

Cabinet – Supplementary agenda No.1

A meeting of the Cabinet will be held on:

Date: 16 April 2013

Time: 3.00pm

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

Items

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|------------|---|----------------------------|
| 4. | Community Safety Plan 2013-2016 (Policy Framework)
Addendum Report | (Pages
1 - 4) |
| 5. | Housing Allocations Policy
Addendum Report | (Pages
5 - 6) |
| 6. | Special Educational Needs Transport Policy | (Pages
7 - 12) |
| 12. | Duty to Secure Education Places for Vulnerable Children Aged
Two Years | (Pages
13 - 18) |
| 13. | Sale of Robert Bean Lodge and Reprovision of Napier Unit | (Pages
19 - 22) |
| 14. | Exclusion of the Press and Public
Addendum Report | (Pages
23 - 56) |

For further information please contact Wayne Hemingway/Anthony Law,
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democratic.services@medway.gov.uk

Date: 12 April 2013



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CABINET

16 APRIL 2013

COMMUNITY SAFETY PLAN 2013 – 2016 – ADDENDUM REPORT

Portfolio Holder: Councillor Mike O'Brien, Community Safety and Customer Contact

Report from: Robin Cooper, Director of Regeneration Community and Culture

Author: Neil Howlett, Community Safety Partnership Manager
Daniel Kalley, Democratic Services Officer

Summary

To inform Cabinet of the discussions which took place at the Regeneration, Community and Culture Overview and Scrutiny Committee on 11 April 2013 in respect of the Community Safety Plan 2013-2016.

1 Background

- 1.1 The Head of Safer Communities introduced the report and informed Members that the community safety landscape was still in a state of flux following the election of the Police and Crime Commissioner (PCC). The strategic assessment findings will be reported for scrutiny by this Committee on an annual basis, and the Committee will then be able to make an informed decision about whether the plan would need to be referred to Cabinet and Council.
- 1.2 He reminded members that the legislation controlling Community Safety Partnerships (CSPs) has changed and there is more flexibility for them to determine the appropriate timeframes to be covered by their plan. He also highlighted the priorities within the draft Community Safety Plan 2013-16, as outlined in the report.
- 1.3 Members discussed the plan and raised a number of points including:
 - The reduction in the number of fixed penalty notices (FPNs) for littering offences, and more work being needed to bring those to justice who chose to ignore the law, especially with regards to fly tipping.
 - With regards to domestic abuse, there were concerns around the difficulty in assisting offenders to attend courses, which can cost in excess of £300. Further work should be done with local partners to see how courses can be funded for those who can't afford it. A further briefing note on support for those who have committed domestic violence crimes was requested.

- Whether the Council had been in contact with the new PCC to see if there could be collaboration with Medway council to look at alcohol and drug issues, as £500,000 had been earmarked to look at those issues.
- Request that a report that had been carried out on Drug and Alcohol Services be shared with Members
- In terms of road safety the plan would be enhanced with addition of the new road safety centre, which will be built with the new Rochester fire station
- The way police resources are currently used should be considered. In some wards there are vehicles parked on pavements, which could lead to accidents, as people have to walk round the vehicles into the road. This would be a low priority for police officers to deal with but could be something PCSOs could action if they were given the appropriate powers.
- The need for further work with regards to addressing anti-social behaviour and in particular noisy neighbours, especially supporting the victims who have to suffer for long periods of time before anything is done.
- There is a problem in Medway currently with dog fouling, which needs to be looked at.

1.4 In response to the points raised by Members, the Head of Safer Communities welcomed the comments in relation to the issuing of FPNs for littering, and fly tipping and explained that a combination of education and enforcement would be used to combat these problems. In addition, there were a number of options that officers could look into with regards to excluding dogs from certain parks/spaces and dogs being required to be kept on leads in certain areas/circumstances. The Assistant Director, Frontline Services commented that before Medway Council was established there were bye laws in place excluding dogs from certain play areas, however these only applied to play areas in existence at the time. The Head of Legal Services added that some bye laws are now defunct and that there is national legislation within the Clean Neighborhoods and Environment Act that the council could follow with regards to dog control.

