

Record of Cabinet decisions

Tuesday, 18 October 2022

3.00pm to 5.05pm

Date of publication: 20 October 2022

**Subject to call-in these decisions will be effective from 28 October 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 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)
In Attendance:	Neil Davies, Chief Executive	
	Jon Pitt, Democratic Services Officer	

Apologies for absence

Apologies for absence were received from Councillor Rodney Chambers OBE and from Councillor Potter.

Record of decisions

The records of the meeting held on 23 August 2022 and the record of the urgent decision taken by the Leader on 16 September 2022 were agreed by the Cabinet and signed by the Leader as correct.

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.

Treasury Management Outturn Annual Report

Background:

This report provided an overview of treasury management activity during 2021/22. It stated that overall, the Interest and Financing budget made a surplus of £5,451,000 over its targeted budget of £12,171,000.

The underspend on the Minimum Revenue Provision (MRP) followed a report by Link Asset Services which concluded that provision in previous years had been too high so just £358,000, being equivalent to the HRA contribution, had been charged as MRP in 2021/22 to redress the balance.

The report advised that the Council's Constitution set out that the report would be presented to the Cabinet and to the Audit Committee no later than September, but that this had not been possible this year due to the cancellation of the September Cabinet and Audit Committee.

The report had previously been considered by the Audit Committee on 5 October 2022.

***Decision
number:***

Decision:

The Cabinet noted the treasury management outturn annual report.

Reasons:

Section 7.1 (e) of the Council's Financial Rules state that the Chief Operating Officer shall report to Cabinet and the Audit Committee not later than September on treasury management activities in the previous year.

Cabinet, 18 October 2022

Financial Outlook 2023/2024

Background:

This report set out the initial assumptions underpinning the financial pressures projected by the Council's services alongside projections of the Council's income streams insofar as they impacted the 2023/24 budget.

The report provided details of the resource projections. Initial projections for income for 2023/24 amounted to an increase in resources available of £16.001million. Initial projections for the cost of services would add a pressure of between £48.361 – £72.244million, therefore, this represented a potential budget gap for the Council of £32.626 – £56.243million.

Decision number:

109/2022

Decision:

The Cabinet noted the initial forecast level of budget pressures and funding for 2023/24 and the projected budget deficit identified and instructed the Corporate Management Team to bring forward proposals to address the projected budget deficit.

Reasons:

This report is important in providing the framework underpinning the budget setting process for 2023/24.

Council Strategy Refresh 2023/24

Background:

This report set out the refreshed Council Strategy. 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 stated that the performance measures, key facts and opportunities and challenges would be reviewed as part of the Council Plan refresh in January 2023.

The Business Support Overview and Scrutiny Committee considered this report on 25 August 2022 and its comments were set out in section 5 of the report.

A Diversity Impact Assessment (DIA) had been completed in relation to the updated Council Strategy, as set out in Appendix 2 to the report.

Cabinet, 18 October 2022

**Decision
number:**

Decision:

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

110/2022

The Cabinet recommended to Full Council the adoption of the refreshed Council Strategy as set out in Appendix 1.

Reasons:

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 will ensure continued delivery of the objectives and effective monitoring of performance.

2022 Annual Review of the School Place Planning Strategy 2022-27

Background:

This report provided an update on the progress made against the School Place Planning Strategy 2018 – 2022 and 2022 - 2027, highlighting areas of demand for school places, action taken and made recommendations to ensure that sufficient good quality school places were available through to 2027. The report set out options to fund the proposals.

This annual review report, and the recommendations in it, were based upon the annual round of forecasting undertaken in April 2022, using the latest available data.

**Decision
number:**

Decision:

The Cabinet noted the progress made against the School Organisation Plan and School Place Planning Strategy frameworks, which had ensured that the Council had met its duty and that sufficient school places were currently available to meet demand.

The Cabinet noted that the Council had been allocated £17,049,927 basic need allocation, and £7,961,522 SEND allocation.

