

Record of Cabinet decisions

Tuesday, 8 August 2023

7.02pm to 8.04pm

Date of publication: 10 August 2023

**Subject to call-in these decisions will be effective from 18 August 2023
The record of decisions is subject to approval at the next meeting of the Cabinet**

Present:	Councillor Vince Maple	Leader of the Council
	Councillor Teresa Murray	Deputy Leader of the Council
	Councillor Tracy Coombs	Portfolio Holder for Education
	Councillor Simon Curry	Portfolio Holder for Climate Change and Strategic Regeneration
	Councillor Lauren Edwards	Portfolio Holder for Economic and Social Regeneration and Inward Investment
	Councillor Naushabah Khan	Portfolio Holder for Housing and Property
	Councillor Tristan Osborne	Portfolio Holder for Community Safety and Enforcement
	Councillor Adam Price	Portfolio Holder for Children's Services (including statutory responsibility)
	Councillor Zoë Van Dyke	Portfolio Holder for Business Management

In Attendance: Richard Hicks, Chief Executive
Lee-Anne Farach, Director of People and Deputy Chief Executive
Vicky Nutley, Head of Legal Services
Phil Watts, Chief Operating Officer
Jon Pitt, Democratic Services Officer

Apologies for absence

An apology for absence was received from Councillor Mahil.

Record of decisions

The record of the meeting held on 11 July 2023 was agreed by the Cabinet and signed by the Leader as correct.

Cabinet, 8 August 2023

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.

Adoption of an Outdoor Events Policy

Background:

The report proposed the adoption of a new Outdoor Events Policy and proposed new standardised fees and charges.

The report explained that outdoor events in Medway were currently managed by the services responsible for the various areas of land across Medway e.g. Norse Greenspaces, Heritage Team and the Town Centre Management Team. Each service had its own set of criteria for allowing an event to happen. Fees, charges, and processes could vary significantly and the support that event organisers would receive differed depending on the skills and experience of officers in each team.

This new policy brought all outdoor events under a single standardised framework for professional and community event organisers that would support the coordinated growth of outdoor events across Medway. This new policy also recognised the changes required as a result of Martyn's Law and also encompassed the RSPCA Pets for Prizes recommendations.

A Diversity Impact Assessment had been undertaken in relation to the Policy, details of which were set out in Appendix 4 to the report.

Decision number:

124/2023

125/2023

Decision:

The Cabinet agreed to adopt the new Outdoor Events Policy.

The Cabinet recommended the Medway Outdoor Events fees and charges, as set out in Appendix 2, to Full Council in October 2023 for approval.

Cabinet, 8 August 2023

Reasons:

This new policy will view all outdoor events across Medway under a single standardised framework that will support the coordinated growth of outdoor events across Medway.

Renewing the Lease of Nursery Premises, Kingfisher Primary School

Background:

This report asked Cabinet to delegate authority to renew the lease for the nursery premises at Kingfisher Primary School when the current lease expired on 29 January 2024.

The report advised that the market rental value of the premises was in excess of £20,000 per annum and therefore was beyond officer and Director delegated limits contained in the Council's Delegation Scheme. Cabinet approval was therefore required to authorise the proposed lease transaction.

An Exempt Appendix to the report set out the exact market value of the premises.

Decision number:

126/2023

Decision:

The Cabinet agreed to delegate authority to the Director of Place, in consultation with the Portfolio Holder for Housing and Property, to grant a lease at Kingfisher Nursery on the best terms reasonably obtainable at an annual rent, as set out in the Exempt Appendix to the report.

Reasons:

To secure the market rent for the property and make a positive contribution to the revenue income of the authority whilst retaining the nursery facility for the benefit of the local community.

Delegated Authority for HRA Acquisitions

Background:

This report sought approval for delegated authority to be given to the Director of Place, in consultation with the Portfolio Holder for Housing and Property, to agree expenditure on increasing the Housing Revenue Account (HRA) affordable housing stock, as and when a financially viable development opportunity became available.

The report explained that a previous delegation and budget (£10million) had been approved via a report to Council in July 2020. This budget was now committed across a range of schemes.

Cabinet, 8 August 2023

Approval of the recommendations would allow the Council to respond at pace to opportunities by streamlining the approval process.

***Decision
number:***

127/2023

Decision:

The Cabinet agreed to delegate authority to the Director of Place, in consultation with the Portfolio Holder for Housing and Property, to purchase properties from the development budget agreed by Council in February 2023.