1.5 The Assistant Director, Frontline Services commented that the council has participated in a multi-agency framework to commission independent domestic abuse advisors, which includes provision for improving support for victims and offenders of domestic abuse. With regards to FPNs, if the number issued rises then this means that people are being challenged more on littering, which helps to bring about reductions. He also undertook to forward the request for the drug and alcohol report to the Drug and Alcohol Action Team Partnership.

1.6 The Committee agreed to:

1.6.1 Note the report and draft Community Safety Plan 2013-16 and recommend the Cabinet to forward the plan to Full Council for approval.

1.6.2 Request a briefing note on courses for those who have committed domestic violence crimes.

1.6.3 Request a report that had been conducted on drug and alcohol services be shared with Members of the Regeneration, Community and Culture Overview and Scrutiny Committee.

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CABINET

16 APRIL 2013

HOUSING ALLOCATIONS POLICY – ADDENDUM REPORT

Portfolio Holder: Councillor Doe, Housing and Community Services

Report from: Robin Cooper, Director of Regeneration, Community and Culture

Author: Matthew Gough, Head of Strategic Housing Services
Daniel Kalley, Democratic Services Officer

Summary

To inform Cabinet of the discussions which took place at the Regeneration, Community and Culture Overview and Scrutiny Committee on 11 April 2013 in respect of the Housing Allocations Policy.

1. Background

- 1.1 The Head of Strategic Housing Services introduced the report to Members explaining that the Council is required to have an allocations policy to set out how it will allocate social housing. He advised Members that there had been a wide public consultation. The policy being proposed would be implemented in phases reflects the priorities as set out in national guidance.
- 1.2 A Member commented on the eligibility criteria and in particular the income that is taken into account when deciding if a person or household is likely to exceed £50,000 and what that criteria was? The Head of Strategic Housing Services explained that the wording used for income is general and could include assets, personal income etc.
- 1.3 The Head of Strategic Housing Services also informed Members that, when individuals apply to go on the housing list, they are asked what connection they have with Medway.
- 1.4 One Member raised the supply and demand balance of the housing waiting list and how this related to the proposed policy, but acknowledged that this would be considered within the in-depth review into the Housing in Medway – demand, supply and affordability, which has been scheduled to begin in August 2014.
- 1.5 The Committee agreed to:

- 1.5.1 Recommend the Cabinet to adopt the revised Housing Allocations Policy, attached at appendix 1 to this report, to come into effect on the 1 August 2013.
- 1.5.2 Recommend the Cabinet to delegate authority to the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Housing and Community Services, to agree any wording changes where these are of a minor nature.

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CABINET

16 APRIL 2013

SPECIAL EDUCATIONAL NEEDS TRANSPORT POLICY

Portfolio Holder: Councillor Wicks, Portfolio Holder for Children's Services (Lead Member)

Report from/Author: Perry Holmes, Monitoring Officer

Summary

Following the publication of revised guidance on home to school travel and transport by the Department for Education (DfE) in March 2013 and a review of Medway's new Special Educational Needs (SEN) Transport Policy, ahead of member training in April, this report asks for approval to three amendments to the current Medway SEN Transport Policy to align the Policy with legislative requirements and advises the Cabinet of new provisions relating to appeals.

1. Budget and Policy Framework

- 1.1 The changes recommended within this report will align the Council's SEN Transport policy with current legislation and are consistent with the provisions made in the Children and Young People's Plan.
- 1.2 The Cabinet is asked to accept this report as urgent to enable the SEN Transport Policy to be compliant with legislative requirements at the earliest opportunity.

