



Record of Cabinet decisions

Tuesday, 8 February 2022

3.00pm to 4.42pm

Date of publication: 9 February 2022

Subject to call-in these decisions will be effective from 17 February 2022

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	
	Vicky Nutley, Assistant Head of Legal Services	
	Teri Reynolds, Democratic Services Officer	

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 11 January 2022 was agreed by the Cabinet and signed by the Leader as correct.

Declarations of Disclosable Pecuniary Interests and Other Significant Interests

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Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

Council Strategy and Council Plan Refresh 2022/23

Background:

This report set out the refreshed Council Strategy and Council Plan. The report advised that the Council Strategy set out the Council's key priorities, the outcomes that the Council expected to achieve and the programmes that would deliver this. The report further stated that the Council Plan was the delivery plan which set out the measures that would be used to track performance against the Council's key priorities.

The report asked the Cabinet to recommend to Full Council on 24 February 2022, adoption of the refreshed Strategy and Plan, as set out in appendices 1 and 2 to the report.

The Business Support Overview and Scrutiny Committee considered this report on 25 January 2022 and its comments were set out in section 5. The officer response to some of the points raised by the Committee was set out in an addendum report.

A Diversity Impact Assessment (DIA) had been completed in relation to the updated Council Plan and Strategy, as set out in Appendix 3 to the report.

Decision number:

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

6/2022 The Cabinet recommended to Full Council the adoption of the refreshed Council Strategy and Council Plan measures as set out in Appendices 1 and 2 respectively.

Reasons:

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The Council Strategy sets the high-level objectives for the Council and is underpinned by the Council Plan which includes the detailed performance measures and delivery plans explaining how the strategic objectives are to be met. Agreement of the proposed Council Strategy and Plan will ensure continued delivery of the objectives and effective monitoring of performance.

Risk Strategy Annual Review

Background:

This report provided details of the annual review of the Risk Strategy. The report stated that the Risk Management Strategy was reviewed annually to ensure that it remained up to date and continued to reflect the Council's approach to risk management. The latest review of the Risk Management Strategy was attached as Appendix 1 to the report.

The annual review had been considered by the Audit Committee on 4 January 2022, details of which were set out in section 5 of the report. The Business Support Overview and Scrutiny Committee had also considered this report on 25 January 2022 and its comments were set out in section 6 of the report.

Decision number: ***Decision:***

The Cabinet noted the comments of the Audit Committee, as set out in Section 5 of the report and the comments of the Business Support Overview and Scrutiny Committee, as set out in section 6 of the report.

7/2022 The Cabinet approved the 2022/23 Risk Strategy at Appendix 1, which sets out the Council's approach to risk management.

Reasons:

The establishment of a corporate framework for risk management is recommended by CIPFA and SOLACE and will complement and support the work already being carried out within each directorate to manage risks.

Final Funding Formula for Mainstream Schools and Academies 2022 - 2023

Background:

This report provided details of the final funding proposals for Medway's schools and academies for 2022/2023. Officers, working with the Schools Forum, had consulted with schools and academies on the proposed new funding formula options for 2022/2023.

Cabinet, 8 February 2022

It was noted that the Schools Forum had met on 12 January 2022 and recommended Cabinet to approve the implementation of the final funding formula, as set out at section 3 of the report.

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. In this case, the deadline for the submission of the final funding formula to the Education and Skills Funding Agency (ESFA) was 21 January 2022, it was therefore proposed that call-in be waived to prevent any further delay in confirming the Cabinet's decision to the ESFA and to allow the authority to implement the funding formula changes in accordance with the regulations. The Chairman of the Children and Young People 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:

8/2022

The Cabinet instructed officers to implement the Final 2022-23 Funding Formula for mainstream schools and academies, as set out in section 3 of the report.

9/2022

The Cabinet agreed that recommendation 8.1 was considered urgent and therefore should not be subject to call-in.

Reasons:

The local authority is required to implement the funding formula changes from 2022-23 in accordance with the School and Early Years Finance (England) Regulations 2014. This is a Cabinet function.

