

COUNCIL

18 OCTOBER 2012

LEADER'S REPORT

Rodney Chambers, Leader of the Council, will give a report on key developments since the last ordinary Council meeting on 26 July 2012.

He will include:

- Hub Airport Consultation
- Police and Crime Commissioner Election and the Police and Crime Panel
- Regeneration
- Examination Results
- Sporting Legacy
- Decisions made by the Cabinet on 7 August 2012, 23 August 2012 (Deputy Leader using urgency powers), 4 September 2012 and 2 October 2012.

Record of Cabinet decisions

Tuesday, 7 August 2012

3.00pm to 4.10pm

Date of publication: 8 August 2012

**Subject to call-in these decisions will be effective from 16 August 2012
The record of decisions are subject to approval at the next meeting of the
Cabinet**

Present:	Councillor Rodney Chambers, OBE	Leader
	Councillor Alan Jarrett	Deputy Leader and Portfolio Holder for Finance
	Councillor David Brake	Portfolio Holder for Adult Services
	Councillor Jane Chitty	Portfolio Holder for Strategic Development and Economic Growth
	Councillor Howard Doe	Portfolio Holder for Housing and Community Services
	Councillor Phil Filmer	Portfolio Holder for Front Line Services
	Councillor Tom Mason	Portfolio Holder for Corporate Services
	Councillor Mike O'Brien	Portfolio Holder for Community Safety and Customer Contact
	Councillor Les Wicks	Portfolio Holder for Children's Services

In Attendance:	Neil Davies, Chief Executive
	Dr Alison Barnett, Director of Public Health
	Robin Cooper, Director of Regeneration, Community and Culture
	Mick Hayward, Chief Finance Officer
	Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy and Governance
	Perry Holmes, Monitoring Officer
	Julie Keith, Head of Democratic Services
	Anthony Law, Democratic Services Officer

Apologies for Absence

An apology was received from Councillor David Wildey (Children's Social Care).

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Record of Decisions

The record of the meeting held on 10 July 2012 was agreed and signed by the Leader as correct.

Declarations of Disclosable Pecuniary Interests

There were none.

Joint Strategic Needs Assessment

Background:

This report presented the executive summary of the Medway Joint Strategic Needs Assessment.

The Local Government and Public Involvement in Health Act (2007) placed a duty on Local Authorities and Primary Care Trusts to undertake a Joint Strategic Needs Assessment (JSNA). A JSNA assesses the need of a population rather than an individual, and is a tool to identify groups where needs are not being met and that are experiencing poor outcomes. It informed and guides commissioning of health, public health and social care services within a local authority area, leading to agreed commissioning priorities that will improve health and wellbeing outcomes and reduce inequalities, taking into account evidence of effectiveness.

The report set out the key themes emerging from the JSNA, which would form the basis for the Joint Health and Wellbeing Strategy. These were:

- Give every child a good start
- Enable our older population to live independently and well
- Prevent early death and increase years of healthy life
- Improve physical and mental health and wellbeing
- Reduce health inequalities.

Members were advised that workshops had been held to identify priorities for the JSNA and the Shadow Health and Wellbeing Board had held a stakeholder engagement event where the JSNA themes were reviewed and priorities for action proposed. The Shadow Health and Wellbeing Board would review the proposals as it prioritised actions for the Joint Health and Wellbeing Strategy.

The Health and Adult Social Care Overview and Scrutiny Committee had considered this report on 26 June 2012 and the views of the committee were set out in the report.

Decision number: **Decision:**

106/2012 **The Cabinet approved the Joint Strategic Needs Assessment executive summary and key themes, which will be important evidence against which the Joint Health**

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and Wellbeing Strategy will be developed.

Reasons:

Production of the Joint Strategic Needs Assessment is a statutory duty for the Council. It identifies the health and wellbeing needs for Medway which supports the development of the Joint Health and Wellbeing Strategy to address the priority needs in Medway. This ensures that there is a focus on improving outcomes and making the best use of resources.

Revenue Budget Monitoring 2012/2013

Background:

This report gave details of the forecast outturn for the 2012/2013 financial year based on actual income and expenditure to June 2012 (the end of the first quarter).

It was noted that on 23 February 2012 the Council had set a General Fund net budget requirement of £180.998m for 2012/2013, with Council Tax frozen at 2010/2011 levels.

This was the first quarterly report and it indicated, after management action, the outturn forecast for 2012/2013 stood at a potential overspend of just under £1million, which compared to an equivalent forecast of £4 million this time last year. Directorate management teams would continue to focus attention on identifying management action to contain expenditure within the overall budgets.

The Cabinet accepted this report as urgent to enable it to receive and consider the first quarter budget monitoring information at the earliest opportunity.

Decision number: ***Decision:***

107/2012 **The Cabinet noted the result of the first round of revenue monitoring for 2012/2013 and instructed Directors to come forward with further proposals for management action to reduce the potential deficit.**

Reasons:

Cabinet has the responsibility to ensure effective budgetary control to contain expenditure within the approved limits set by Council. Where a budget overspend is forecast, Cabinet supported by the corporate management team must identify measures to remove any excess expenditure.

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Capital Budget Monitoring 2012/2013

Background:

This report gave details of the capital monitoring position for the period to June 2012 (the end of the first quarter), with a forecast outturn for 2012/2013.

The approved capital programme for 2012/2013 and future years was £104.6 million, consisting of £82.9 million in respect of brought forward schemes and £21.7 million in respect of new approvals.

The report commented on the delivery of the capital programme and updated Members on a number of issues. The current forecast showed that £75.8 million of the programme was forecast for spend during 2012/2013.

The Cabinet accepted this report as urgent to enable it to receive and consider the first quarter budget monitoring information at the earliest opportunity.