2. Background

- 2.1 The current Special Educational Needs (SEN) Transport Policy was agreed by the Cabinet on 4 September 2012.
- 2.2 Officers have carried out a six- month review of the policy ahead of member training on appeals in April and have identified three areas that need amendment to align with current legislation and these are detailed in section four.
- 2.3 In addition the Department for Education published new guidance on home to school transport in March 2013 which is far more prescriptive about the appeals process than previous guidance. The Council will need to ensure that the appeals process for home to school transport appeals (including SEN home to school transport appeals) complies with the statutory guidance.

3. Appeals

3.1 Previous DfE guidance required local authorities to have in place a robust appeals procedure for parents to follow should they have cause for complaint or disagreement concerning the eligibility of their child for travel support. The guidance required the details of the appeals procedure to be published alongside travel policy statements. The School Transport and Curriculum Appeals Committee, a politically balanced Committee of the Council, has dealt with school transport appeals up until now and will shortly be taking on SEN school transport appeals. There is a stage one review before appeals reach the Committee.

4. Amendments required to SEN Home to school transport policy

4.1 Section 3.4 of the policy.

4.1.1. Section 3.4 (b) of the current SEN Transport Policy states that “transport support will be provided to children in receipt of free school meals/working tax credit if they go to a suitable school between **3** and 6 miles away from their home address, as long as there are not 3 more suitable schools nearer to home”.

4.1.2 Schedule 35B (meaning of “Eligible Child” for Purposes of Section 508B) of the Education Act 1996 (the Act) states that the distance for low income families should be 2 and 6 miles from their home address. Therefore the bold 3 needs to be amended to 2, as demonstrated at Appendix 1.

4.2 Section 3.5 of the policy

4.2.1 Following on from the required amendment at 3.4, this also requires an amendment at 3.5 which refers to a child attending its nearest appropriate special school, resource centre or Pupil Referral Unit (PRU) to their home. The following sentence should be added to the end of this section, "or where the child is in receipt of free school meals/working tax credit and the school is more than 2 miles from their home address", as demonstrated at Appendix 1.

4.3 Denominational preference

4.3.1 The current policy also does not have a section relating to eligibility of transport assistance when choosing a school on denominational grounds.

4.3.2 Section 509AD of the Act places a duty on local authorities in fulfilling their duties and exercising their powers relating to travel, to have regard to, amongst other things, any wish of a parent for their child to be provided with education or training at a particular school or institution on grounds of the parent’s religion or belief. The minimum distances still apply.

4.3.3 In addition, Section 12 of Schedule 35B of the Act also stipulates that Home to school transport will be provided to children in receipt of free school meals/working tax credit if they go to the nearest school chosen on the grounds of religion or belief, and the school is between 2 and 15 miles away from their home address.

- 4.3.4 To qualify a child must be a regularly practising member of a church of the same denomination as the school concerned. If applying for travel assistance on denominational grounds, a vicar or priest should be asked to sign an appropriate section of the transport application form.
- 4.3.5 Denominational/selective preferences – The current practice for transport to selective and denominational schools for non-special educational needs transport will also apply to special educational needs transport. These practices are discretionary and not statutory. This ensures that the treatment of children with special educational needs is comparable in respect of any denominational/selective preference.
- 4.3.6 An additional section covering this information is detailed at Appendix 1.

5. Advice and analysis

- 5.1 The amendments set out at section 3 of this report are recommended to align the current policy with current legislation.
- 5.2 All applications assessed under the current SEN Transport Policy have been dealt with properly and in accordance with the provisions in the Act.

6. Risk management

Risk	Description	Action to avoid or mitigate risk
The Councils Policy of home to school transport is inconsistent with legislation and statutory guidance	The policy must be consistent with provisions in relevant legislation and guidance, otherwise decisions taken by the Council on applications for assistance with home to school transport will open to challenge.	Changes to align the SEN Home to School Transport Policy with current legislation are set out in this report

7. Financial and legal implications

- 7.1 The changes proposed in this report are required to align the Council's SEN Home to School Transport Policy with statutory requirements, as set out in the Education Act 1996.
- 7.2 The financial impact of these changes cannot be quantified exactly but it is likely to be small. Based on current data around 25 additional children may qualify for free transport at a cost of around £15,000 per year.
- 7.3 Local Authorities are required to consult widely on any changes to home to school transport policies and guidance says consultations should run for at least 28 days during term time. In this case, as the Council has no option other than to agree the changes set out in this report in order to align the policy with legislative provisions there is no proposal to undertake consultation.