The deadline for the submission of the final funding formula to the Department for Education was 21 January 2022.

Council Tax Reduction Scheme 2022-23

Background:

This report provided details of the Council Tax Reduction Scheme (CTRS) 2022/2023 for Cabinet's consideration ahead of final consideration and approval by Full Council on 24 February 2022.

At its meeting on 3 August 2021, the Cabinet had agreed for the Council to proceed with public consultation, with a view to changing the CTRS from April 2022 (decision number 92/2021) and the results of the consultation were set out at Appendix 4. The proposed scheme, Appendix 5, was included in a supplementary agenda.

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The Business Support Overview and Scrutiny Committee had considered the report and its comments were set out in section 3 of the report.

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

Decision number: **Decision:**

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee, as set out in section 3 of the report.

10/2022 The Cabinet recommended the Council Tax Reduction Scheme 2022/23 (Appendix 5) to Full Council for adoption on 24 February 2022, based on the twelve proposed changes to the existing scheme.

11/2022 The Cabinet recommended the cessation of the risk-based verification policy (paragraph 2.1.8) to Full Council for agreement on 24 February 2022.

12/2022 The Cabinet agreed to delegate authority to the Chief Finance Officer, in consultation with the Portfolio Holder for Business Management, to make any minor amendments required to the Council Tax Reduction Scheme 2022/23 (Appendix 5) ahead of the Scheme being presented to Full Council for adoption.

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 majority of respondents to the consultation were in agreement with the proposed changes to the scheme.

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

Treasury Management Strategy 2022/23

Background:

This report provided details of the Council's Treasury Management Strategy for 2022-2023. The Strategy had been prepared in line with CIPFA's Local Authority Treasury Management Code and set out the Council's borrowing requirement and strategy in respect of investments. It also provided details of the Council's current portfolio position and set out the prudential and treasury indicators that would be used to monitor and measure treasury performance.

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The Audit Committee had considered this report on 4 January 2022 and its comments were set out in section 4 of the report.

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

Decision number:

Decision:

The Cabinet noted the comments from the Audit Committee, as set out at section 4 of the report.

13/2022 **The Cabinet recommended approval of the Treasury Management Strategy 2022/23, as set out in Appendix A to the report, to Full Council.**

14/2022 **The Cabinet approved the Treasury Management Practices, as set out in Appendix C to the report.**

Reasons:

Cabinet has the responsibility to make recommendations to Full Council on the approval of the Council's Treasury Management, Investment Strategy and Minimum Revenue Provision Policy Statement and has responsibility for the implementation of the Treasury Management Practices and associated schedules.

Housing Revenue Account Capital and Revenue Budgets 2022/23

Background:

This report provided details of the proposed Housing Revenue Account (HRA) capital and revenue budgets for 2022/2023 including rent, garage rent and service charge levels. The report gave a breakdown of the factors taken into account when formulating the budgets for 2022/2023. The report also provided an update on the HRA Business Plan in accordance with the requirement to ensure the Plan met the Government's fit for purpose criteria. The report stated that tenants had been informed of the proposals, as set out in section 16 of the report.

The Business Support Overview and Scrutiny Committee considered this report on 25 January 2022 and its comments were set out at section 17 of the report. A Diversity Impact Assessment had been carried out on the proposed budgets, as set out in Appendix F to the report.

Decision number:

Decision:

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee, as set out in section 17 of the report.