Decision number: **Decision:**

The Cabinet noted:

- a) The spending forecasts summarised at Tables 1 of the report
- b) The budget virements as detailed in paragraphs 4.2.2 and 4.3.2 of the report.

108/2012 **The Cabinet approved the virement of £458,000 of Basic Needs Grant from the SEN Strategy budget to fund a specialist hearing impairment unit on the Twydall Primary School site.**

Reasons:

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

2012/2013 Q1 Performance Monitoring

Background:

This report presented details of the Council's performance for the first quarter of 2012/2013. It included performance against indicators and actions agreed in the Council Plan 2012/2013.

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Appendix 1 to the report summarised the status of each Key Measure of Success, and Appendix 2 set out detailed performance tables. Members discussed the contents of these appendices. This included consideration of:

- the work being undertaken to prevent and reduce domestic abuse.
- the need to review the reported satisfaction levels for how the Council deals with graffiti and with street cleaning. This is in the context of less instances of graffiti, the measurements of standards of street cleaning showing that Medway is clean and the proactive work of Medway Council's community officers.
- Better for Less, the council's transformation programme.
- Health and wellbeing activities in Medway.
- The measures associated with promoting Medway as a destination for culture, heritage, sport and tourism
- Recycling measures and satisfaction levels for road and pavement maintenance.

The Cabinet accepted this report as urgent to enable it to receive and consider the latest performance information at the earliest opportunity.

Decision number: ***Decision:***

The Cabinet noted the first quarter performance against the Key Measures of Success used to monitor progress against the Council Plan 2012/13.

Reasons:

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

Recruitment Freeze

Background:

This report presented information on vacancies that officers had requested approval to commence recruitment for, following the process agreed by Cabinet on 7 January 2003 (decision number 9/2003).

Appendix 1 to the report provided details of the posts.

Decision number: ***Decision:***

109/2012 The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report, to enable officers to commence the recruitment process:

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Business Support

- a) Debt Collection Officer
- b) Income Officer (Financial Assessment Assistant)
- c) Register Compiler (Temporary) x 6
- d) Accounting Technician

Children and Adults

- e) Functional Family Therapist
- f) Service Support Assistant
- g) Support Assistant (YOT)
- h) SEN Team Coordinator
- i) Commissioning Portfolio Manager

Regeneration, Community and Culture

- j) Processing Assistant
- k) Employee Coach x 2
- l) Employer Co-ordinator x 2
- m) IMPRESS Project Co-ordinator.

Reasons:

The posts presented to Cabinet will support the efficient running of the Council.

Proposals for the Inspiration Centre at Strood Academy

Background:

This report set out details of expressions of interest from two organisations in relation to the use of the Inspiration Centre at Strood Academy.

It was noted that in February 2009 the Council approved the business case for the Strood Academy, which included a sum of £2 million to establish a vocational centre. This was no longer relevant however, following withdrawal of financial support for diplomas and changes in Government policy towards vocational education.

The centre offered 430m² space within Strood Academy and it was noted that proposals had been requested that involved:

- A third party managing the space on behalf of the Council
- Neutral costs to the Council
- Support for young people to connect with businesses in Medway
- Minimal financial risk
- Adequate provisions for safeguarding
- Minimal risk to the Council's reputation.

A summary of the expressions of interest from Medway Youth Trust and Regen Offices Ltd were set out in the report. Further details were provided within an exempt appendix, together with an options appraisal of these expressions of interest.

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**Decision
number:**

Decision:

110/2012

The Cabinet agreed

- a) That Medway Youth Trust is selected as the preferred tenant for the Inspiration Centre.
- b) That officers enter detailed negotiations with both Medway Youth Trust and Strood Academy Trust and that the Assistant Director, Legal and Corporate Services and the Director of Children and Adult Services, in consultation with the Children and Adults Capital Programme Cabinet Advisory Group, be authorised to agree terms for the leases and the other terms of occupancy of the Centre, together with the capital costs for furniture and equipment, respectively.
- c) That the terms of occupancy address the issues of safeguarding of young people and the reputational implications for the parties involved, in addition to financial and related issues.

Reasons:

Medway Youth Trust's proposal meets the criteria set by Members; there will be clear benefits for young people from the proposed services and Medway Youth Trust is a trusted provider of services for young people to the Council. This will secure a solution for the Inspiration Centre and will be in line with the original objectives for the vocational centre.

Outline Business Case for Wainscott Primary School Expansion

Background:

This report sought approval of the Wainscott Primary School Outline Business Case for expansion to 1.5FE by September 2013 and then on to 2FE. This included details of the proposed procurement route, based on an initial feasibility study and evaluation of procurement and construction options.

The full Outline Business Case, including appendices and associated documents, had been sent separately to Members as an exempt document. It was noted that the project supported the Council's School Organisation Plan 2011-2016 and was to be funded from developer contributions and DfE Basic Need Grant, with the possibility to generate some capital receipts. Revenue costs would be met from within the schools own budgets.

The report and Outline Business Case considered a number of options for delivering the new scheme. It was noted that the proposed option was the preferred choice of the project team and the school, as it provided the new accommodation in the most practical and least disruptive way whilst also providing value for money.

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It was also noted that consultation had been undertaken on the expansion of age range at Wainscott. This had now completed and, with no objections received and in line with existing delegations, it was no longer necessary for a report back to Cabinet on this aspect.