8. Recommendations

- 8.1 The Cabinet agree the changes to sections 3.4 and 3.5 of the SEN Transport Policy, as set out with tracked changes at Appendix 1.
- 8.2 The Cabinet agree the addition to section 3 relating to denominational preference, as detailed at Appendix 1.

9. Suggested reasons for decision(s)

- 9.1 The suggested amendments will align the current SEN Transport Policy with current legislation and current Medway practices for non-Special Educational Needs transport.

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Background papers

Education Act 1996 – <http://www.legislation.gov.uk/ukpga/1996/56/contents>

Home to School Travel and Transport Guidance -

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00023-2013>

REQUIRED CHANGES TO THE CURRENT SEN TRANSPORT POLICY

The following tracked changes demonstrate the required amendments to the policy.

Paragraph 3.4 – Secondary Schools (children in Key Stage 3 and Key Stage 4)

- b. Transport support will be provided to children in receipt of free school meals/working tax credit if they go to a suitable school between 2 and 6 miles away from their home address, as long as there are not 3 or more suitable schools nearer to home.
- c. The following paragraph needs to be included as 3.4 (c) to reflect the statutory minimum requirement:

“Transport support will be provided to children in receipt of free school meals/working tax credit if they go to the nearest school chosen on the grounds of religion or belief, and the school is between 2 and 15 miles away from their home address”.

Paragraph 3.5 – Special Schools, Resource Centres and Pupil Referral Units (PRUs)

- b. Transport support will be provided to children in Key Stage 2, 3 and 4 (aged 8 years or over) when attending the nearest appropriate special school, resource centre or PRU to their home where the distance between their home and the school is more than 3 miles or where the child is in receipt of free school meals/working tax credit and the school is more than 2 miles from their home address.

Denominational preference – to be inserted into section 3 of the policy.

If your child attends a primary or secondary school chosen on denominational grounds, the council will count this as your nearest appropriate school. To qualify, your child must be a regularly practising member of a church of the same denomination as the school concerned. If you apply for travel assistance on denominational grounds you will need your vicar or priest to sign the appropriate section of the travel form. The minimum distances still apply.

Selective preference – to be inserted into section 3 of the policy

If a child has been assessed as selective under the Medway Test processes then a Medway grammar school can be considered as their nearest appropriate school for transport purposes. Only one Medway grammar school will be considered nearest appropriate for any address (obviously taking account of the gender of the child). The minimum distances still apply.

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CABINET

16 APRIL 2013

DUTY TO SECURE EDUCATION PLACES FOR VULNERABLE CHILDREN AGED TWO YEARS

Portfolio Holder: Councillor Les Wicks, Children's Services

Report from: Barbara Peacock, Director Children and Adults

Author: Mark Holmes, Strategic manager Early Years Services

Summary

The duty to secure early education places for vulnerable young children & those from low income households requires provision for around 1400 children.

This report identifies the number of additional places required, and proposes a capital programme across 2013 and 2014 to ensure that the Council's statutory duty is met, drawing upon the additional capital grant funding allocated to Medway by the Department for Education (DfE) for this purpose.

1. Budget and Policy Framework

- 1.1 These proposals are consistent with the Council Plan and the Children and Young People's Plan. The Council Plan includes as one of the four strategic priorities that "children and young people have the best possible start in life".
- 1.2 Additions to the capital programme where the funding source is not ring-fenced are a matter for Full Council.
- 1.3 The Cabinet is asked to consider this as an urgent item to enable this matter to be referred to Full Council on 25 April 2013. The new statutory duty to secure sufficient places for eligible families commences in September 2013. Deferral to a later meeting would not allow sufficient time for works to be carried out prior to the introduction of the duty.