111/2022

The Cabinet supported the strategy as set out in sections 9 and 11 of the report, with individual schemes being brought forward to Cabinet and Council seeking approval to be added to the Capital Programme in due course.

- 112/2022** **The Cabinet authorised officers to commence the detailed feasibility studies, design, planning, and procurement processes at the appropriate times for the projects set out in sections 9 and 11 of the report, ensuring that appropriate procurement processes would be completed.**
- 113/2022** **The Cabinet authorised officers to undertake further feasibility studies and statutory consultations as necessary to ensure that plans were in place to meet demand as and when it emerged.**

Reasons:

By approving the recommendations in section 18 of the report, the Cabinet will be ensuring that the Council meets its statutory duty to ensure sufficient good quality school places are available.

Joint Special Educational Needs and Disability (SEND) Strategy 2022-25

Background:

This report set out the draft updated Joint Special Educational Needs and Disability (SEND) Strategy. This included the vision, guiding principles and the key areas of development that would be Medway's focus for children and young people with SEND over the coming three years.

The report had previously been considered by the Health and Wellbeing Board and by the Children and Young People Overview and Scrutiny Committee. The comments made by the Board and the Committees were set out at Appendix 3 and Appendix 4 to the report respectively.

A Diversity Impact Assessment (DIA) had been completed in relation to SEND Strategy, as set out at Appendix 2 to the report.

Decision number:

Decision:

- The Cabinet noted the comments of the Health and Wellbeing Board and the Children and Young People Overview and Scrutiny Committee, as set out at Appendix 3 and Appendix 4 to the report.***
- 114/2022** **The Cabinet approved the Joint SEND Strategy 2022-25, as set out at Appendix 1 to the report.**
- 115/2022** **The Cabinet delegated authority to the Director of People – Children and Adult Services, in consultation with the Portfolio Holder for Children's Services (Lead**

Member), to make minor updates to the Strategy that would be necessary following completion of the Safety Valve Intervention Programme (SVIP).

Reasons:

The Joint SEND Strategy sets out an approach which supports the achievement of positive outcomes for young people with SEND and includes the vision, guiding principles and the key areas of development that will be Medway's focus for children and young people with SEND over the coming three years.

Planning Policy Update - Medway Local Development Scheme and Statement of Community Involvement

Background:

This report presented a Local Development Scheme which set out an updated programme for the preparation of the new Medway Local Plan and Neighbourhood Plans in Medway. This scheme would provide for an additional stage of consultation in the preparation of the Local Plan.

The report also considered an update to the Medway Statement of Community Involvement, which set out the processes that the Council would follow in consulting on planning matters.

A Diversity Impact Assessment (DIA) had been completed in relation to screening for the Statement of Community Involvement. This was attached at Appendix 3 to the report.

Decision number:

Decision:

116/2022

The Cabinet approved the Medway Local Development Scheme 2022, as set out at Appendix 1 to the report.

117/2022

The Cabinet approved the Medway Statement of Community Involvement 2022, as set out at Appendix 2 to the report.

Reasons:

To provide clarity on an updated programme for the preparation of the Medway Local Plan.

To provide an updated policy for consultation on Planning matters.

Neighbourhood Planning

Background:

This report outlined the process and responsibilities in preparing Neighbourhood Plans. It provided an update on the current position regarding the five Neighbourhood Plans in preparation in Medway. The report sought to clarify and formalise the Council's governance process in decision making on policies that would form part of the Council's Development Plan.

The report explained that Neighbourhood Plans had been introduced through the Localism Act 2011 and were considered to be one means of encouraging wider participation of local communities in planning for the future of their local areas. Once adopted, or 'made', the Neighbourhood Plan, formed part of the Development Plan for the local planning authority, which also included the adopted Local Plan. The Development Plan formed part of the Council's policy framework.