Decision number: **Decision:**

- 111/2012** **The Cabinet approved the Outline Business Case for Wainscott primary School Expansion and agreed to allow more detailed design work to be undertaken on Option C in a single phase, prior to proceeding with a tender exercise.**
- 112/2012** **The Cabinet approved the purchase of land to provide a new school access road as described in the Exempt Appendix section 4.**
- 113/2012** **The Cabinet approved the use of DfE Basic Need Grant and developer contributions in the capital programme to fund the expansion of Wainscott Primary School.**
- 114/2012** **The Cabinet approved the virement of funds from cost centre 9X478 to the Wainscott project cost centre 9X826 to support the development of detailed designs, as set out in the Exempt Appendix.**

Reasons:

Option C in a single phase is the preferred choice of the project team and the school, as it provides the new accommodation in the most practical and least disruptive way whilst also providing best value for money.

The cost estimates indicate that the preferred scheme, which will deliver the identified accommodation requirements, should be affordable within the provisional budget envelope providing Cabinet support the allocation of DfE Basic Need Grant to this scheme to supplement developer contributions.

As explained in the body of this report the use of the Education Funding Agency (EFA) National Framework for the procurement of the Design and Build Contractor is the best option to allow delivery of the additional accommodation at Wainscott Primary School within the desired timeframes whilst ensuring value for money over the life-cycle of the buildings.

The virement of funding from within the Council's overall capital programme will support the development of detailed designs for the tender stage of the project and is affordable within the overall capital programme approve by Full Council on 23 February 2012.

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Leader of the Council

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Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

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RECORD OF DECISION – DEPUTY LEADER USING URGENCY POWERS

23 AUGUST 2012

Date of publication: 23 August 2012

HR Matter

Background:

This exempt report set out details of a claim against the Council.

The exempt report noted that the urgency provisions were set out in the Constitution (paragraph 3.2 of Part 3 (Responsibility for Cabinet functions) of Chapter 3 (Responsibility for Functions)), which enabled the Deputy Leader (in the absence of the Leader), to make urgent decisions.

The Chairman of the Business Support Overview and Scrutiny Committee had agreed that the taking of these decisions could not be reasonably deferred, in accordance with Rule 16 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution).

Additionally and in line with rule 16.11 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:

115/2012

The Deputy Leader authorised the payment set out in paragraph 3.2 of the report.

116/2012

The Deputy Leader agreed that this decision is considered urgent and therefore should not be subject to call-in.

Reasons:

The reasons are set out in paragraph 3 of the report.

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Leader of the Council

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Date

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Record of Cabinet decisions

Tuesday, 4 September 2012

3.00pm to 4.15pm

Date of publication: 5 September 2012

**Subject to call-in these decisions will be effective from 13 September 2012
The record of decisions are subject to approval at the next meeting of the Cabinet**

Present:	Councillor Alan Jarrett	Deputy Leader and Portfolio Holder for Finance	
	Councillor David Brake	Portfolio Holder for Adult Services	
	Councillor Jane Chitty	Portfolio Holder for Strategic Development and Economic Growth	
	Councillor Howard Doe	Portfolio Holder for Housing and Community Services	
	Councillor Phil Filmer	Portfolio Holder for Front Line Services	
	Councillor Tom Mason	Portfolio Holder for Corporate Services	
	Councillor Mike O'Brien	Portfolio Holder for Community Safety and Customer Contact	
	Councillor David Wildey	Portfolio Holder for Children's Social Care	

In Attendance: Neil Davies, Chief Executive
Robin Cooper, Director of Regeneration, Community and Culture
Mick Hayward, Chief Finance Officer
Wayne Hemingway, Democratic Services Officer
Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy and Governance
Perry Holmes, Monitoring Officer
Julie Keith, Head of Democratic Services
Barbara Peacock, Director of Children and Adults Services

Deputy Leader's Announcement

The Deputy Leader welcomed Barbara Peacock, the new Director of Children and Adults Services to the meeting.

Apologies for Absence

Apologies were received from Councillors Rodney Chambers (Leader) and Wicks (Children's Services).

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Record of Decisions

The record of the meeting held on 7 August 2012 was agreed and signed by the Deputy Leader as correct.

The record of the urgent decision taken by the Deputy Leader on 23 August 2012 was agreed and signed by the Deputy Leader as correct.

Declarations of Disclosable Pecuniary Interests

Councillor Mason disclosed an interest in agenda item 10 (Medway NHS Foundation Trust – Blue Badge Holder Parking Charges) insofar as he was a blue badge holder, and having sought advice from the Monitoring Officer as to the nature of this interest, he retained his right to speak and vote on the item.

Special Educational Needs Transport Policy

Background:

This report provided details of the outcome of consultation on a proposal to introduce a new policy on how Medway fulfilled its statutory duties in supporting the transport arrangements for children and young people with special educational needs (SEN). The main differences in the proposed new policy, which would take effect from 1 January 2013, for new entrants, were set out in paragraph 3.1 of the report.

The report stated that there were 136 responses to the consultation and an analysis of the responses was set out in Appendix B to the report. It was noted that some of the concerns raised demonstrated a misunderstanding of the wording and the legal framework outlined in the policy, therefore, this had been made more user friendly in the final draft of the Policy, which was attached at Appendix A to the report.

The Children and Young People Overview and Scrutiny Committee had considered this report on 17 July 2012 and its comments were set out in paragraph 9 of the report.

A Diversity Impact Assessment screening had been carried out on the draft Policy which was set out in Appendix C to the report. It showed that Medway would continue to meet its statutory duties and the policy change did not discriminate unfairly on any particular group in Medway. Children and young people would continue to have their needs met albeit, for some, this would be discharged in a different way. An implementation plan would be drawn up in order to give parents and carers sufficient notice of specific changes to their child's mode of transport/transport arrangements.

Decision number:

Decision:

117/2012

The Cabinet agreed the policy on transport arrangements for children with Special Educational Needs, as set out in

Appendix A to the report.