2. Background

- 2.1 The Coalition Agreement included commitments to improve children's readiness for school, and to increase fairness in education, through providing free early education places for children aged two years from the most

vulnerable and low income households. Regulations define eligibility by a number of income related criteria, which means around 40% of all children of this age will be eligible for a free place by 2014. In Medway this equates to approximately 1400 children.

- 2.2 The provision of high quality interventions targeted at the most disadvantaged and vulnerable young children has the potential to address many of the current issues affecting Medway's child population – in particular the persistent low attainment in reading and communication of some children in primary education.
- 2.3 At the meeting on 4 September 2012, Cabinet instructed officers to:
 - Develop a robust and detailed project plan to ensure that by September 2013 the authority is able to meet its statutory duty to provide free early education places to children aged two-years from low income households
 - Encourage providers of good quality early education and childcare to engage with the programme for two-year-olds, and to maximise opportunities to expand and develop new provision to meet the needs of local families.
- 2.4 Medway has a large number of private & voluntary (PVI) settings that already provide publicly funded places for children aged 3 years, and generally also provide places for children aged two years where parents are willing and able to pay fees. Strategically, we have adopted an approach of seeking to secure the large majority of additional places required to meet the duty by working with the existing 100 PVI settings.
- 2.5 Revenue funding for places is from within the Dedicated Schools Grant (DSG), which includes some capacity for ensuring that settings are supported to prepare for additional numbers of younger children, for example through purchase of additional resources and play equipment.
- 2.6 In assessing the capacity of the existing market to supply sufficient places, it is apparent that a capital programme is required. There are currently insufficient places in the localities where places will be required. Whilst we anticipate that the market will expand over time, reliance entirely on market forces to respond to the increased demand for places is judged to represent a significant (“catastrophic”) risk to the Council's statutory duty.
- 2.7 A comprehensive audit of Medway pre-school settings was undertaken during autumn 2012 using the ITERS and ECERS tools (Infant and Toddler / Early Childhood Environmental Rating Scale), identifying the steps that each setting needs to take if they are to effectively meet the needs of this cohort of younger children.
- 2.8 In addition, place-planning analysis has assessed the projected numbers of eligible families in each geographical locality, and mapped this against the availability of places in settings.
- 2.9 The scope for each setting to maximise or increase capacity was considered. For example some settings have a large floor-space, but are limited by having

too few toilet and was facilities. Other settings operate from multi-room buildings, but are limited to only part of the building footprint due to security or access issues.

- 2.10 Additionally, in some parts of Medway it is known that there is an evidential shortfall of places – where existing settings are full and without scope for expansion, or where there are insufficient settings to meet the increased entitlement.

3. Options

- 3.1 The audit of settings has identified that a capital programme of improvements and expansion at approximately 50 settings - when combined with utilising all available capacity in the remaining 50 settings that do not require investment - will generate capacity for approximately 1200 eligible children by 2014.
- 3.2 The costs for these works have been assessed using standard QS methods for installation of additional toilet cubicles etc. In total, an estimated programme of £200,000 is required.
- 3.3 The place-planning analysis has identified that in three areas – north Gillingham, Twydall, and central Chatham – where there will be a concentration of eligible families, there is a shortfall in places. Whilst there is scope in 2013-14 for places to be met within settings in neighbouring localities, by September 2014 additional provision will be required.
- 3.4 Initial investigations have identified a number of potential locations which together would generate additional capacity of up to 200 places. An indicative programme of £653,000 is required.