Decision number:

118/2022

Decision:

The Cabinet approved the governance process for Neighbourhood Plans as set out at paragraphs 4.3 to 4.7 to the report.

Reasons:

To provide a clear governance process to support the preparation and adoption of Neighbourhood Plans in Medway.

Medway 2037 - Regeneration Strategy Refresh

Background:

This report sought publication of the updated set of Regeneration Strategy documentation. This included the Medway 2037 strategy document, the Town Centre Strategy, the Innovation Strategy and the Skills and Employability Plan. The report also advised that work had commenced on a River Strategy and that this was due to be completed by the end of the financial year 2022/23.

The report explained that the refreshed set of strategies responded to key societal, socio-economic, and political agendas which were material to Medway's growth agenda including Climate Change, Levelling Up and technological challenges and opportunities, whilst also ensuring that the Council would be able to capitalise on existing and emerging funding opportunities.

Cabinet, 18 October 2022

**Decision
number:**

Decision:

119/2022

The Cabinet approved the publication of Medway 2037, the Town Centre Strategy, the Innovation Strategy and the Skills and Employability Plan.

120/2022

The Cabinet agreed to delegate authority to the Director of Place and Deputy Chief Executive to, in consultation with the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships and the Portfolio Holder for Planning, Economic Growth and Regulation, finalise the presentation of Medway 2037 and associated Plans and Strategies and to finalise wording of the Medway 2037 Foreword.

Reasons:

Approval of the publication of the refreshed Regeneration Strategy documents provides solidified strategic direction for Regeneration within Medway. The clear direction of these strategies and accompanying action plans, will also form the basis for future funding applications, and will be used to attract investment in Medway.

Enforcing Moving Traffic Offences in Medway

Background:

This report explained recent changes to Part 6 of the Traffic Management Act 2004 and sought approval to apply to the Secretary of State for civil powers to enforce moving traffic offences in Medway.

The report set out that local Highway Authorities outside of London with civil parking enforcement powers were now able to apply to the Secretary of State for powers to enforce moving traffic offences. This would bring the rest of the country in line with London, where local boroughs could use video analytics and automatic number plate recognition (ANPR) cameras to identify offences and issue Penalty Charge Notices to drivers committing moving traffic contraventions.

The report set out a proposed first tranche of specific sites for enforcement once the order had been granted by the Secretary of State. These locations were subject to existing restrictions that could be enforced by the Police currently and no new restrictions were proposed. Subject to the Cabinet's agreement, officers would prepare a business case for the scheme for Cabinet to consider at a future meeting.

A Diversity Impact Assessment (DIA) had been completed in relation to the proposals, as set out in Appendix B to the report.

Cabinet, 18 October 2022

**Decision
number:**

121/2022

Decision:

The Cabinet supported the civil enforcement of moving traffic offences across Medway, as set out in option 1 at paragraph 3.1 of the report and agreed to delegate authority to the Chief Executive to apply to Government for enforcement powers.

Reasons:

To support the management of the road network in Medway and improve safety and traffic flow at specific locations and along key corridors, in accordance with Council policy and strategic objectives.

Better Care Fund

Background:

This report presented Medway's draft Better Care Fund (BCF) Plan for 2022-2023. The report explained that the approach to Better Care Fund planning over the last two years had been limited by Government, to allow for the response to the Covid pandemic.

The report advised that the Plan set out at Appendix 1 to the report had been created with consideration of strategic priorities for the NHS Kent and Medway Integrated Care Board (NHSKM), Medway Council, Medway Foundation Trust and the Health and Wellbeing Board. It had been submitted for regional assurance on 18 August 2022 and formal submission to NHS England had been required by 26 September 2022. Due to the Cabinet meeting in September having been cancelled due to the death of Her Majesty The Queen, this submission had been done provisionally, ahead of Cabinet's approval.

The report had previously been considered by the Health and Wellbeing Board on 1 September 2022 and its comments were set out at section 5 of the report.