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15/2022 **The Cabinet recommended the following to full Council for approval:**

- a) A proposed social rent increase of 3.5% (which is below the allowed CPI of 3.1 plus 1%) for the social rent housing stock as set out in Appendix A (based on 52 collection weeks) with effect from 04 April 2022.**
- b) A proposed affordable rent increase of 3.5% (which is below the allowed CPI of 3.1 plus 1%) for the affordable rent properties as set out in Appendix B (based on 52 collection weeks) with effect from 04 April 2022.**
- c) A proposed rent increase of 5% to be applied to all garage tenure types with effect from 04 April 2022 as stated in section 4.**
- d) That the service charges increases/decreases as set out in Appendix C of the report for 2022/23 be approved.**
- e) That to allow the service charges cap of 15%, or 10 pence, whichever is the greater.**
- f) That the revenue budget for the HRA service for 2022/23 as per Appendix D be approved.**
- g) That the proposed new budget of £8.2m (as set out in section 8.5.3 & 8.5.4 for 2022/23) and a virement of £1.3m (in 2021/22) from phase 4 budget be approved for Phase 5 new build programme.**
- h) That the provision for the repayment of debt based on annuity-based payment of £0.427m, on the HRA's outstanding debt for 2022/23 be approved.**
- i) That Members approve the revised 30-year HRA Business Plan model as attached at Appendix E.**

Reasons:

The Council is required to carry out a review of rents and notify tenants not less than 28 days prior to the proposed date of change. The Council is required under the Local Government and Housing Act 1989 to ensure that the Housing Revenue Account does not fall into a deficit position.

Cabinet, 8 February 2022

Capital and Revenue Budgets 2022/23

Background:

The Cabinet accepted the report as urgent to enable consideration of the matter at the earliest opportunity given that the final budget was due to be submitted to the next scheduled Council meeting on 24 February 2022.

This report presented proposals for the capital and revenue budgets for 2022/2023. It was noted that the Cabinet had considered initial budget proposals on 16 November 2021, which had identified a potential revenue shortfall of £18.176million in 2022/2023.

The report stated that at time of writing, there was still a deficit of £1.609 million to resolve. Options were being considered to address this prior to the Council's budget setting meeting on 24 February 2022 and if measures to address the deficit were not identified, then it would need to be met from the Council's reserves.

The current capital programme for 2022/2023 was £483.791million, with a further £17.350million estimated for proposed additions to the programme for the next financial year, as detailed at section 13 of the report. It was also proposed to add £2.030 million to the revenue budget through the Flexible Use of Capital Receipts.

It was noted that budget proposals had been referred to all the Overview and Scrutiny Committees for consideration. The Overview and Scrutiny Committees' views together with the recommendations of the Business Support Overview and Scrutiny Committee (25 January 2022) were set out for Cabinet at Appendix 1 to the report.

The report set out the requirements under equality legislation and it was noted that an overarching Diversity Impact Assessment would be included in the budget report to Full Council on 24 February 2022.

Decision number: **Decision:**

The Cabinet noted the comments from overview and scrutiny committees as summarised in Appendix 1 to this report.

16/2022 The Cabinet recommended to Council that the net revenue budget summarised at Appendix 2, should be set at £351.076million, and that this should be funded by a 2.994% increase in Council Tax for 2022/23 with the equivalent Band D figure at £1591.74.

17/2022 The Cabinet agreed that the recruitment agency, previously transferred to Kyndi Ltd, be transferred back to Medway Council with effect from 1 April 2022 and that authority be delegated to the Chief Finance Officer to effect this transfer.

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- 18/2022** The Cabinet recommended to Council the capital budget proposals, as set out in Table 7.
- 19/2022** The Cabinet recommended to Council that the balance of the SEN School scheme of £2,467,626 be removed from the capital programme as set out in paragraph 13.5 of this report.
- 20/2022** The Cabinet recommended to Council the fees and charges set out at Appendix 7 to this report.
- 21/2022** The Cabinet recommended to Council the Flexible Use of Capital Receipts Strategy set out at Appendix 8 to this report
- 22/2022** The Cabinet recommended to Council that the following schemes in the current capital programme, funded through the Flexible Use of Capital Receipts be removed from the capital programme and instead reflected in the 2021/22 revenue budget:
- 9X576 Children’s Improvement Programme – £612,351,
 - 9C077 Transformation Flexible Use of Capital Receipts – £2,371,602, and
 - 9C779 Feasibility Studies Flexible Use of Capital Receipts – £500,000.
- 23/2022** The Cabinet recommended Full Council to approve the revised Senior Management Structure set out at Appendix 9.
- 24/2022** The Cabinet recommended to Full Council the creation of a new band within the pay structure as set out in Appendix 10, and to note that Directors will undertake reorganisations for their respective Directorates as set out in paragraph 9.3 of the report. This range will attract the same special allowance as the current Heads of Service.
- 25/2022** The Chief Finance Officer was requested to calculate the formal requirements under Sections 30 to 36 of the Local Government Finance Act 1992 for resolution by Special Council on 24 February 2022.