4. Advice and analysis

- 4.1 There are strong indications that the market of early years providers in Medway is ready to adapt to the opportunities that this very large expansion of publicly-funded education brings. Over time, the local commercial sector will expand – as has been evidenced in all previous expansion of early education.
- 4.2 However, the nature of this business sector is that in general there is little or no capacity to meet the financial costs associated with the rapid and regulated expansion that will be necessary if the Council is to meet its statutory duty of securing sufficient places in 2013 and 2014.
- 4.3 Government has recognised that there will be additional capital costs on local authorities, and has allocated funding accordingly. It is proposed that Medway adopt a carefully targeted capital programme; focusing primarily on small works that will maximise additional places within good quality local establishments; and supplemented by a small number of projects in targeted localities.
- 4.4 This represents a sustainable approach, utilising existing buildings, making improvements to local community infrastructure, and ensuring that places are provided in the communities in which eligible families live.

5. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Market capacity	Reliance on existing market to expand to ensure sufficiency of places, such that the Council's statutory duty is met. (ie: for the LA to take no action).	Development of a targeted capital programme	A1
Programme delivery	Capital works are required in at least 50 different establishments, mostly independent businesses operating from 3 rd party buildings (eg: church halls).	Implementation of robust planning and monitoring	D2

6. Consultation

- 6.1 Informal consultation has taken place with current and prospective providers of early education places in Medway. The overwhelming response has been a willingness to engage in working with the local authority in delivering this new government programme. It was consistently reported in briefing meetings and during site visits that a potential barrier to delivery of places would be the absence of funding to support small scale capital works – for example to add additional toilets and changing facilities, or to create additional secure space within multi-use premises.
- 6.2 The Cabinet Advisory Group for the Children and Adults Capital Programme has endorsed this report for consideration by Cabinet.

7. Financial and legal implications

- 7.1 The Education Act 2011, Part 1, enables a new entitlement for disadvantaged two-year-olds to 15 hours early education per week from September 2013
- 7.2 On 27 November 2012, the Department for Education (DfE) announced allocation of funding for local authorities in respect of the new duty to secure nursery education for children aged two years in disadvantaged circumstances. The allocation to Medway is £560,659, and is available with immediate effect. There is no specified time limit by which the funding must be spent.
- 7.3 The letter from Elizabeth Truss MP, Secretary of State, detailed the capital funding as follows:
- *£100 million of capital funding will be allocated in 2012-13 as a contribution to local authorities' capital budgets.*

- *This funding is being paid to local authorities under section 31 of the Local Government Act 2003 and is not ring-fenced for the early years programme for two year olds from lower income families. This additional funding may be used for any capital purpose, but it is intended to support implementation of early education for two year olds.*
- *Local authority allocations have been calculated using the same formula used for revenue funding to estimate the number of eligible two year old children likely to receive provision in each area. Funding has then been distributed using a capital specific area cost adjustment.*

7.4 Whilst the estimated cost of the proposed schemes to secure sufficient places to meet the new statutory duty total £853,000, the works will be prioritised and a programme developed which will not exceed the £560,659 grant allocation.

7.5 During 2013 continued efforts will take place to encourage commercial providers of early education and childcare to access private sector capital where it is viable to do so, with a view to reducing the need to draw on Council funds.

7.6 The Council is legally obliged to meet the new statutory duties prescribed.

8. Recommendations

8.1 That Cabinet recommends to Council that a capital scheme be approved to secure sufficient additional places for young children to meet the authority's statutory duty.

8.2 That Cabinet recommends to Council that, initially, an upper limit of £560,000 is set – equivalent to the additional capital funding allocated by the Department for Education (DfE).

8.3 That a further report be brought back to Cabinet in spring 2014 to allow for a review of progress to date, and to assess whether further capital works and funding is required to ensure that the statutory duty is met.

9. Suggested reasons for decision(s)

9.1 The local authority is obliged to meet the new duty within the Education Act 2011 to secure sufficient early education places for eligible children aged two-years.

9.2 The development of a capital programme working with existing good quality providers in the private, voluntary and maintained sectors across the next 12 months will provide a secure basis for expansion of places whilst maintaining a focus on high quality provision for both the child and the family as a whole.