Reasons:

The current policy was outdated and required revision to ensure compliance with legislation. The practice in Medway was also out of step with other local authorities. The changes within the proposed policy would enable better value for money as well as support independence.

Fair Access to Credit Task Group

Background:

This report provided details of the outcome of the Overview and Scrutiny Task Group in-depth review of fair access to credit, which had originated from a motion considered at Full Council on 12 January 2012 on the issue of affordable credit and the decision to refer this issue to a cross party Overview and Scrutiny Task Group.

The Task Group met with representatives from a number of organisations. This included the Medway Citizens Advice Bureau, Credit Unions, trade associations, a loan provider, the Youth Parliament and officers from various sections of the Council. This was supported by additional written submissions from a number of organisations/individuals working within the remit of the review and further desktop research, which led to the Task Group developing 29 recommendations.

Following the conclusion of the review, the Task Group's report was submitted to both the Business Support and Regeneration, Community and Culture Overview and Scrutiny Committees, details of which were set out in paragraphs 5 and 6 of the report.

It was noted that the main findings/recommendations of the review responded to the Task Group's consideration of:

- The role of the Council in supporting Medway residents affected by unaffordable credit. This included work to enable credit unions, promote financial literacy and support the establishment of a Social Impact Board;
- Strengthening the rules governing the issue of lending licences and, recognising that an effective strategy in combating illegal lending was an alternative supply, addressing the lack of affordable credit. This included focus on giving local authorities greater control over the planning process and enabling affordable alternatives such as credit unions and;
- How the Council could promote financial literacy and affordable lending and debt counselling recommendations focused on promoting the integration of financial education into the curriculum, financial literacy for all and promoting the timely access to appropriate and quality advice.

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A Diversity Impact Assessment (DIA) screening form had been completed and was attached at Appendix 1 to the review document. The assessment focused primarily on the recommendations for Council services, as the Government departments would have their own assessment frameworks for anything that they decided to action. The screening form showed that it was not necessary to undertake a full assessment on the review document.

<i>Decision number:</i>	<i>Decision:</i>
118/2012	The Cabinet welcomed the current scrutiny of the credit market at a national level, as evidenced by the Office of Fair Trading review of payday lending.
119/2012	The Cabinet agreed that the council should respond to consultations on the consumer credit market where appropriate.
120/2012	The Cabinet noted that Medway Citizens Advice Bureau, with support from Wonga, was undertaking a review of lending products and the level and nature of consumer indebtedness amongst Medway residents and would support the findings of this being reported to the proposed Social Impact Board (see decision 121/2012).
121/2012	The Cabinet supported the establishment of a multi-agency Social Impact Board in Medway looking at issues of debt, worklessness and housing. The objective being to continue and enhance partnership working with public, private and voluntary sector providers, with an emphasis upon a co-ordinated approach that actively assesses the needs of Medway residents. That the Board be encouraged, as and when appropriate, to work with the lending trade associations and the lenders themselves.
122/2012	The Cabinet agreed that the Director of Regeneration, Community and Culture writes to local organisations including voluntary, community and church groups in Medway, emphasising the need to notify Medway Council's Trading Standards team and Financial Ombudsman Service of instances of firms acting inappropriately or illegally to ensure they can be investigated in an appropriate and timely fashion.
123/2012	The Cabinet supported the transfer of the regulation of consumer credit to the Financial Conduct Authority (FCA) and noted that the model for FCA regulation would be designed with input from the Financial Services Authority, Office of Fair Trading, and industry and consumer representatives and the transfer will then be subject to

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impact assessment and approval by both Houses of Parliament.

- 124/2012** The Cabinet noted and commended the announcement by the Government on 19 July 2012 that the Office of Fair Trading is to be given power to suspend a consumer credit licence with immediate effect where there is an urgent need to protect the interest of consumers.
- 125/2012** The Cabinet agreed that the Director of Regeneration, Community and Culture recommend to the Minister for Communities and Local Government and Medway's Members of Parliament that the Town and Country Planning (Use Classes) Order 1987 be amended, so that any holder of a Consumer Credit Licence which is not also regulated by the Financial Services Authority for the purpose of taking deposits, is removed from the A2 Use Class as defined in TCPUC 1987 and placed in a new category.
- 126/2012** The Cabinet welcomed the appointment of Bristol University's Personal Finance Research Centre to carry out research into the impact on consumers and business of a variable cap on the total cost of credit that can be charged in the short to medium term high cost credit market. The research was due to report in summer 2012 and it was agreed that the Council review and respond to the Government response to this research.
- 127/2012** The Cabinet agreed that the Director of Regeneration, Community and Culture recommend to the Department for Business, Innovation and Skills, whilst noting the current Office of Fair Trading review into the payday lending sector, that the Government consider introducing:
- Limits on the ability of consumers to roll over loans.
 - Further controls over marketing and curtailing the targeting of specific groups.
 - In discussion with credit agencies and trade associations, new means to improve credit referencing, so all lenders provide real time information to credit agencies about the payment performance of customers, which in turn would assist those with good payment records to use mainstream lenders in the future and restrict the possibility of multiple loans.
 - In discussion with trade associations the introduction of a compulsory total charge for credit per £100 or total cost of capital, in addition to the use of APR, to assist consumers

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in assessing whether the proposed agreement is suitable for their needs and financial situation, noting that it was being introduced on a voluntary basis.

