary Relief scheme.

Diversity Impact Assessments (DIAs) had been completed in relation to both Discretionary Council Tax Relief for Care Leavers and the Council Tax Discretionary Relief Policy. These were set out at Appendices 2 and 4 to the report respectively.

Decision number: ***Decision:***

39/2022 **The Cabinet approved the extension of the implementation of the Care Leavers Policy for Council Tax in Appendix 1 for the period 1 April 2022 to 31 March 2023.**

The Cabinet noted that having been agreed, the policy would be reviewed annually, and any proposed changes referred to Cabinet for consideration.

40/2022 **The Cabinet approved the Council Tax discretionary relief policy in Appendix 3.**

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Reasons:

As the corporate parent to care leavers, Medway Council has the responsibility to provide financial support and guidance. The scheme is working well to support care leavers to not only Medway care leavers, other care leavers too.

The Council Tax Discretionary policy has been updated as it was last reviewed in 2015.

Revenue Budget Monitoring 2021/2022 - Round 3

Background:

This report presented the results of the third 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 3 budget requirement to a total of £373.427million. The forecast outturn for 2021/2022 currently represented an underspend of £2.201million, a significant improvement of £10.696million compared to the position reported at Round 2.

The report also requested that the Cabinet agree the write-off of debts in relation to some tenants of the Pentagon Centre, Chatham. Details of these debts, which totalled £179,134.46, were set out in an exempt appendix to the report.

Decision number: ***Decision:***

The Cabinet noted the results of the third round of revenue budget monitoring for 2021/22.

41/2022 The Cabinet approved the debt write off in respect of the Pentagon Centre of £179,134.46 against the Council's sundry debt provision, as set out in Section 9 of the report and detailed at Exempt Appendix 1.

Reasons:

The 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 2021/2022 - Round 3

Background:

This report presented the results of the third round of the Council's capital budget monitoring process for 2021/2022. The report explained that this forecasted an underspend of £2.266million.

The report also requested that the Cabinet recommended to full Council the removal of a number of completed schemes and unspent budget from the capital programme. A list of these was set out in section 14 of the report.

It was noted that the virement set out in the report did not require Cabinet or Council approval as it was under the limit of £150,000 and therefore could be approved by Directors under delegated authority.

**Decision
number:**

Decision:

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

42/2022

The Cabinet recommended to full Council the removal of the following completed schemes and unspent budget from the capital programme:

- a) 9X532 – Hundred of Hoo Primary Expansion Phase 2 (£5,000)**
- b) 9X550 – Rainham Mark Expansion (£3,000)**
- c) 9X554 – Halling Primary Phase 2 (£32,000)**
- d) 9X567 – Rainham Girls Bulge (£6,000)**
- e) 9X838 – Abbey Court Relocation & Expansion (£3,000)**
- f) 9L286 – Pottery Road Recreation Site Improvements (£40,000)**
- g) 9C714 – Licensing Shared Service Setup (£34,000)**

43/2022

The Cabinet recommended to full Council the addition of S106 funding of £235,272 to the Capital Programme.

Reasons:

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

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Council Plan Performance Monitoring and Risk Register Review Quarter 3 2021/2022

Background:

This report provided details of how the Council had performed during quarter 3 in 2021/22 against the Council's three priorities and the actions being taken to improve performance. The report also presented the quarter 3 review of strategic risks.

There were 50 Council Plan measures for 2021/22, of which it was currently possible to report on 39 as two measures were data only and nine measures were not available this quarter. In summary, 31 of the measures reported on met or exceeded target, two were slightly below target and five were significantly below target.

The report was due to be considered by the Overview and Scrutiny Committees during March 2022.

Decision number: ***Decision:***

The Cabinet noted the Q3 2021/22 performance against the measures used to monitor progress against the Council's priorities.

44/2022 The Cabinet agreed the Strategic Risk Register 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.

Kyndi - Six Monthly Progress Report

Background:

This report provided the Cabinet with a review of Kyndi's performance, for the second and third quarters of the 2021/2022 financial year. It was accompanied by an update on the company's achievements and financial performance prepared by the Chief Executive at Kyndi.

The report highlighted that Kyndi's pre-tax profit for the second and third quarters of 2021/22 was £451K and that the year end forecast for 2021/2022, subject to continued good trading activity, was £569K.