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Background papers

Cabinet Report 4 September 2012 – Early education for two-year-olds
<http://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=17550>



CABINET

16 APRIL 2013

SALE OF ROBERT BEAN LODGE AND REPROVISION OF NAPIER UNIT

Portfolio Holder: Councillor David Brake, Portfolio Holder for Adult Services

Report from: David Quirke-Thornton, Assistant Director for Adult Social Care

Author: Preeya Madhoo, Head of Category Management - People

Summary

This report seeks Cabinet approval to delegate authority to the Assistant Directors Adult Social Care, Legal and Corporate service and Chief Finance Officer, in consultation with the Portfolio Holders for Finance and Adult Services, to declare the Napier Unit as surplus and to consider the options for the reprovision of the respite service for adults with learning difficulties.

1. Budget and Policy Framework

- 1.1 Cabinet approved the sale of Robert Bean Lodge and Nelson Court and the re-provision of services by Agincare on 12 February 2013 and this was in accord with the Council decision to outsource the Linked Service Centres. Given the unrestricted value of Robert Bean Lodge exceeded £1M, this disposal was agreed by Council on 21 February 2013.
- 1.2 The unrestricted value of the Napier Unit will be less than £1m, therefore, its disposal is a matter for Cabinet.
- 1.3 This matter is urgent as the progress of the sale of Robert Bean Lodge and Nelson Court is premised on the outcome of the discussions on the future of the Napier Unit. The mobilisation of the sale is planned over the next 6 weeks subject to agreement on the Napier Unit. The timescale and progress of the proposed sale is such that to bring the paper to the next Cabinet would have delayed the process significantly.

2 Background

- 2.1 A contract has been awarded to Agincare for the sale of Robert Bean Lodge and Nelson Court and the re-provision of services by the company on these

sites. This award included the sale of the freehold for both properties, which has raised discussions on the future of the Napier Unit, as this is part of the same building as Robert Bean Lodge and therefore deemed to be part of the freehold sale by Agincare.

- 2.2 The Napier unit is an 8-bed respite service for adults with a learning disability. There are no permanent residents at the unit.
- 2.3 The original tender documents specified that Robert Bean Lodge, including the Napier Unit would be subject to a 25 year lease rather than a freehold sale but there was no mention of the future of the Napier unit as part of the proposal.
- 2.4 This report seeks permission from Cabinet to include the discussion of the Napier Unit as part of the agreement of the award with Agincare. The Council will consider options for the re-provision of the Napier Unit or will continue with the 25 year lease of the Napier Unit as is currently part of the original tender.
- 2.5 The Council has a range of statutory duties and powers to provide services to vulnerable adults such as older people, people with learning disabilities, physically disabled people, people with mental health needs, drug and alcohol misusers and carers. Duties and powers are contained within the National Assistance Act 1948, the Chronically Sick and Disabled Persons Act 1970, the NHS and Community Care Act 1990, the Mental Health Act 1983 together with other statutes and regulations.
- 2.6 The service is subject to Section 23(1) of the Health and Social Care Act 2008, which requires the Care Quality Commission (CQC) to produce guidance for providers of health and adult social care, to help them comply with the regulations within the Act that govern their activities.

3. Options

- 3.1 This report seeks authority for Officers to look at the re-provision options for the Napier Unit as this was not considered in the report to Cabinet on the 12 February 2013 in discussion of the sale of Robert Bean Lodge and Nelson Court.
- 3.2 Two possible options for the re-provision have been identified in the exempt appendix. This information is exempt as it is commercially sensitive and part of the ongoing negotiations with Agincare regarding Robert Bean Lodge and Nelson Court.

4. Advice and analysis

- 4.1 The contract for the outsourcing of Nelson Court and Robert Bean Lodge has been agreed on the basis that the Council will sell the freehold of these properties to Agincare. The re-provision of the Napier Unit could benefit the adults with learning disabilities and families who use this service by providing the service on a site away from an older people's residential care home and would afford the service the opportunity to consider day opportunities and community access as part of the respite service.