**Decision
number:**

122/2022

Decision:

The Cabinet noted the comments of the Health and Wellbeing Board, set out in section 5 of the report.

The Cabinet agreed the Better Care Fund Plan for 2022/23, set out at Appendix 1 to the report and noted that the draft two-year plan for 2023 to 2025 will be brought to the Cabinet later in 2022.

Cabinet, 18 October 2022

Reasons:

Approval of the Better Care Fund Plan 2022/23 will formalise the submission made to NHS England, which had to take place as a provisional submission by 26 September 2022.

Covert Surveillance Policy

Background:

The report set out the proposed revised Covert Surveillance Policy. This followed some recommended changes to the Policy that had been made by the Investigatory Powers Commissioner's Office (IPCO).

The report explained that not updating the Policy carried a risk that evidence obtained using covert surveillance could be inadmissible in court and that the Council could be the subject of complaints made to the Investigatory Powers Tribunal and enforcement action by the IPCO.

Decision number:

123/2022

Decision:

The Cabinet approved the updated Covert Surveillance Policy, attached at Appendix 1 to the report.

Reasons:

The updates to the policy address the ever increasing popularity of the use of social media and reflect updates to job titles for authorising officers.

Union Place Car Park, Chatham

This item had been deferred and would be rescheduled for consideration at a future meeting of the Cabinet.

Splashes Sports Centre

Background:

This report asked the Cabinet to consider whether to recommend full Council to approve an addition of £7million to the capital budget to fund the development of the new Splashes Sports Centre and if so, to delegate authority to the Leader of the Council to enter into the contract.

The report set out that the addition made to the Capital Programme at Full Council in July 2022 was no longer sufficient due to economic volatility internationally, leading to challenges across all areas of the supply chain, as well as significant increases in labour costs. This had meant that the completed tenders received in August 2022 were several million pounds higher than those projected earlier in the year.

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An exempt appendix to the report set out projected costs of the new build of the Sports Centre.

**Decision
number:**

Decision:

124/2022

The Cabinet agreed to recommend Full Council to approve an addition of an amount, not exceeding £7.0 million, to the Splashes Redevelopment Scheme in the Capital Programme, to enable development of the new Splashes Sports Centre.

125/2022

The Cabinet agreed to request that Council delegate authority to the Leader of the Council to determine the contract award and instruct officers to complete such agreements as necessary for the delivery of the project.

Reasons:

An addition to the capital budget of £7.0 million will allow the development of Splashes sports centre to proceed in accordance with Cabinet approval from July 2021, and in line with tender returns received.

Capital Additions Report - The Brook Theatre

Background:

The report set out that the works had been awarded grant funding from the Future High Street Fund (FHSF) (£300,000) and the Levelling Up Fund (LUF)(£6.5m). A Re:Fit works programme was also being undertaken, which focused on upgrading elements relating to the operations of the Brook Theatre. Initial building surveys (Phase 1) had been undertaken to facilitate these upgrades and had recommended further surveys (Phase 2) to be carried out throughout the building.

This report requested that the Cabinet recommend to Full Council an addition of £250,000 to the Capital Programme to undertake the Phase 2 surveys as part of the refurbishment works.

**Decision
number:**

Decision:

126/2022

The Cabinet agreed to recommend to Full Council the addition of £250,000 to the Council's capital programme, funded from reserves, to enable the Phase 2 Intrusive Surveys to be carried out at the Brook.

Cabinet, 18 October 2022

Reasons:

Although there is no immediate health and safety risk to occupants of the building, the structural survey recommends that phase two is undertaken within 6-12 months. Therefore, the addition of £250,000 to the Capital programme in November will enable a clearer picture of the condition of the building and identify appropriate long term measures that need to be implemented.

