

Cabinet – Supplementary agenda No.1

A meeting of the Cabinet will be held on:

Date: 10 July 2018

Time: 3.00pm

Venue: Meeting Room 2 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

Items

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|-----|---|--------------------|
| 5. | Shared Licensing Service Between Gravesham Borough Council and Medway Council
Addendum Report | (Pages
3 - 6) |
| 6. | Gambling Act 2005 - Review of Statement of Gambling Policy (Policy Framework)
Addendum Report | (Pages
7 - 8) |
| 7. | Update to Contract Procedure Rules
Addendum Report | (Pages
9 - 12) |
| 13. | Recruitment Freeze
Addendum Report | (Pages
13 - 16) |

For further information please contact Teri Reynolds, Democratic Services Officer on Telephone: 01634 332509/332008 or Email: democratic.services@medway.gov.uk

Date: 10 July 2018



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www.medway.gov.uk

A summary of this information can be made available in other formats from **01634 333333**

If you have any questions about this meeting and you want to speak to someone in your own language please ring **01634 335577**

বাংলা	331780	ગુજરાતી	331782	ਪੰਜਾਬੀ	331784	كوردی	331841	أروو	331785	Русский	332374
中文	331781	हिंदी	331783	Polski	332373	এহ্‌শফব	331786	فارسی	331840	Lietuviškai	332372



CABINET

10 JULY 2018

SHARED LICENSING SERVICE BETWEEN GRAVESHAM BOROUGH COUNCIL AND MEDWAY COUNCIL

ADDENDUM REPORT

Portfolio Holder: Councillor Jane Chitty, Planning, Economic Growth and Regulation

Report from: Perry Holmes, Chief Legal Officer

Author: Jan Guyler, Head of Legal Services
Michael Turner, Democratic Services Officer

Summary

To provide Cabinet with the views of the Business Support Overview and Scrutiny Committee which considered the report on 5 July 2018.

1. Background

- 1.1 Members considered a report which dealt with a proposal to delegate the Council's Licensing functions to Gravesham Borough Council whereby Gravesham Borough Council would assume responsibility for the discharge of Medway Council's Licensing functions.
- 1.2 Members also considered an addendum report which provided the record of the Licensing and Safety Committee meeting held on 26 June 2018, when it considered this matter, together with the draft service level agreement which the Licensing and Safety Committee had requested.
- 1.3 There was broad, and in cases qualified, support for the proposal to establish a shared licensing service. The point was made that there may be scope for further shared services provided this did not dilute the Council's focus on Medway residents. Another Member commented that she was in favour of shared services for back office services but where the service was public facing it could be more problematic.

- 1.4 A Member expressed concern that the TUPE transfer of Medway staff may result in them being on different terms and conditions but working on the same activities. The Chief Legal Officer advised that Medway staff would transfer with the same terms and conditions.
- 1.5 As Gravesham BC staff would receive pay increases in line with NJC Council agreements the point was made that a Gravesham member of staff performing the same duties as a Medway colleague would, over time, end up being paid more. The Chief Legal Officer acknowledged this was a potential risk but one that would be managed.
- 1.6 A Member referred to taxis licensed outside Medway operating in the borough which were often in a poor condition, not accountable and may not be able to be traced. She commented that local taxi drivers considered more controls could be introduced to prevent this from happening. The Chief Legal Officer responded that this issue had been discussed with representatives of Medway taxi drivers. Legally, it was very difficult to regulate this as it was difficult to evidence that an out of area hackney carriage had not been booked by a Medway resident. However, he was confident the shared service would improve enforcement in this area. Reference was also made to Uber and instances of overcharging in Medway and officers were asked to examine a recent decision by Brighton and Hove Council to not renew Uber's Private Hire Operator Licence in the city.
- 1.7 Members asked if the enforcement figures for Gravesham Borough Council BC (p 12 of the Business Case) could be made available to Cabinet and Council.
- 1.8 Reference was made to a recent incident involving disorder at a licensed premises in Chatham and Members congratulated the Licensing Manager for his work with the police and the licensee in coming up quickly with a more robust plan for future events.
- 1.9 The Committee agreed to:
 - a) note the proposal that Medway Council delegates responsibility for the discharge of its Licensing Service functions to Gravesham Borough Council, and;
 - b) ask that the enforcement figures for Gravesham Borough Council BC (p 12 of the Business Case) be made available.

2. Chief Legal Officer's Comments

- 2.1 Gravesham record enforcement visits against the individual premises file. There is no current Key Performance Indicator for the number of enforcement visits at Gravesham. The estimate of the number of such visits is however in the region of 300 annually.

2.2 Members should be re-assured on the issue of enforcement generally, that the lack of hearings taking place in Gravesham shows that the visits the team make are effective.

3. Recommendation

3.1 The Cabinet is asked to note the comments of the Business Support Overview and Scrutiny Committee.

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CABINET

10 JULY 2018

GAMBLING ACT 2005

REVIEW OF STATEMENT OF GAMBLING POLICY (POLICY FRAMEWORK) ADDENDUM REPORT

Portfolio Holder: Councillor Jane Chitty, Planning, Economic Growth and Regulation

Report from: Perry Holmes, Chief Legal Officer

Author: Mark Lees, Licensing Manager (Shared with Gravesham)
Michael Turner, Democratic Services Officer

Summary

To provide Cabinet with the views of the Business Support Overview and Scrutiny Committee which considered the report on 5 July 2018.