Reasons:

The delegated authority will facilitate the purchase of relevant properties, which will allow the HRA to respond at short notice to opportunities that may arise.

Annual Fostering Report (2022 - 2023)

Background:

This report provided details of the work completed by the Fostering Service over the last year (April 2022 to March 2023), how it had met the needs of Medway's looked after children and detailed the work which should be undertaken in the coming year.

The annual report had been considered by the Children and Young People Overview and Scrutiny Committee on 3 August 2023, details of which were set in an addendum report within Supplementary Agenda No.2.

***Decision
number:***

Decision:

The Cabinet noted the Fostering Service Annual Report 2022 - 2023.

Reasons:

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

Medway Adult Education Annual Accountability Agreement

Background:

This report set out the Medway Adult Education (MAE) Annual Accountability Agreement, which the Council was required to submit to the Department for Education (DfE) as part of its annual grant agreement. The agreement was used by the DfE to assure the use of public funds and was required to be signed and approved by MAE's governing body, therefore this was a matter for Cabinet.

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The report explained that the accountability agreement demonstrated how MAE was aligning with the Skills and Employability Plan for Medway and with the Kent & Medway Local Skills Improvement Plan. It also demonstrated how MAE was meeting the national priorities and working with key local stakeholders.

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

Decision number:

128/2023

Decision:

The Cabinet approved the Medway Adult Education Accountability Agreement, as set out in Appendix 1 to the report, to be submitted to the Department for Education (DfE).

Reasons:

The draft accountability agreement meets the DfE requirements and demonstrates MAE's contribution to national and local priorities, alongside partnership working with key stakeholders.

Legal Services Structural Review and Budget Addition

Background:

This report set the findings of the MedPay review and proposed a reorganisation of Legal Services, which would better aid retention, succession planning, training and consistent quality of advice, and overcome the challenges to meet the resource gap due to a significant increase in demand by Children's Services.

The report set out that the inhouse local government legal market had been challenging for many years, with external locum opportunities making staff retention a challenge. The position had been further exacerbated at Medway following the Council's decision to move away from national terms and conditions and the implementation of MedPay, with the reward offer at Medway having fallen behind many directly comparable organisations. A changed approach was needed to avoid incurring increasingly higher costs for agency staff.

The proposals, which included implementing the recommendations of the MedPay review in Legal Services, restructuring of teams and an increase to the establishment by a further 5 Full Time Equivalent (FTE) posts, would require an addition to the revenue budget for Legal Services of £656,887. This would represent a reduction on the projected cost to Medway of operating the service in the current model in 2023/24, which was forecasting an overspend in excess of £1 million.

Decision number:

Decision:

The Cabinet noted the outcome of the Medpay Review recommendations.

Cabinet, 8 August 2023

- 129/2023** **The Cabinet approved the proposed restructure, as set out in section 6 of the report.**
- 130/2023** **The Cabinet approved the creation of the additional posts, as set out in the report.**
- 131/2023** **The Cabinet recommended to Council the changes to the Legal Services' 2024/25 revenue budget, as set out in paragraph 14.4 of the report.**
- 132/2023** **The Cabinet agreed to delegate authority to the Assistant Director Legal and Governance, in consultation with the Portfolio Holder for Business Management, to take any consequential changes arising from the implementation of the above decisions.**
- 133/2023** **The Cabinet agreed that any in year revenue requirements for the implementation of Medpay reviews across the Council would be funded through vacancy savings across the Council and that the ongoing requirements would need to be addressed through the budget setting process.**

Reasons:

The increase to the Legal Services budget would enable the implementation of the outcome of the MedPay Review, create a more sustainable structure and meet additional demand from clients.

Revenue Budget Monitoring - Round 1 2023/24

Background:

This report presented the results of the first round of the Council's revenue budget monitoring process for 2023/24. The report set out that at its meeting on 23 February 2023, Full Council had set a total budget requirement of £388.269million for 2023/24.

Since approval of the budget, additional grant funding had been announced, primarily the Household Support Fund, Holiday Activity Fund and Start 4 Life funding and the final allocations for Schools funding and the Public Health Grant had been confirmed. The net impact of these amendments took the Round 1 budget requirement to a total of £390.777million. The first round of revenue budget monitoring currently projected an overspend of £17.267million. The report recognised the 91% reduction in Revenue Support Grant since 2010.

The report also requested Cabinet approval of the virement of a fostering budget.