Mosaic - Children's Urgent Forms Development

Background:

This report set out an urgent proposal to rebuild the Children's Services side of the Children and Adults Social Care System, Mosaic, by removing unworkable licenced forms and replacing with bespoke simplified forms. This would ultimately better embed the Council's practice model framework.

The report stated that it was imperative that Children's services removed barriers to good practice by simplifying case management recording, and that progress was made at pace in the face of Ofsted monitoring visits and the full inspection.

A Diversity Impact Assessment (DIA) had been completed in relation to the proposal to redesign and replace the existing Children's Urgent Forms. The DIA was set out at Appendix 2 to the report.

Decision number:

127/2022

Decision:

The Cabinet approved the option detailed at paragraph 3.4 of the report, to commission external resource to reconfigure Mosaic, develop forms and database reports.

128/2022

The Cabinet agreed to recommend Full Council to approve the addition of £1.7m to the revenue budget, to be funded from Council reserves, in line with phasing detailed at paragraph 8.1 of the report.

Reasons:

The recommendations will enable the service to transition away from the existing Signs of Safety forms and work to develop simplified forms and drive sustainable strengths-based practice improvement.

Cabinet, 18 October 2022

Update on Plans Relating to the Future of the First Floor of the Pentagon Centre

Background:

This report provided an update on the plans for the first floor of the Pentagon Centre, which included an NHS Healthy Living Centre (HLC), Innovation Hub and ancillary projects. In February 2022, Full Council had added £10,348,000 to the Capital Programme to fund the HLC, on the provision that the NHS would reimburse the full amount. The Council had also been awarded grant funding from the Future High Street Fund (FHSF), to assist with the delivery of the HLC and Innovation Hub on the first floor of the Pentagon Centre. The outputs of the projects needed to be delivered by 31 March 2024.

The report advised that various options had been considered for the redevelopment of the first floor. The favoured option was for it to be used as an NHS HLC, which would provide a much-needed medical facility in Chatham, providing a catalyst for ancillary medical uses and; an Innovation Hub, which would primarily be funded from the FHSF.

Two exempt appendices to the report set out an update on plans relating to the future of the first floor of the Pentagon Centre and a plan of the proposed uses of the first floor.

Decision number:

Decision:

The Cabinet noted the contents of this report.

Reasons:

Progressing the delivery of plans to re-use the first floor of the Pentagon, will provide useful community facilities, improve the net income from the centre and improve footfall.

Kyndi - Six Monthly Progress Report

Background:

This report provided the Cabinet with a review of Kyndi's performance, for Quarter 4 of the financial year 2021-22 and Quarter 1 of the financial year 2022-23. It was accompanied by an update on the company's achievements and financial performance prepared by the Chief Executive at Kyndi.

The report highlighted that, subject to final accounts, Kyndi's year-end forecast for 2021-2022 was £677,000 and that financial performance for Quarter 1 for 2022-23 was £47,000K.

Cabinet, 18 October 2022

***Decision
number:***

Decision:

The Cabinet noted the six-monthly performance report for Kyndi for the period Quarter 4 (2021-2022) and Quarter 1 (2022 – 2023).

Reasons:

When Cabinet agreed to establish Kyndi (previously MCG) it was also agreed that regular monitoring reports would be provided to Cabinet.

Household Support Grant: 2022/23 Q3/4 Allocation and Free School Meals

Background:

The Cabinet accepted the report as urgent as 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 Grant.

This report set out a proposal to use the latest round of funding allocated to the Council through the Household Support Fund. The Council had been allocated £2,262,463.11 for the period 1 October 2022 to 31 March 2023.

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. The Chairman of the Business Support 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:

129/2022

The Cabinet 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 of the Council and the Portfolio Holder for Business Management, to finalise and implement these proposals.

Cabinet, 18 October 2022

130/2022

The Cabinet 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 remained ongoing and where further Government advice was provided.

Reasons:

Given the lack of cost to the local taxpayer it is appropriate for the Council to introduce these measures to support our most vulnerable residents.

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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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