1. Background

- 1.1 Members considered a report regarding proposed amendments to the draft Statement of Gambling Policy, in conjunction with the consultation responses.
- 1.2 Reference was made to the two paragraphs relating to a Voluntary Partnership Agreement in Part B, section 15 of the draft policy. A Member queried whether this partnership was still meeting and, if not, suggested the wording either be removed or the partnership revived. The Chief Legal Officer commented that the self exclusion scheme which had come out of this partnership working had led to a national scheme and the partnership was no longer meeting, therefore this part of the policy could be removed.
- 1.3 A Member asked if a greater focus on public health could be incorporated in the policy by referencing, for example, the Joint Strategic Needs Assessment as well as including details of where assistance could be found, such as Gamblers' Anonymous.
- 1.4 Members welcomed the clear summary of the proposed changes which had been included and suggested this approach be used in the future across the Council.

1.5 The Committee agreed to:

- a) note the minor administrative change to Appendix C of the Policy as outlined in section 7 of the report;
- b) note the proposed amendments to the draft Policy in conjunction with the consultation responses;
- c) refer the revised policy to the Cabinet for consideration and to Council for approval in accordance with the policy framework Rules with a request that a greater focus on public health be incorporated in the policy by referencing, for example, the Joint Strategic Needs Assessment as well as including details of where assistance could be found, such as Gamblers' Anonymous, and;
- d) recommend that a clear summary of proposed changes to a policy be included in future reports and this approach be adopted across the Council.

2. Chief Legal Officer's Comments

- 2.1 With regards to the comments in paragraph 1.2 regarding removal of the self exclusion scheme from the Policy, this will be removed from the version of the Policy being submitted to Council for approval on 19 July 2018, in line with the decision made at Licensing and Safety Committee on 27 June 2018 to note the recommendations set out in Appendix 3 to the report and instruct the Licensing Manager to amend the draft policy in accordance with those recommendations.
- 2.2 With regards to the comments in paragraph 1.3 seeking a greater focus on Public Health, the version of the Gambling Statement of Policy being submitted to Council on 19 July 2018 will be updated so that it includes appropriate references as requested by the Committee.
- 2.3 Members are thanked for their comments at paragraph 1.4 and this will be taken forward through Corporate Management Team.

3. Recommendation

- 3.1 The Cabinet is asked to note the comments of the Business Support Overview and Scrutiny Committee.

Lead officer contact

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CABINET

10 JULY 2018

UPDATE TO CONTRACT PROCEDURE RULES

ADDENDUM REPORT

Portfolio Holder: Councillor Adrian Gulvin, Resources
Report from: Perry Holmes, Chief Legal Officer
Author: Michael Kelly, Interim Head of Category Management

Summary

This addendum report updates the Cabinet on proposed changes to the Contract Procedure Rules.

1. Background

- 1.1 Paragraph 4.1.4 of the main report states that “a definition of High, Medium and Low risk procurements will be introduced (in the Contract Procedure Rules). This definition will improve the decision making process”. This is reflected in section 2.1.2 (risk decision making) of page 4.99 of the Contract Procedure Rules.
- 1.2 Since the meeting of the Audit Committee and the publication of the Cabinet Agenda, further consideration has been given to the suggested wording on page 4.99 of the revised Contract Procedure rules to remove any scope for ambiguity.
- 1.3 A revised page 4.99 is attached at Appendix 1 to the Addendum Report. These minor changes to the text provide assurance that any procurement which is caught by the statutory definition of a key decision is classified as high risk and referred to Cabinet for determination.

2. Revised recommendations

- 2.1 The Cabinet is asked to:
 - 2.1.1 Consider and note the comments made by the Audit Committee on 27 June 2018, detailed in Section 7 of the main report.
 - 2.1.2 Consider the proposed changes to the Contract Procedure Rules as set out in Appendix 1 to the main report, and the minor changes in revised page 4.99 as set out in Appendix 1 to the addendum report and recommend them to Full Council for approval.

Lead officer contact

Michael Kelly – Interim Head of Category Management

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Appendices

Appendix 1 – Revised page 4.99

SECTION 2 PROCUREMENT PROCESS

2.1 Thresholds and risks

2.1.1 The complexity of the procurement process (Category & Level) to be followed will vary in accordance with the value and risk of the requirement as set out below.

CATEGORY A PROCUREMENTS		
Level	Value	Risk
<u>0</u>	<u>£0 up to £5k</u>	Low
1	<u>0-£5k-up to £25K</u>	
2	<u>£25K up to- £100K</u>	
CATEGORY B PROCUREMENTS (Subject to the Procurement Gateway Process)		
3	£100K+	Medium
4	Any project deemed 'High Risk/ a key decision ' by Procurement Board	High

2.1.2 Risk Decision Making

In determining the level at which procurement decisions are taken, regard will be had to requirements relating to key decisions as set out in Article 12 and the Leader and Cabinet rules in the Council's Constitution. Any procurement defined as a key decision will be classified as high risk and referred to Cabinet for determination.