- 128/2012** The Cabinet agreed that the Director of Regeneration, Community and Culture write to the main banks operating in Medway encouraging them to promote easy access to Basic Bank Accounts, as a means of encouraging the remaining unbanked into the mainstream, and highlighting the Task Group's concerns about high daily penalties for unauthorised overdrafts and that the banks should be providing affordable alternatives for customers needing to take out short term loans, with greater transparency of the fee structure and fairer charges.
- 129/2012** The Cabinet noted that Credit Unions as financial institutions provide a sound and reliable source of affordable credit and welcomed the contribution made by Kent Savers Credit Union Ltd and Medway Credit Union Ltd for their part in providing a service to the Medway community.
- 130/2012** The Cabinet agreed that the Social Regeneration Manager work with the Medway Credit Union Ltd to seek a suitable High Street location within the Medway area.
- 131/2012** The Cabinet agreed that the Director of Regeneration, Community and Culture invite Kent Savers Credit Union Ltd and Medway Credit Union Ltd to work with officers from the Regeneration, Community and Culture Directorate to develop an action plan exploring how assistance can be provided or guidance given with business development and training to enable the credit unions to seek support from local organisations, institutions and businesses to both raise their profile, to attract new members (especially in the areas outside of the main town locations) and generate volunteers with a financial background.
- 132/2012** The Cabinet agreed that the Assistant Director Communications, Performance and Partnerships invite Kent Savers Credit Union Ltd and Medway Credit Union Ltd to work with officers within the Business Support department to publicise the contribution of the Credit Unions through the council's communication channels, including Medway Matters, and the Council's website. This is to explain what Credit Unions are, the benefits and risks of joining a Credit Union and how people could join.
- 133/2012** The Cabinet agreed that a copy of the Fair Access to Credit report be submitted to Medway's Health and Wellbeing

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Board for consideration, in doing so the Cabinet recognised the concern and impact of debt on Medway residents' health and wellbeing, together with the need for co-ordinated advice and support services.

- 134/2012** The Cabinet agreed that the Assistant Director Communications, Performance and Partnerships should ensure via all communication channels that there is a consistent message based upon early contact and intervention and support for good quality, independent debt and money advice.
- This should provide clear advice on the types of debt and the importance of addressing priority debts first. Consumers should be made aware of the difference between seeking free advice and turning to commercial debt management companies and signposted to organisations such as the local Citizens Advice Bureau, Consumer Credit Counselling Service, the Money Advice Service, the Money Advice Trust and National Debtline, which provide free financial health checks and advice and information for consumers before and after they take out credit.
- 135/2012** The Cabinet agreed that the Assistant Director Communications, Performance and Partnerships includes within The Headlines, the council's internal electronic newsletter, key information and contacts for staff to support residents in relation to the provision of free debt advice from organisations such as the Citizens Advice Bureau, Consumer Credit Counselling Service, the Money Advice Trust and National Debtline.
- 136/2012** The Cabinet welcomed the free debt advice provided by organisations such as Medway Citizens Advice Bureau, the Consumer Credit Counselling Service and Money Advice Trust which provide a range of advice access points.
- 137/2012** The Cabinet agreed that the work and guidance issued by the Office of Fair Trading concerning debt management businesses be welcomed but that the Director of Regeneration, Community and Culture recommend to the Office of Fair Trading that further consideration be given to address continued concerns regarding fee-charging "debt management" businesses.
- 138/2012** The Cabinet agreed that the Director of Regeneration, Community and Culture request that the Department for Business, Innovation and Skills introduce regulation, including transparent costings of service, in relation to statutory debt management plans in order to standardise

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and raise the quality of service provided by debt management companies.

- 139/2012** The Cabinet agreed that the Social Regeneration Manager seeks to introduce a session about debt issues into the new Project CYC that will run informal education vocational development at outreach centres.
- 140/2012** The Cabinet agreed that the Director of Children and Adults, recognising the importance of all young people and children receiving education on personal finance and how to avoid unnecessary debt and the dangers of falling into a debt spiral, recommend to the Secretary of State for Education as part of the review of the National Curriculum that the financial education elements of PSHE should be made compulsory in primary and secondary education.
- 141/2012** The Cabinet agreed that the Director of Children and Adults write to the senior leaders of all primary and secondary schools/academies (including special schools) in Medway highlighting the advantages of including financial literacy as part of their curriculum and identifying the importance of appointing a school champion to ensure the achievement of outcomes.
- 142/2012** The Cabinet agreed that the Director of Children and Adults consider, in consultation with Medway's Trading Standards team, examples of good practice to explore how the Council can promote and assist in the development of financial literacy and mentoring in Medway's Sure Start Children's Centres, pre-schools, schools and Further/Higher Education institutions.
- 143/2012** The Cabinet agreed that the Chief Finance Officer, in consultation with the Social Regeneration Manager, bring forward proposals for a programme of sessions, one package per ward, financed from the housing benefit reforms transitional funding or such other funding which may be identified by the Chief Finance Officer, to provide targeted support in 2012/13 to help meet the housing needs of claimants affected by Housing Benefit reforms and also signposting wider money advice and support.
- 144/2012** The Cabinet agreed that the Chief Executive bring forward proposals to Cabinet, via Overview and Scrutiny, on a new Medway framework for the Social Fund that gives consideration to the following issues raised by the Task Group:
- the need to resource intensive and urgent face-to-

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face contact facilities, in particular for crisis loans;

- **the development of partnership arrangements with retailers for the provision of goods rather than cash;**
- **providing assistance to residents returning to work whilst awaiting their first payday.**

145/2012 The Cabinet agreed that the Chief Finance Officer develop publicity highlighting the changes being introduced in relation to the new frameworks for Council Tax Support and the Social Fund, together with details of the Local Housing Allowance and the availability of short-term discretionary housing payments that is accessible to all communities.

146/2012 The Cabinet agreed that the Director of Regeneration, Community and Culture, with partners where appropriate, work to ensure via all communication channels that the key message is always accessing credit via a licensed lender and advising residents about lending codes and standards, for when they are considering credit.

