

Record of Cabinet decisions

Tuesday, 23 August 2022

3.00pm to 4.06pm

Date of publication: 24 August 2022

**Subject to call-in these decisions will be effective from 2 September 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 26 July 2022 was agreed by the Cabinet and signed by the Leader as correct.

Cabinet, 23 August 2022

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 no. 10 (Capital Budget Monitoring – Round 1 2022/23) as there were references to Medway Development Company Ltd within the report and Councillor Doe is the company Chairman. Councillor Doe relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in the related discussion and voting.

Councillor Gulvin declared an OSI in relation to agenda item no. 10 (Capital Budget Monitoring – Round 1 2022/23) as there were references to Medway Development Company Ltd within the report and Councillor Gulvin is a director of the company. Councillor Gulvin relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in the related discussion and voting.

Other interests

There were none.

Four Elms Hill Air Quality Action Plan

Background:

This report presented the Air Quality Action Plan (AQAP) for the Four Elms Hill Air Quality Management Area (AQMA) to the Cabinet for approval. The AQAP had been produced to satisfy the requirements of the Environment Act 1995.

The report advised that the Four Elms Hill Air Quality Action Plan supported delivery of the Council's strategic priority '*Medway: A place to be proud of*' and the key outcome of a '*clean and green environment*'. The Plan also supported the Climate Change Action Plan as a measure within the Action Plan.

A Diversity Impact Assessment had been undertaken in relation to the Plan, details of which were set out in Appendix 2 to the report.

The report had been considered by the Regeneration, Culture and Environment Overview and Scrutiny Committee on 11 August 2022 and its comments were set out in an addendum report. This included an additional recommendation that had been made by the Committee in relation to the provision of a dedicated cycle lane on Four Elms Hill.

Cabinet, 23 August 2022

***Decision
number:***

Decision:

The Cabinet noted the comments of the Regeneration, Culture and Environment Overview and Scrutiny Committee set out in the addendum report.

99/2022

The Cabinet approved the Four Elms Air Quality Action Plan, attached at Appendix 1 to the report.

The Cabinet noted the following recommendation from the Regeneration, Culture and Environment Overview and Scrutiny Committee:

‘The Committee requested the Cabinet to bring forward the dedicated cycle lane on Four Elms Hill.’

100/2022

The Cabinet agreed that construction of the cycle way would be carried out in Spring 2023.

Reasons:

Approval of the Four Elms Air Quality Action Plan (AQAP) will fulfil the Council’s statutory duty, under the Environment Act 1995, to develop and implement an AQAP.

Outcomes of Consultation on Proposals to Change Three Grammar Schools from Single Gender to Co-Educational Provisions

Background:

This report outlined the outcomes of the consultation on proposals for three Medway grammar schools to change their admissions arrangements from single sex to co-educational provisions.

This report requested Cabinet approval for proposals to continue; the next stage of the process being for the three schools to formally consult on changing their admissions arrangements. The Cabinet were also asked to recommend that Full Council agree to fund the necessary building modifications to ensure appropriate facilities were available.

The report had been considered by the Children and Young People Overview and Scrutiny Committee on 28 July 2022 and its comments were set out at section 9 of the report.

A Diversity Impact Assessment had been undertaken in relation to the Plan, details of which were set out in Appendix 3 to the report.

Cabinet, 23 August 2022

**Decision
number:**

Decision:

The Cabinet noted the comments made by the Children and Young People Overview and Scrutiny Committee as set out in section 9 of the report.

The Cabinet noted the outcome of the consultation and the next part of the process, which was to be carried out by the individual schools, as set out in paragraph 4.2 of the report.

101/2022

The Cabinet recommended Full Council to agree to add £2.5 million to the Capital Programme to fund the necessary building modifications to ensure appropriate facilities are available (only if the Regional Schools Commissioner's decision was to go ahead with the proposals).

Reasons:

The proposed changes would, in time, allow for an increase in the Medway Test pass percentage, and enable more Medway pupils, boys and girls to attend their local selective school.

