

Record of Cabinet decisions

Tuesday, 10 May 2022

3.00pm to 3.50pm

Date of publication: 11 May 2022

**Subject to call-in these decisions will be effective from 19 May 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 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

An apology of absence was received from Councillor Howard Doe.

Record of decisions

The record of the meeting held on 5 April 2022 and the record of Leader using urgency powers on 26 April 2022 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)

There were none.

Other interests

There were none.

School Place Planning Strategy 2022-27

Background:

This report provided a new School Place Planning Strategy 2022 - 2027, which explained how demand for school places is monitored and how actions can be taken to ensure that appropriate levels of good quality school places are available. Annual updates would provide information on school places and recommend further actions where required to address emerging need based upon analysis of the most up to date information and data.

Decision number:

66/2022

Decision:

The Cabinet approved the School Place Planning Strategy 2022-27 as presented at Appendix 1 to the report, for implementation from 1 September 2022.

Reasons:

By approving the strategy, the Cabinet will be ensuring that the Council meets its statutory duty to ensure sufficient good quality school places are available.

Maidstone Local Plan Review: Statement of Common Ground

Background:

This report provided information on the draft Maidstone Local Plan, which included a proposal for a Lidsing Garden Community on the border of Medway. Medway Council had objected to the proposals but was legally required to demonstrate constructive engagement with Maidstone Borough Council on cross border strategic planning matters, under the Duty to Cooperate.

The matters under consideration between the two authorities were set out in the proposed Statement of Common Ground, which was attached to the report at

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Appendix 2. Members expressed their concerns with the proposed Lidsing Garden Community and the detrimental impact it would have on Medway roads and services, not least education provision and health services and their views that the Statement of Common Ground should be more robust and explicit about the concerns and objections Medway had.

***Decision
number:***

67/2022

Decision:

The Cabinet noted the content of the Statement of Common Ground (as set out at Appendix 2 to the report) and acknowledged that additional work needed to be done to clarify ahead of signing and submission to the examination of the Maidstone Local Plan Review.

Reasons:

To provide a robust and effective governance process supporting the legal Duty to Cooperate.

Scheme of Delegations - Regulatory Services

Background:

This report sought Cabinet approval to amend the Employee Scheme of Delegations with regards to Regulatory Services in the Regeneration, Culture and Environment Directorate.

Following a review of the existing delegations in relation to environmental health, environmental compliance and trading standards matters by the Head of Regulatory Services, Legal Services and Democratic Services to ensure they remain fit for purpose, amendments were sought to clarify the Constitution and make it clearer what decisions were covered. This would ensure that officers continued to be clear as to the limits of their powers and that the Council was adequately protected.

The proposed additions were set out as tracked changes to the existing delegations, at Appendix 1 to the report.

***Decision
number:***

68/2022

Decision:

The Cabinet delegated authority to the Director of Place and Deputy Chief Executive to exercise and to delegate to officers at an appropriate grade the executive functions set out in paragraph 2.4 of the report.

69/2022

The Cabinet recommended Full Council to delegate authority to the Director of Place and Deputy Chief

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Executive to exercise and to delegate to officers at an appropriate grade the non-executive functions set out in paragraph 2.5 of the report.

Reasons:

The amendments to the delegations be made to reduce the risk of legal challenge to the exercise of the Council's functions.

Council Plan Performance Monitoring and Risk Register Review - Quarter 4 2021/2022

Background:

This report provided details of how the Council had performed during quarter 4 in 2021/22 against the Council's three priorities and the actions being taken to improve performance.

There were 50 Council Plan measures for 2021/22, of which it was possible to report on 40 as two were data only and 8 were not available for the reporting quarter. In summary, 28 out of 40 measures had met or exceeded target, 2 were slightly below target and 10 were significantly below target.

The report explained that risk owners had reviewed and updated their risks, which had subsequently been reviewed and agreed by the Strategic Risk Management Group. It was recommended that the following risks be removed; SR26 (Non-delivery of Children's Services Improvement) as this was incorporated and mitigated against by risk SR09B (Failure to meet the need of children and young people); and SR52 (a new severe pandemic) as it was not possible to mitigate against a future pandemic. However, the Council had a robust Pandemic Plan in place and risk SR02 (Business Continuity and Emergency Planning) remained on the strategic risk register.

It was noted that the report would be considered by the Overview and Scrutiny Committees during June and July 2022.

Decision number:

Decision:

The Cabinet noted Q4 2021/22 performance against the measures used to monitor progress against the Council's priorities.

70/2022

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.

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Exclusion of the Press and Public

It was agreed that the press and public be excluded from the meeting during consideration of the exempt material relating to agenda items 9 and 10 because consideration of these matters in public would disclose information falling within Paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 8, and, in all the circumstances of the case, the Committee considers that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Gillingham Football Club

Background:

This fully Exempt report set out details in relation to a settlement arrangement to be entered into with Gillingham Football Club in relation to its alternative education provision and asked the Cabinet to agree a course of action.

Decision number: **Decision:**

71/2022 **The Cabinet agreed to the settlement arrangement set out at paragraph 3.3 of the exempt report.**

Reasons:

For the reasons set out in section 9 of the Exempt report.

Legal Claim Against Medway Council

Background:

This fully Exempt report set out details in relation to a legal claim against Medway Council and asked the Cabinet to agree a course of action.

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, it was proposed that call-in be waived for the reasons set out in paragraph 1.3 of the Exempt report. The Vice-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:**

72/2022 **The Cabinet agreed the recommendations as set out in section 6 of the Exempt report.**

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Reasons:

For the reasons set out in section 7 of the Exempt report.

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Leader of the Council

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Date

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