Reasons:

The decisions bring forward a comprehensive package in the interest of Medway's residents, setting a foundation that can be developed locally or submitted to Government as part of the national dialogue on these important issues.

Localising Support for Council Tax

Background:

This report provided details of the Government's plans to localise support for council tax by 2013/2014 together with the intention to reduce expenditure by 10%. The report set out the current position in relation to council tax benefits and the new framework for a council tax support scheme, including requirements for any new local scheme, which would be subject to consultation with major precepting authorities including the Kent Police Authority and the Kent and Medway Fire and Rescue Authority, and the public.

The preferred draft scheme for consultation was set out in Appendix A to the report, together with other possible additional options set out in Appendix E to the report. The proposed timetable, including consultation, was set out in Appendix C to the report.

An initial Diversity Impact Assessment screening had been undertaken on the proposals to look at discounts and exemptions under the new arrangements and on the scheme itself, as set out in Appendix F to the report.

Cabinet, 4 September 2012

Decision number:

Decision:

147/2012 The Cabinet agreed to consultation being undertaken on the basis of the preferred scheme set out at Appendix A to the report, though agreeing that the consultative document will also describe all other possibilities mentioned in Appendix E to the report.

148/2012 The Cabinet agreed the consultation period for 8 weeks in accordance with the strategy at Appendix B to the report.

The Cabinet noted the intention to amend the level of discounts for empty properties to 100% for the first three months, after which it is to be set at zero for a further period of 3 months, with effect from 1 April 2013 to help mitigate the cost of the preferred scheme.

The Cabinet noted the intention to amend the level of discounts for mortgagees in possession to zero and to use the additional income to establish a hardship fund.

Reasons:

The Council will be obliged to make a council tax support scheme by 31 January 2013 or a default scheme will be imposed upon it. The council will be further obliged to consult with the public prior to adopting the new scheme.

The default scheme will be based upon the current council tax benefit (CTB) scheme and as such the Council would be obliged to find the predicted £4 million shortfall from either a cut in services and/or increase in council tax.

The preferred local scheme for consultation in conjunction with the recommended amendments to certain discounts and exemptions meets the projected shortfall in funding thus protecting existing services and council tax levels.

By basing the new local scheme on the current CTB scheme, the Council is ensuring that any special provisions made for specific groups (eg disabled, war widows, families with children) will continue. It will also retain extended payments which allow a run on of benefit for people entering work, thus meeting the need to incentivise work.

Executive Decision Making - New Legislative Requirements

Background:

This report advised the Cabinet of the content of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 which were laid before Parliament on 15 August and would come into effect on 10

Cabinet, 4 September 2012

September 2012. These regulations clarified and extended the circumstances in which local authority executive decisions were to be open to the public.

These regulations affected and made changes to the following areas in connection with executive decision making: publicity in connection with key decisions (Forward Plan); procedures prior to Cabinet meetings where the public may be excluded; cases of special urgency; inspection of background papers; additional rights of access to documents for Members; additional rights of access to documents for Members of Overview and Scrutiny Committees and the reporting of Cabinet proceedings.

The report noted that the working arrangements would need to be changed with immediate effect and that the necessary changes to the Constitution would be reported to Full Council, for consideration and approval, on 18 October 2012.

Appendices A and B were circulated in Supplementary Agenda No.1 on 29 August 2012.

An addendum report was tabled at the meeting which provided additional information regarding the recording of executive decisions made by individuals.

Decision number: ***Decision:***

149/2012 **The Cabinet recommended the changes required to the Constitution as set out in Appendix A for referral to Council for approval on 18 October 2012.**

150/2012 **The Cabinet agreed that the working arrangements for executive decision-making and access to information as set out in the revisions to the Constitution together with the proposed approach described in paragraphs 4.1 to 4.9 of this report should take effect immediately to ensure compliance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 from 10 September 2012.**

The Cabinet noted that the Leader will be asked to delegate authority to the Monitoring Officer to determine, in consultation with the Leader, a response to any representations received about why a Cabinet meeting should be open to the public following publication of a notice of intention to meet in private.

151/2012 **The Cabinet instructed the Monitoring Officer to seek clarification from the Department for Communities and Local Government (DCLG) on the intended scope of the definition of executive decisions in relation to regulation 13 insofar as this relates to recording of executive decisions made by officers.**

Cabinet, 4 September 2012

152/2012 **The Cabinet agreed to authorise the Monitoring Officer, in consultation with the Leader, to put in place appropriate arrangements to comply with the requirements for recording executive decisions by officers as set out in the regulations and taking into account any advice received from DCLG on this matter and to report any consequential changes to the Constitution to Full Council for approval if required.**

Reasons:

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require a number of changes to arrangements for executive decision-making and access to information to be in place by 10 September 2012.

Establishing a Police and Crime Panel for Kent and Medway

Background:

This report provided details of the statutory duty to establish a Police and Crime Panel for the local Police force, namely Kent and Medway, as required under the Police Reform and Social Responsibility Act 2011.

The role of the Police and Crime Panel would be, primarily, to scrutinise and maintain a check and balance on the new Police and Crime Commissioner, although the Panel would not have direct control over the Police and Crime Commissioner's decisions. In addition, the Panel would be able to: review and veto the proposed precept; review and veto the decision to appoint a Chief Constable and; review but not veto the appointment of various other senior staff.

There had been two meetings of the Shadow Police and Crime Panel earlier in 2012, which had discussed and agreed to recommend terms of reference, panel arrangements and procedure rules to all of the local authorities in Kent and Medway, as set out in Appendices 1-3 of the report.