It will ease the pressure on non-selective schools, providing Medway with more sustainable overall secondary provision, which should negate the need for further bulge classes within the non-selective sector, allowing those schools that are admitting pupils over Published Admission Number (PAN) to consolidate places and make best use of their resources and facilities.

Annual Fostering Report 2021-22

Background:

This report provided details of the work completed by the Fostering Service over the last year, how in-house fostering services had met the needs of Medway's Looked After Children (LAC) and of the work which should be undertaken in the coming year. The report detailed the work for the financial year April 2021 to March 2022.

The annual report had been considered by the Children and Young People Overview and Scrutiny Committee on 28 July 2022, details of which were set out at section 4 of the report.

Cabinet, 23 August 2022

***Decision
number:***

Decision:

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

The Cabinet noted the Fostering Service Annual Report 2021-22.

Reasons:

The National Minimum Standards for Fostering (2011) require that Fostering Agencies report the activity of the fostering service to its governing bodies.

Reference from Business Overview and Scrutiny Committee

Background:

This report set out a number of recommendations to the Cabinet that had been made by the Business Support and Overview and Scrutiny Committee on 10 May 2022. This was in relation to the call-in of two Cabinet decisions within decision no. 58/2022, made on 5 April 2022, regarding progress on a development in Chatham (decision no. 58/2022 refers).

The report advised that 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 had been considered by Cabinet on 10 May 2022. At that meeting the Committee had agreed to support the recommendations made by the Business Support Overview and Scrutiny Committee in relation to the call-in of Cabinet decision no. 58/2022.

The report provided comment on the recommendations from the Business Support Overview and Scrutiny Committee and made proposals for their consideration.

***Decision
number:***

Decision:

The Cabinet noted the Business Support Overview and Scrutiny Committee's recommendations, i) and iii), as set out in paragraph 2.2 to the report. These were as follows:

- i) recognise the requirement to not have any services or projects tendered which are contrary to Council policy.**
- iii) ensure all decision making is fully minuted to make sure that all the processes are transparent.**

Cabinet, 23 August 2022

102/2022

The Cabinet requested the Assistant Director, 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.

Reasons:

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

Future Hoo Progress Report

Background:

This Cabinet accepted the report as urgent to enable consideration of the matter at the earliest opportunity to mitigate any delays as the next scheduled Cabinet meeting was due to take place on 20 September 2022.

This report advised the Cabinet of the outcome of consideration of a call-in by the Regeneration, Culture and Environment Overview and Scrutiny Committee on 11 August 2022, in relation to Cabinet decisions 89-91/2022 to approve the commencement of consultation on the draft Hoo Development Framework, the continuation of progress on the preparation of applications for all aspects of the Future Hoo Project and to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Leader of the Council, the Portfolio Holder for Strategic Regeneration, Inward Investment and Partnerships and the Portfolio Holder for Planning, Economic Growth and Regulation, to make any changes considered prudent to appendices 1-5 of the Cabinet report.

The Regeneration, Culture and Environment Overview and Scrutiny Committee had referred all three decisions to Council for consideration. The Committee had not set out reasons for this referral. The report advised that Full Council would be asked to consider the referral from the Committee and would need to decide whether to take no further action or to refer the decisions back to the Cabinet for reconsideration.

Decision number:

Decision:

The Cabinet noted the decision of the Regeneration, Culture and Environment Overview and Scrutiny Committee at its meeting on 11 August 2022 to refer the Cabinet decisions to Council for consideration.

Cabinet, 23 August 2022

103/2022

The Cabinet agreed that an explanatory document would be produced and submitted to Full Council when the matter was due to be discussed in September.

Reasons:

To enable the Cabinet to provide any additional comments to Council for its consideration of the Regeneration, Culture and Environment Overview and Scrutiny Committee's referral.

