

## **CABINET**

**23 AUGUST 2022**

### **REFERENCE FROM BUSINESS SUPPORT OVERVIEW AND SCRUTINY COMMITTEE**

Portfolio Holder: Councillor Alan Jarrett, Leader of the Council  
Councillor Adrian Gulvin, Portfolio Holder for Resources

Report from: Neil Davies, Chief Executive

Author: Bhupinder Gill, Assistant Director, Legal and Governance

#### **Summary**

The Cabinet considered a report at its meeting held on 5 April 2022 regarding progress on a development in Chatham. The decision was called in and considered by the Business Support and Overview and Scrutiny Committee (BSOSC) on 10 May 2022, which made a number of recommendations to the Cabinet which are detailed in this report. This report comments on those recommendations and makes proposals for their consideration.

#### **1. Budget and policy framework**

- 1.1. Overview and Scrutiny Committees may make recommendations to the Cabinet arising from the outcome of the scrutiny process (Constitution – Articles of the Constitution - Chapter 2, Article 6, Paragraph 6.4).
- 1.2. At its meeting held on 10 May 2022, the Business Support Overview and Scrutiny Committee (BSOSC) agreed to make recommendations to Cabinet, as set out in paragraph 2.2 of this report.
- 1.3. At its meeting on 8 June 2022, the Children and Young People Overview and Scrutiny Committee agreed to support the recommendations made by BSOSC, as set out below at 2.3.

#### **2. Background**

- 2.1. The Cabinet considered a report at its meeting held on 5 April 2022 which provided details on the progress of a proposed development in Chatham. Two elements of the decisions made by the Cabinet (58/2022), set out below, were subsequently called in:

- i) Instruct officers to conduct a new procurement exercise seeking opportunities to develop that site (with affordable housing either on site or another site or in conjunction with MHS at their adjacent site).
- ii) Delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Portfolio Holder for Resources, to agree the design brief for the Council's desired development on the site, relevant safeguards and outcomes.

2.2. The call in was considered at a special meeting of the BSOSC on 10 May 2022, which noted the Cabinet decisions and made the following recommendations to Cabinet:

- i) recognise the requirement to not have any services or projects tendered which are contrary to Council policy.
- ii) introduce a formalised, improved system of governance and accountability of significant (in terms of budgets over £100,000 or more than 3 years) projects in Medway.
- iii) ensure all decision making is fully minuted to make sure that all the processes are transparent.
- iv) enable appropriate monitoring of major projects using published milestones and a timeline.

2.3. At its meeting on 8 June 2022, the Children and Young People Overview and Scrutiny Committee considered a Members' item in relation to the Gillingham Football Club School, which was considered by Cabinet on 10 May 2022. At that meeting the Committee agreed to support the recommendations made by BSOSC, as set out above in paragraph 2.2.

### 3. Options

3.1. The overview and scrutiny committee has made four recommendations to the Cabinet. They are not in the form of a referral back and request for reconsideration of the original decision (58/2022) and as such Cabinet has an unfettered discretion in how it chooses to respond to the recommendations made, if at all, other than to note them.

3.2. The executive model of local government envisages and works well if both arms of the model, the executive and the overview and scrutiny work in partnership to deliver the Council's ambitions articulated in the Council Plan, with the latter limb being a critical friend.

- 3.3. In respect of the BSOSC recommendations set out above,
- 3.3.1. 2.2 (i) and (iii) it is recommended that that the existing governance requirements are noted
- 3.3.2. 2.2 (ii) and (iv) it is recommended that these points are explored in greater detail by the Assistant Director of Legal and Governance and that he share a report with members of Corporate Management Team, advising them of the current systems and processes, and if there is room for improvement with the aim of improving governance.
- 3.4. Compliant with Council policy. All reports to member decision making bodies are required to state if the proposals contained within the report are within the Council's budget and policy framework, as exemplified by the template used for this report. In addition, such reports undergo an authorisation/ governance process in which the report has to be signed off by senior officers within the service area and also by both finance and legal services. Such a process is common in local government and represents best practice. The review by "several eyes" across many professions ensures that the council has in place a robust system of governance and many opportunities to query new proposals and challenge those which may be overly ambitious. Specific delegations to officers arising from such reports will inevitably be to progress those matters which have been considered to be within budget and the policy framework. The officer scheme of delegation provides decision making authority on operational matters.
- 3.5. Minuted decisions. The Council has a number of decision making bodies. Executive powers are exercised by the Cabinet or officers to whom they may be delegated and those matters which are non executive functions are delegated to committees and or officers of their behalf. Decision making by the Cabinet is recorded and published as are those decisions delegated by the Cabinet to officers. All meetings of formally constituted committees/ decision making bodies are formally recorded and published. Decisions which are operational in nature are not normally recoded in such detail simply due to their nature and frequency, to do so, would add a suffocating level of bureaucracy.
- 3.6. The operation of such processes works well at Medway however, no system, however rigorous it may be is infallible, and having many eyes overseeing individual matters minimises opportunities for innocent mistakes or rogue decision making.

#### 4. Advice and analysis

- 4.1. For the reasons set out in the report Cabinet is recommended to note the BSOSC recommendations i) and iii) for the reasons set out above and request the Assistant Director of Legal and Governance to produce report to share with members of the Corporate Management Team on recommendations ii) and iv)

## 5. Risk management

5.1. There are no significant risks arising from this report.

## 6. Consultation

6.1. The Leader, the Portfolio Holder for Resources and services involved in corporate governance have been consulted in the production of this report.

## 7. Climate change implications

7.1. There are no climate changes implications arising from this report

## 8. Financial implications

8.1. There are no financial implications arising from the contents of this report.

## 9. Legal implications

9.1. There are no legal implications arising from the contents of this report.

## 10. Recommendations

10.1. The Cabinet is recommended to

10.1.1. note the Business Support Overview and Scrutiny Committee's (BSOSC) recommendations i) and iii) and

10.1.2. request the Assistant Director of Legal and Governance to share a report with members of Corporate Management Team, advising them of the current systems and processes, and to identify any possible changes with the aim of improving governance.

## 11. Suggested reasons for decisions

11.1. It is considered that there are sufficient safeguards already in place for the BSOSC recommendations i) and iii), decisions on recommendations ii) and iv) can be considered by officers following receipt of the further report. commissioned.

## Lead officer contact

Bhupinder Gill, Assistant Director Legal and Governance  
Email: Bhupinder.Gill@Medway.gov.uk

## Appendices

None.

Background papers

None.