Reasons:

The Constitution required that Cabinet’s budget proposals must be referred to Council for consideration and approval.

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The Council is required by statute to set a budget and Council Tax Levels by 11 March each year.

Medway Bus Service Improvement Plan (BSIP) and Enhanced Partnership (EP)

Background:

This report sought Cabinet approval of the publication of the draft Enhanced Partnership (EP) and Plans for buses in Medway by the end of April 2022 and the adoption of the final EP Plan and Scheme(s), following a statutory consultation period in accordance with deadlines to be determined by the Department for Transport.

The report set out that the National Bus Strategy required Local Transport Authorities (LTAs) to publish a Bus Service Improvement Plan, and thereafter set up an Enhanced Partnership (EP) to implement it. The LTA had formal responsibility for making the plan, but at set points in the process it could only proceed with proposals with the support of a defined proportion of local bus operators.

Medway's Bus Service Improvement Plan had previously been approved by the Cabinet on 29 October 2021.

Decision number:

Decision:

- | | |
|----------------|---|
| 26/2022 | The Cabinet supported the creation of an Enhanced Partnership (EP) for Medway in accordance with the National Bus Strategy. |
| 27/2022 | The Cabinet approved the submission of the draft Enhanced Partnership Plans and Schemes, as set out at appendix B to the report, to the Department for Transport by the end of April 2022. |
| 28/2022 | The Cabinet agreed to delegate authority to the Deputy Chief Executive and Director of Place, in consultation with the Portfolio Holder for Front Line Services, to negotiate and agree on behalf of the Council any amendments to the draft Enhanced Partnership's Plan and Scheme(s) arising from the statutory consultation and publish the final EP by the date to be determined by the DfT. |

Reasons:

To ensure that Medway Council demonstrates its commitment to the principles outlined in the National Bus Strategy by implementing an Enhanced Partnership, thereby securing existing funding allocations, and putting the Council in a position where it can bid for future funding to improve public transport in Medway.

Adoption Partnership South East, Regional Adoption Agency, Annual Report 2021

Background:

This report set out the first annual report of the new Regional Adoption Agency (RAA), which comprised Medway Council, Kent County Council and the London Borough of Bexley. This RAA, which had been named Adoption Partnership South East (APSE), had launched on 1 November 2020.

The annual report provided information and an overview of the service, performance set against government targets and service and practice development for the period November 2020 – October 2021.

The report had previously been considered by the Children and Young People Overview and Scrutiny Committee at its meeting held on 6 January 2022 and its comments were set out at section 4 of the report.

Decision number: ***Decision:***

The Cabinet noted the comments from the Children and Young People Overview and Scrutiny Committee, as set out at section 4 of the report.

The Cabinet noted the annual report, as set out at Annex A.

Reasons:

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

Determination of Applications for Asset of Community Value Applications Update to the Employee Scheme of Delegations

Background:

The Cabinet accepted this report as urgent to enable consideration of the matter at the earliest opportunity. This was because an application had been submitted requiring determination by the Council within an eight week period and this had triggered the need for the delegations to be in place.

This report sought Cabinet approval to update the Employee Scheme of Delegations to clarify the position in relation to applications for designations of Asset of Community Value ('ACV') status.

Decision number: ***Decision:***

29/2022 The Cabinet agreed to delegate authority to the Director of

Place and Deputy Chief Executive to, in consultation with the Portfolio Holder for Resources, determine applications for Asset of Community Value Status and to maintain the registers as required by the Localism Act 2011.

