



Record of decisions Leader using urgency powers

Tuesday, 26 April 2022

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Guarantor and Parent Company Guarantee Requests

Background:

This report requested the Leader to grant delegated authority to the Chief Operating Officer to authorise requests to grant Guarantor and Parent Company Guarantees, on behalf of the Council, in order to enable exchanges to progress on a number of sales.

The report set out that Medway Development Company (Land and Projects) Ltd. was developing several residential led projects, as part of wider regeneration initiatives being implemented by the Council.

It was noted that property development and transactions sometimes required Guarantor and Parent Company Guarantee requests and that it had been established that the Chief Operating Officer required express approval in order to agree such requests and that the exchange of sales could not progress without this.

The report noted that the urgency provisions were set out in the Constitution (paragraph 2.2 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 10 May 2022, 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). This was to enable exchanges to progress on a number of sales. The sales undertaken on the Garrison Point scheme being delivered by Medway Development Company (Land and Projects) Ltd. had progressed at pace and this decision was needed to complete exchanges as soon as possible.

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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:**

60/2022 **The Leader agreed, using urgency powers, to delegate authority to the Chief Operating Officer, in consultation with the Leader, the Portfolio Holder for Resources and the Monitoring Officer, to authorise requests to grant Guarantor and Parent Company Guarantees on behalf of the Council.**

61/2022 **The Leader agreed that decision 60/2022 was considered urgent and therefore should not be subject to call-in.**

Household Support Fund 2022/23

Background:

This report set out a proposal to use the Household Support Fund (HSF) allocation for Medway Council to support families with children, other vulnerable households and individuals from 1 April 2022 to 30 September 2022.

The report explained that this Programme was funded by the Department for Work and Pensions. The Fund had previously covered the period to the end of March 2022, with the scheme introduced in Medway having been the subject of an urgent report to the Leader in October 2021.

On 23 March 2022, the Chancellor had announced that the Household Support Fund would continue for the first six months of 2022/23 and that the funding was to be doubled to £1billion. The Department for Work and Pensions released the draft guidance for local authorities on 1 April 2022 and local authorities were required to provide a delivery plan for their allocated fund by 29 April 2022.

The report set out that Medway Council's allocation was £2,262,463.11. This had been added to the 2022/23 revenue budget under the Chief Operating Officer's delegated authority. Local authorities were required to use the funding from 1 April 2022 to 30 September 2022 to meet immediate needs and help those who were struggling to afford energy, food and water bills, and other related essentials. In exceptional circumstances only, the fund could be used for housing costs.

The report noted that the urgency provisions were set out in the Constitution (paragraph 2.2 of Part 3 (Responsibility for Cabinet functions) of Chapter 3 (Responsibility for Functions) of the Constitution).

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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 10 May 2022, 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). This was because it was imperative that the Council took urgent action to support individuals and families in Medway in line with the Government's announcement to implement the Household Support Fund.

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:

- 62/2022** **The Leader, using urgency powers, agreed the proposals set out in section 3 of the report as the Council's approach to delivering the Household Support Fund and 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.**
- 63/2022** **The Leader, using urgency powers, 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 proposals to enable them to continue to support vulnerable households in Medway, including amending any discretionary eligibility criteria where discussions remain ongoing and where further Government advice is provided.**
- 64/2022** **The Leader agreed, using urgency powers, to delegate authority to the Chief Operating Officer, in consultation with the Leader and the Portfolio Holder for Business Management, to allow a decision to be made in respect of the ringfenced fund for pensioners once Officers were in receipt of all the relevant information from the Department for Work and Pensions.**
- 65/2022** **The Leader agreed that decisions 62/2022, 63/2022 and 64/2022 were considered urgent and therefore should not be subject to call in.**

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Leader of the Council

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Date

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