Revenue Budget Monitoring - Round 1 2022/23

Background:

This report presented the results of the first round of the Council's revenue budget monitoring process for 2022/2023. The report set out that at its meeting on 24 February 2022, Full Council had set a total budget requirement of £351.982million for 2022/2023. Since approval of the budget, additional grant funding had been received, primarily relating to Council Tax support for energy bills. These additions took the Round 1 budget requirement to a total of £372.130million.

The forecast outturn for 2022/2023 currently represented a pressure of £12.566million.

Decision number:

Decision:

The Cabinet noted the results of the first round of revenue budget monitoring for 2022/23.

Reasons:

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

Capital Budget Monitoring - Round 1 2022/23

Background:

This report presented the results of the first round of the Council's capital budget monitoring process for 2022/2023. The report explained that an overspend of £36,000 was forecast within the Children's and Adults Directorate, before requested capital additions and that an underspend was forecast within the Regeneration, Culture and Environment Directorate of £18,000. All other Services/Directorates were forecast to complete their capital schemes within the approved budget.

Cabinet, 23 August 2022

The report also requested that the Cabinet recommend to Full Council a number of additions to and removals from the Capital Programme. Details of these were set out in section 9 of the report.

**Decision
number:**

Decision:

The Cabinet noted the results of the first round of capital budget monitoring for 2022/23 and the following capital additions agreed by Council on 21/07/2022, which would be incorporated into the capital monitoring process from round 2 of 2022/23:

- i) £17,878,916 from short-term borrowing (to be repaid from future capital receipts generated by the site) for the redevelopment of the former Debenhams site,
- ii) £12million total against future capital receipts for a building (£8million) and car park (£4million) on the Southern Site of the Innovation Park Medway (IPM), and
- iii) £12.850million to fund the new Splashes Sports Centre, funded from prudential borrowing.

104/2022

The Cabinet recommended that Full Council approve the following changes to the capital budget:

- i) The addition £975 of basic need grant to the Halling Primary Expansion scheme to address the overspend reported, as set out in paragraph 9.1.1 of the report;
- ii) The addition of £155 of S106 developer contributions to the Rowans Primary Support scheme to address the overspend reported, as set out in paragraph 9.1.2 of the report;
- iii) The addition of £35,000 of S106 developer contributions to the Robert Napier Bulge scheme to address the overspend reported, as set out in paragraph 9.1.3 of the report;
- iv) The removal of the uncommitted balance of the Regeneration Investment Fund of £12.947million, as set out in paragraph 9.1.5 of the report;

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- v) The addition of £114,500, funded from the Council's General Reserves to the Lordswood Community Hub scheme, as set out in section 9.2 of the report.

105/2022

The Cabinet agreed a virement of £527,000 to the Medway City Estate scheme, funded from underspends of £15,000 on the National Productivity Plan and £512,000 on the Integrated Transport LTP3, as set out in paragraph 9.1.4 of the report.

Reasons:

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

Council Plan Performance Monitoring Report and Risk Summary Quarter 1 2022/2023

Background:

This report provided details of how the Council had performed during quarter 1 in 2022/23 against the Council's three priorities and the actions being taken to improve performance. The report also presented the quarter 1 review of strategic risks.

The report set out that the format of the report had been improved, following feedback. The new style report showed performance of each programme. It included programme achievements and actions being taken to improve performance.

There were 51 Council Plan measures for 2022/23, of which it was currently possible to report on 48 as two measures were not available this quarter and one measure was data only. In summary, 32 of the measures reported to have met or exceeded target, two were slightly below target and 14 were significantly below target.

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

Decision number:

Decision:

The Cabinet noted the Q1 2022/23 performance against the measures used to monitor progress against the Council's priorities.

106/2022

The Cabinet agreed the Strategic Risk Summary set out at Appendix 4 to the report.

The Cabinet noted the new style report.

Cabinet, 23 August 2022

Reasons:

Regular monitoring of performance and risks by management and Members is best practice and ensures achievement of corporate objectives.

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Leader of the Council

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Date

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