Reasons:

The Council has a statutory duty to maintain the registers of ACVs and determine applications made by eligible bodies it is important that this is carried out within the statutory timescales and therefore it is appropriate to confirm the delegation.

Future High Street Fund - Property Acquisition / Compulsory Purchase

Background:

This report sought Cabinet approval for the acquisition of the former Debenhams store in Chatham town centre through a Compulsory Purchase Order (CPO), using Future High Street Fund (FHSF) money on the best terms reasonably obtainable. The CPO would be used should agreement not be reached to acquire the property on reasonable terms.

The report advised that attempts to negotiate with the owners of the former Debenhams building had to date, been unsuccessful. An offer had been made to the owners based on a valuation of the property but no formal response had been received. Further discussions led to a deadline being set of the end of November 2021 for the owners to respond and no response had been forthcoming.

The report was accompanied by an Exempt Appendix. This provided details of the valuation of Debenhams and the funds allocated under the Future High Streets Fund (FHSF).

Decision number:

Decision:

30/2022

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

- (a) Continue negotiations with the owners of the Debenhams building to acquire the property on mutually agreeable terms.**
- (b) Commission a suitable partner or the Council's Capital Projects or / and Regeneration Team to develop a residential scheme for the former Debenhams building to the point of obtaining planning permission and the appointment of construction contractors.**
- (c) Prepare a compulsory purchase order (CPO) for any or all of the remaining interests in the building pursuant**

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to the Council's powers under the Acquisition of Land Act 1991 and S226(a) of the Town and Country Planning Act 1990.

- (d) Make the CPO to secure any or all interests required for the regeneration of the building.**
- (e) Submit the CPO to the Secretary of State requesting the confirmation of the CPO.**
- (f) Respond to objections and continue negotiations with the landowner(s) following making of the CPO.**
- (g) Give undertakings and assurances if advised to and to acquire by agreement any outstanding interests.**
- (h) Confirm the CPO as an unopposed Order if the CPO is returned to the Council for confirmation.**
- (i) Instruct experts (including counsel) to represent the Council at an inquiry into the confirmation of the CPO or in any written representation process or process including a hearing.**
- (j) Attend any inquiry into the CPO and to pay the costs of the planning inspectorate for the inquiry.**
- (k) Advertise the confirmation of the CPO if it is confirmed by either the Council as an unopposed order or by the Secretary of State.**
- (l) Serve notices to treat and enter, make vesting declarations and/or deed polls to secure all remaining interests in the site.**
- (m) Seek to resolve issues of compensation by agreement or in default of agreement by reference to the Lands Chamber of the Upper Tribunal and/or by mediation.**

31/2022 The Cabinet agreed to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Leader and Portfolio Holder for Resources, to acquire any other interests necessary to secure the development of the building on the best terms reasonably obtainable.

32/2022 The Cabinet agreed to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Leader and Portfolio Holder for Resources, to take all steps to enter into any arrangements necessary for the disposal, letting and development of the former

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Debenhams building.

Reasons:

To secure the development of a strategic building which is integral to the centre of Chatham. To enable delivery of residential development within former Debenhams and to enhance the regeneration and economic vitality of Chatham.

South Thames Gateway Building Control Business Plan 2022 - 2025

Background:

This report provided details of the South Thames Gateway Building Control Partnership Business Plan for 2022/2025 and the associated Delivery Plan. The Business Plan, as set out in the Exempt Appendix to the report, outlined how the building control function would be delivered on behalf of the partnership Councils (currently Medway, Canterbury, Gravesham and Swale) up until 2025 and indicated what the contributions would be for 2022/23.

Decision number:

Decision:

33/2022

The Cabinet approved the proposed Business Plan for 2022-2025 and Delivery Plan for the South Thames Gateway Building Control Partnership, as set out at the Exempt Appendix, and noted proposed contribution of £132,685 for 2022-2023.

Reasons:

The constitution of the Joint Committee requires approval of the Business Plan for the following year by the Cabinet of each Partner Authority.

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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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