Decision number: ***Decision:***

153/2012 **The Cabinet agreed the arrangements and rules, set out in Appendices 1-3 to the report, to enable the Police and Crime Panel to be formally constituted by November 2012.**

The Cabinet noted that the Leader would notify the Head of Democratic Services at Kent County Council of his two nominations to the Police and Crime Panel.

Cabinet, 4 September 2012

Reasons:

To enable the establishment of the Police and Crime Panel by November 2012.

Early Education for Two Year Olds

Background:

This report provided details of the provisions of the Education Act 2011 which gave parents of disadvantaged two-year-old children a new right to free early years education and care. This duty on local authorities would be introduced in two stages – the first stage in 2013 involved all of the least advantaged children followed by the entitlement extended to 40% of the population in September 2014 which would be equivalent to 1,400 to 1,600 children in Medway.

The report set out the details as to how this provision would be provided together with the funding which would be provided through the Dedicated Schools Grant (DSG).

A Diversity Impact Assessment initial screening had identified that the differential impact of this programme, which explicitly focused on lower income households and vulnerable children, could be justified on the grounds of promoting equality of opportunity for these children and families who currently had poorer outcomes and life chances. The screening form was attached at Appendix A to the report.

Decision number:

Decision:

- | | |
|-----------------|---|
| 154/2012 | The 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 for children aged two years from low income households. |
| 155/2012 | The Cabinet instructed officers to 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. |
| 156/2012 | The Cabinet instructed officers to enable school governing bodies in Medway to develop provision for younger children should they seek to do so, by supporting the development of places for two and three-year-olds, unless there are specific reasons to object. Cabinet will only determine the outcome of a statutory public notice should there be formal objections to the proposal. |
| 157/2012 | The Cabinet instructed officers to continue to promote the work of Medway's Sure Start Children's Centres as |

Cabinet, 4 September 2012

coordinators of early help and support for families with very young children, with a particular focus on the most vulnerable children and families, to ensure a fair and strong start for children's learning.

- 158/2012** **The Cabinet instructed officers to work with the Medway Schools Forum to prepare for changing responsibilities to be met from within the Dedicated Schools Grant.**
- 159/2012** **The Cabinet instructed officers to make representations to the Local Government Association regarding the additional financial burden imposed by this new statutory duty.**

Reasons:

The local authority is obliged to meet the new duty within the Education Act 2011 to secure places for children aged two years from eligible families.

The development of a robust project plan, and a programme of working with existing good quality providers in the private, voluntary, independent and maintained sectors, across the next 12 to 24 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.

Medway NHS Foundation Trust - Blue Badge Holder Parking Charges

Background:

This report set out a reference from the Health and Adult Social Care Overview and Scrutiny Committee held on 21 August 2012 in relation to the introduction of blue badge parking charges at Medway Maritime Hospital.

The report provided details of the motion considered at Full Council on 26 July 2012, together with a response from the Director of Operations at Medway Maritime Hospital, as well as details of the discussion held at the Overview and Scrutiny Committee, at which the Chief Executive of the Medway NHS Foundation Trust attended to discuss and answer questions on the issue.

Decision number: ***Decision:***

- 160/2012** **The Cabinet agreed to recommend that Medway Maritime Hospital Trustees reconsider the Management decision and continue to provide free parking for Blue Badge Holders.**

Cabinet, 4 September 2012

Reasons:

The Cabinet stated that it was regrettable that Medway Maritime Hospital had taken the stance of charging Blue Badge Holders to park whilst visiting and using hospital facilities.

Medway Council had led the way together with its partners in business, commerce and retail whereby blue badge holders were allowed free parking.

The Cabinet was disappointed that Medway Maritime Hospital Management as a key partner had not followed this lead and chosen, without consultation, to introduce a charge.

Child Development Centre

Background:

This report provided details of a proposal from NHS Kent and Medway to purchase the freehold interest of part of the Temple School Block 3 and ancillary buildings, following Cabinet's previous decision on 9 November 2010 to grant a lease to NHS Kent and Medway for this site, for conversion to a Child Development Centre.

The report noted that consultation had taken place with the service directorates and there were no objections to this new proposal.

Decision number: **Decision:**

161/2012 The Cabinet agreed to authorise the Assistant Director, Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to finalise the detailed terms, agree the precise boundaries of the site, seek any further necessary statutory consents and dispose of the site for the best consideration reasonably obtainable.

Reasons:

In order to reduce revenue costs, realise capital receipts and gain investment and improved services in the Medway area.

Recruitment Freeze

Background:

This report presented information on vacancies that officers had requested approval to commence recruitment for, following the process agreed by Cabinet on 7 January 2003 (decision number 9/2003).

Appendix 1 to the report provided details of the posts.

Cabinet, 4 September 2012

**Decision
number:**

Decision:

162/2012

The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report, to enable officers to commence the recruitment process:

Business Support

- a) Senior Database Administrator**
- b) Principal Accountant – Social Care**

Children and Adults

- c) Children’s Trust Support Officer**

Regeneration, Community and Culture

- d) Community Recycling Officer (INSPIRER)**
- e) Graduate Project Assistant (Internship)**

Reasons:

The posts presented to Cabinet will support the efficient running of the Council.