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Decision number: **Decision:**

The Cabinet noted the six-monthly performance report for Kyndi for the period Quarters 2 and 3 for financial year 2021/2022.

Reasons:

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

Gateway 3 Contract Award: Medway and Kent Framework for Independent Fostering

Background:

This report requested the Cabinet's agreement to award the contract for the Medway and Kent Framework for Independent Fostering. The Framework was due to be awarded on 21 March 2022 with a commencement date of 1 April 2022

The report explained that Medway Council already had a comprehensive in-house fostering service and was seeking to develop its capacity to meet complex needs. A wide range of training courses were being delivered, alongside support and practice groups for carers who wish to develop specialisms in areas such as adolescence, parent and child placements, therapeutic parenting, sibling groups and children with disabilities. However, there would always be a need for external provision when the needs of individual children could not be met by the in- house foster carers.

The report was accompanied by two Exempt Appendices. These set out financial analysis and recommendations relating to tenders submitted during the procurement process.

Decision number: **Decision:**

45/2022 The Cabinet agreed to award the framework to the providers named within the exempt appendix as they had been evaluated as the most economically advantageous against the Council's award criteria as per the evaluation spreadsheet set out at Exempt Appendix 2 to the report.

Reasons:

Procurement of the Medway and Kent Framework for Independent Fostering is essential to continuously ensure value for money through the placement process and to meet the Council's statutory responsibility.

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Covid-19 Additional Relief Fund, Omicron Hospitality and Leisure Grant and the Energy Bills Rebate

Background:

The Cabinet accepted the report as urgent as it was imperative that the Council took urgent action to support businesses by implementing the government scheme promptly in response to the Covid-19 pandemic and to award the funding before the 31 March 2022.

The report provided details of the latest Government measures to assist council tax and business ratepayers in Medway in response to the Covid-19 pandemic, through the Covid-19 Additional Relief Funding (CARF), Omicron Hospitality and Leisure Grant (OHLG) and the Energy Bills Rebate.

The Cabinet was requested to agree the draft CARF and proposed OHLG scheme and to agree a number of delegated authorities required to facilitate delivery.

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

Decision number:

Decision:

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| 46/2022 | The Cabinet agreed the draft Covid-19 Additional Relief Fund (CARF) scheme and eligibility as set out at Appendix 1 and Appendix 2 to the report, subject to the final amendments being made, as set out in section 3 of the report. |
| 47/2022 | The Cabinet agreed the proposed Omicron Hospitality and Leisure Grant (OHLG) scheme and eligibility, as set out in section 4 and the policy set out at Appendix 3 to the report. |
| 48/2022 | The Cabinet agreed to delegate authority to the Chief Operating Officer, in consultation with the Leader and the Portfolio Holder for Business Management, to finalise and implement these proposals and to consider and determine applications made under these schemes. |
| 49/2022 | The Cabinet agreed to delegate authority to the Chief Operating Officer, in consultation with the Leader and the Portfolio Holder for Business Management, to make minor amendments to the CARF and OHLG schemes to enable them to be adapted to the economic environment. |

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50/2022 **The Cabinet agreed to delegate authority to the Chief Operating Officer to make any further technical amendments to the CARF, OHLG and Energy Bills Rebate schemes in consultation with the Portfolio Holder for Business Management where further government advice is issued.**

51/2022 **The Cabinet agreed to delegate authority to the Chief Operating Officer, in consultation with the Leader and the Portfolio Holder for Business Management, to develop a discretionary Council Tax Rebate scheme and associated policy, and to make the necessary arrangements to assess eligibility and determine award of funding to eligible households.**

The Cabinet noted that the Chief Operating Officer, in consultation with the Leader and the Portfolio Holder for Business Management, would exercise his existing delegation to add the additional funds to the revenue budget, as set out in paragraph 6.1 in the report.

52/2022 **The Cabinet agreed that recommendations 10.1 – 10.5 were considered urgent and therefore would not be subject to call-in.**

Reasons:

The CARF, OHLG and Energy Bills Rebate have been promoted by and are fully funded by the government to support business ratepayers with the ongoing impacts of Covid-19. 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

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Date

Jon Pitt, Democratic Services Officer/Teri Reynolds, Democratic Services Officer

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