Cabinet, 8 August 2023

**Decision
number:**

Decision:

The Cabinet noted the results of the first round of revenue budget monitoring for 2023/24.

134/2023

The Cabinet approved the virement of £500,000 from the Independent Fostering Agency budget to the internal fostering budget to reflect the increased internal fostering rates.

135/2023

The Cabinet instructed the Corporate Management Team to implement urgent actions to bring expenditure back within the budget agreed by Full Council.

Reasons:

Full Council is responsible for agreeing a balanced budget in advance of each financial year. Cabinet is responsible for ensuring that income and expenditure remain within the approved budget, including instructing corrective action to prevent any forecast overspend from materialising.

Capital Budget Monitoring - Round 1 2023/24

Background:

This report presented the results of the first round of the Council's capital budget monitoring process for 2023/24. The report explained that this forecast an underspend of £115,000 within the Children's and Adults Directorate, and £149.617million within Regeneration, Culture and Environment. The latter underspend reflected the withdrawal of Housing Infrastructure Funding (HIF), which would be removed from the capital programme. All other Services/Directorates were forecast to complete their capital schemes within the approved budget.

The report also asked the Cabinet to recommend to Council the removal of some completed schemes and an unallocated balance from the capital programme.

**Decision
number:**

Decision:

The Cabinet noted the results of the first round of capital budget monitoring for 2023/24 and the management actions to resolve the projected overspend in Children's and Adults.

The Cabinet noted the changes made to the capital programme, as set out in 11.1 to 11.3 to the report.

Cabinet, 8 August 2023

136/2023

The Cabinet agreed to recommend to Council the removal of the completed Platters Farm Panels and Rainham Signage schemes, and the unallocated balance of £262,000 from the Members Priorities capital programme.

137/2023

The Cabinet agreed to recommend to Council the removal of the unallocated balance of £49.751million from the MDC programme.

Reasons:

Full Council is responsible for agreeing the capital programme. Cabinet is responsible for ensuring that expenditure remains within the approved programme, including instructing corrective action to prevent any forecast overspend from materialising.

Council Plan Performance Monitoring Report and Strategic Risk Summary - Quarter 1 2023/24

Background:

This report provided details of how the Council had performed during quarter 1 in 2023/24 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.

There were 47 Council Plan measures for 2023/24, of which it was possible to report on 45 as the data for one measure was not available this quarter and one measure was data only. In summary, 21 out of the 45 measures reported on met or exceeded target, six were slightly below target and 18 were significantly below target.

The report was due to be considered by the Overview and Scrutiny Committees during July and August 2023.

Decision number:

Decision:

The Cabinet noted the Q1 2023/24 performance against the measures used to monitor progress against the Council's priorities.

138/2023

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

Reasons:

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

Future Hoo: Housing Infrastructure Fund

Background:

This report, as set out in Supplementary Agenda No.1, provided an update to Cabinet following the decision by the Department for Levelling up, Housing and Communities, alongside Homes England, to withdraw the £170 million Housing Infrastructure Fund (HIF) grant.

The report set out that because of the decision, Medway Council would need to stop work on the original proposed investment in six road schemes, which were designed to improve the Peninsula's links to the rest of Medway, reduce congestion, and improve air quality, alongside investment in public access to open spaces and options to improve public transport. The remaining grant allocation of £150 million would need to be removed from the Council's capital programme.

The report proposed that Council continue to work with residents, Parish Councils, community groups and members of the Hoo Consortium of landowners and housebuilders to come forward with alternative solutions for Hoo. These would focus on improving the wellbeing of all residents by providing sustainable transport, access to open spaces, employment opportunities and new homes. The work would also form part of the process of adopting a new Local Plan for Medway, the development of which was critically important for Medway.

The report was also due to be considered by the Regeneration, Culture and Environment Overview and Scrutiny Committee on 17 August 2023.

Decision number:

Decision:

Following confirmation from Homes England that it will reimburse the Council for all eligible expenditure incurred at risk since January 2023, Cabinet noted that the uncommitted balance of the HIF project would be removed from the capital programme under the Chief Operating Officer's delegation.

139/2023

The Cabinet instructed officers to explore other funding sources to deliver aspects of the HIF programme where possible.

The Cabinet noted that the Local Plan would now be developed in the absence of HIF, with careful consideration given at both Regulation 18 and 19 stages to how this could be effected.

Cabinet, 8 August 2023

Reasons:

To actively manage financial risk to the council; whilst also continuing to prioritise the development of the Local Plan in its response to the closure of the HIF programme.

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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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