- a) A key decision, and therefore one which would constitute high risk, is an executive decision which is likely:
- a. To result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
 - a.b. To be significant in terms of its effects on communities living or working in an area comprising two or more wards in Medway.
- ~~b) A medium risk decision, and therefore one which can be approved without escalation to Cabinet, is one with a value of £100k or more without significant effects.~~
- ~~c) A low risk decision is one which is valued at less than £100k without any significant effects.~~

2.2 Calculating contract value

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CABINET

10 JULY 2018

RECRUITMENT FREEZE – ADDENDUM REPORT

Portfolio Holder: Councillor Alan Jarrett, Leader

Report from: Neil Davies, Chief Executive

Author: Carrie McKenzie, Assistant Director, Transformation

Summary

This addendum report brings forward a further post for approval.

1. Details of the posts requiring approval

1.1 The following post is coming forward for approval, the details of which are shown at Appendix 1:

Business Support

Audit & Counter Fraud Officer

1.2 The form attached is an email copy and the signed copy, job profile and structure chart is held in HR Services.

2. Revised recommendation

2.1 The Cabinet is asked to agree to unfreeze the post as set out in Appendix 1 to the main report and in Appendix 1 to the addendum report to enable officers to commence the recruitment process.

Lead officer contact

Carrie McKenzie, Assistant Director, Transformation, Gun Wharf, Dock Road, Chatham
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Appendices:

Appendix 1 - Recruitment Freeze Forms

**CABINET, DIRECTOR, DIRECTORATE PORTFOLIO HOLDER OR SERVICE
MANAGER APPROVAL
FOR RECRUITMENT TO VACANCIES**

Managers who wish to recruit should raise a Job Reference Number with the Resourcing Team before proceeding with approval. Once all required signatures are obtained it should be returned to the Resourcing Team, Organisational Change Team, Level 3, Gun Wharf. **You will also need to send an electronic word version to resourcing@medway.gov.uk, so that the approval form can be inserted into the cabinet report.**

JOB REFERENCE NUMBER		
RECRUITING MANAGER	James Larkin	
DIRECTORATE	BSD	
TEAM	Audit & Counter Fraud	
POST TITLE	Audit & Counter Fraud Officer	
PAY RANGE	R4 (£25,369 - £30,890) per annum	
POST NUMBER	3875	
PREVIOUS/CURRENT POST HOLDER	Nikki Ashby	
DATE POST WILL BECOME VACANT	01/07/18	
IS THIS REQUEST TO COVER:	PERMANENT RECRUITMENT	Y/N
	TEMPORARY OR PERMANENT RECRUITMENT VIA OCELOT PEOPLE SOLUTIONS FROM: / / TO: / /	Y/N
Job Profile must be attached Should you require any assistance with updating job profiles you should contact Resourcing to arrange a meeting before proceeding		
Attach a structure chart to this form that details all established posts, highlighting all vacant posts		

Service Impact

Describe the impact on the service if this post is not filled, with particular reference to current employees and services to the public.

Medway Council operates in a shared service with Gravesham Borough Council and is responsible for delivering their internal audit and counter fraud services. The team works to an agreed plan for the year based on the resources of the full establishment, so failure to recruit to this post would mean that the team cannot deliver the full plan for either Medway Council, or fulfil its obligations in the Shared Service agreement with Gravesham. If the team cannot complete the full work plans for the year, the Head of Audit & Counter Fraud may not be able to deliver a sound overall opinion on the control environment of either council, required to support the Annual Governance Statements. 36% of the cost of this post is met by Gravesham Borough Council.

Budget Issues

- *Please indicate the realisable savings if this post remained vacant until the end of the financial year:*

The post will become vacant on 01 July 2018. If left vacant until the end of the financial year, there would be savings of £29,165.

- *Please indicate if any savings could be achieved by alternative ways of providing the service:*

A mini restructure of the Audit & Counter Fraud Service has already taken place delivering savings on the salary budget. This is a straight replacement as an internal candidate was successful in applying for a new team leader role. Based on likely date of recruitment and starting salary, there could still be a salary saving of up to £10,000.

- *Please specify the funding source for this post:*

Salaries budget within existing budget.

For Externally Funded posts:

- Salary amount allocated to this post £.....
- Reserves allocated in case of redundancy £.....

Comments from Portfolio Holder

Service Manager (Externally funded posts only)

Signed:

Print Name:Date:
.....

Director/Deputy Director

Signed:

Print Name:Date:

Directorate Portfolio Holder

Signed:

Print Name:Date:

Councillor Alan Jarrett (only required for Cabinet Approval)

Signed:

Print Name:Date:

For HR use only

Job Reference	Raised by	Date		Allocated to Resourcing Officer	Date	
Structure chart attached		Y/N		Job Profile updated	Date	Uploaded to Idox
Authorised by Chief People Officer		Date signed				