5. Risk management

5.1

Risk	Description	Action to avoid or mitigate risk	Risk rating
The Council is unable to find suitable premises for the re-provision of the service.	This service provided is respite care and does not have any permanent residents.	The Council has in place the agreement of a 25 year lease.	

6. Consultation

- 6.1 Subject to member approval to explore the options for the re-provision of the Napier Unit, consultation with services users, family carers and staff will be taken forward. The Council has the option to maintain the current service but this is an opportunity to develop a new service to replace the existing facility. The re-provision requirements for a new service would be developed in consultation with service users, family carers, staff and other stakeholders.

7. Financial and legal implications

- 7.1 Detailed financial implications are outlined in the Exempt Appendix.
- 7.2 Legal implications are set out in the main body of the report.

8. Recommendations

- 8.1 Cabinet is requested to declare the Napier Unit as surplus and delegate authority to Assistant Director Adult Social care, in consultation with Portfolio Holders for Finance and Adult Services and Assistant Director Legal and Corporate Services and Chief Finance Officer, to obtain the best terms reasonably agreed for the disposal of the Napier Unit.
- 8.2 Cabinet is requested to delegate authority to Assistant Director Adult Social care, in consultation with Portfolio Holders for Finance and Adult Services, Assistant Director Legal and Corporate Services and the Chief Finance Officer to look at the options for re-provision of the services at the Napier Unit, over the

next 2 years. A paper with the options will be brought back to Cabinet for approval.

9. Suggested reasons for decision(s)

- 9.1 To ensure that options to secure the best provision possible for services users and family carers are fully explored and the opportunity that arises from the sale of Robert Bean Lodge is carefully considered.

Lead officer contact

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Background papers

Cabinet report/decisions 12 February 2013
<http://democracy.medway.gov.uk/mgIssueHistoryHome.aspx?IId=10120>

Council report/decisions 21 February 2013
<http://democracy.medway.gov.uk/ieIssueDetails.aspx?IId=10120&PlanId=0&Opt=3#A17757>



CABINET

16 APRIL 2013

EXCLUSION OF PRESS AND PUBLIC – ADDENDUM REPORT

Portfolio Holder: Councillor Rodney Chambers, Leader

Report from/Author: Perry Holmes, Monitoring Officer

Summary

This report summarises the content of an exempt appendix which, in the opinion of the proper officer, will contain exempt information within one or more of the categories in Schedule 12A of the Local Government Act 1972. It is a matter for the Cabinet to determine whether the press and public should be excluded from the meeting during consideration of this document.

1. Recommendation

- 1.1 The Cabinet is required to decide whether to exclude the press and public during consideration of the following document because consideration of this matter in public would disclose information falling within one of the descriptions of exempt information contained in Schedule 12A to the Local Government Act 1972, as specified below, and, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

Report Title	Sale of Robert Bean Lodge and Reprovision of Napier Unit
Agenda Item	Exempt Appendix
Summary	This exempt appendix contains key information in respect of finance.
Category of exempt information (Schedule 12A of the Local Government Act 1972)	Not for publication under paragraph 3 of Schedule 12A of the Local Government Act 1972 – information relating to financial or business affairs of any particular person (including the authority holding that information).

- 1.2 Members are advised that the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 requires 28 clear days' notice of a Cabinet meeting to be held in private. With regard to the above item, on this occasion it was impracticable to provide this 28 clear days' notice. The Chairman and Vice-Chairman of the Health and Adult Social Care Overview and Scrutiny Committee have agreed, in accordance with the provisions of the 2012 Regulations, that this matter is both urgent and cannot be reasonably deferred. This is because negotiations for this re-provision need to be undertaken as soon as possible to enable the sale of the Robert Bean Lodge site.
- 1.3 A notice of intention to conduct business in private was issued on 8 April 2013 and no representations have been received.

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Background Papers: None

NOT FOR PUBLICATION
By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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