.....
Leader of the Council

.....
Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

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Email: democratic.services@medway.gov.uk

Record of Cabinet decisions

Tuesday, 2 October 2012

3.00pm to 3.45pm

Date of publication: 4 October 2012

**Subject to call-in these decisions will be effective from 12 October 2012
The record of decisions are subject to approval at the next meeting of the Cabinet**

Present:	Councillor Rodney Chambers, OBE	Leader
	Councillor Alan Jarrett	Deputy Leader and Portfolio Holder for Finance
	Councillor David Brake	Portfolio Holder for Adult Services
	Councillor Jane Chitty	Portfolio Holder for Strategic Development and Economic Growth
	Councillor Howard Doe	Portfolio Holder for Housing and Community Services
	Councillor Phil Filmer	Portfolio Holder for Front Line Services
	Councillor Tom Mason	Portfolio Holder for Corporate Services
	Councillor Mike O'Brien	Portfolio Holder for Community Safety and Customer Contact
	Councillor Les Wicks	Portfolio Holder for Children's Services
	Councillor David Wildey	Portfolio Holder for Children's Social Care

In Attendance: Robin Cooper, Director of Regeneration, Community and Culture
Neil Davies, Chief Executive
Mick Hayward, Chief Finance Officer
Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy
and Governance
Perry Holmes, Monitoring Officer
Julie Keith, Head of Democratic Services
Anthony Law, Democratic Services Officer
Barbara Peacock, Director of Children and Adults Services

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 4 September 2012 was agreed and signed by the Leader as correct.

Declarations of disclosable pecuniary interests

There were none.

Medium Term Financial Plan 2013 - 2016

Background:

This report set out the major financial issues facing the Council over the next three years. It also provided a framework for the more detailed preparation of the draft Revenue Budget for 2013/16.

The report included details of the Council's financial position, together with an overview of the Spending Review 2010, the Council's strategic priorities and core values and the need for the Medium Term Financial Plan to be able to respond to the changing policy context in which the Council and its partners operated.

An assessment of likely available resources and details of a number of key spending issues across the Council's directorates were set out. It was also noted that the Medium Term Financial Plan identified the resources available, which would determine the service priorities within the Council Plan. Diversity Impact Assessments would be undertaken and reported to Members as part of the budget and service planning process as the quantum of resources and hence the impact on Council services unfolded.

Members were advised that after allowing for a potential council tax increase and estimated savings from the transformational Better for Less programme, which sought to improve services and deliver efficiencies, there remained a potential deficit for 2013/14 of £5.9million.

In order to retain the strategic aim of achieving a sustainable budget without recourse to reserves, existing and emerging pressures would be challenged and weight given to the efficiency agenda and the search for more cost effective means of delivery.

The report also set out the timetable for the development of the draft budget setting proposals and it was noted that business and service planning would run concurrently, leading to the development of the Council Plan.

The Cabinet considered an addendum report that was tabled at the meeting. This set out details of the comments and recommendations from the Business Support Overview and Scrutiny Committee, which had considered the report on 25 September 2012.

Cabinet, 2 October 2012

**Decision
number:**

Decision:

- 163/2012** **The Cabinet endorsed the underlying aims of the Medium Term Financial Plan.**
- 164/2012** **The Cabinet endorsed the forecast level of overall funding outlined in Section 4 of the report.**
- 165/2012** **The Cabinet instructed Portfolio Holders and Directors to identify savings and efficiencies to achieve a balanced budget for 2013/2014.**
- 166/2012** **The Cabinet undertook to include provision for the on-going 'Stop the Estuary Airport' campaign into the Medium Term Financial Plan 2013-2016.**

Reasons:

This was a preparatory document to meet the budget process and timetable set out within the Constitution.

Growing Places Funding: Rochester Riverside

Background:

This report sought approval for the addition of £4.410m to the capital programme, to deliver the next phase of essential infrastructure for the Rochester Riverside Development, funded through an interest free loan, through CLG's Growing Places Funding.

The report examined three options for the delivery of the remaining land within Phase 1 of the development. In summary, this included releasing development opportunities to the market, with a requirement for developers to install site wide infrastructure for the remainder of Phase 1; further prudential borrowing; and, delivering site wide infrastructure for the remainder of Phase 1 through Growing Places Funding.

It was noted that Growing Places Funding was a programme of affordable loan finance, allocated by Local Economic Partnerships, to cash flow strategic investment in development opportunities. This is to enable the quicker delivery of developments, which might otherwise stall, enabling economic growth through creation of new jobs and homes.

The report noted that the bid for Rochester Riverside would enable the delivery of the next phase of infrastructure; providing fully serviced plots, sufficient for the next 7-8 years of anticipated development, reducing the risks and costs to developers and also the required percentage of developer profit, thus increasing the resulting obtainable land values from future market sales of development plots.

Cabinet, 2 October 2012

It was reported that the Rochester Riverside Project Board, comprising of Members from the Council and the Homes and Communities Agency (HCA), had considered and recommended this approach, subject to respective Council approval and approval by the HCA's Board on 31 October 2012.

Decision number: **Decision:**

- 167/2012** **The Cabinet agreed to recommend to Full Council to approve the proposed investment of £4,410,000 Growing Places Finance, to be repaid as per table 1.1 of the report, subject to the approval by the Homes and Communities Agency Board on 31 October 2012, confirming that any future capital receipts, (above and beyond the current priority repayment of £2.5m of prudential borrowing), be used to pay off GPF debt.**
- 168/2012** **The Cabinet agreed to recommend to Full Council that the Council enter into a loan agreement with Essex County Council, as accountable body for Growing Places Funding.**
- 169/2012** **The Cabinet agreed to recommend to Full Council that the Council enter into a variation of the Rochester Riverside Collaboration Agreement to ensure that the loan amount can be recouped from the proceeds of disposal, prior to the division of any surplus between the Council and the Homes and Communities Agency.**

Reasons:

To facilitate the delivery of the next phase of essential infrastructure for the Rochester Riverside Development.

Recruitment Freeze

Background:

This report presented information on vacancies that officers had requested approval to commence recruitment for, following the process agreed by Cabinet on 7 January 2003 (decision number 9/2003).

Appendix 1 to the report provided details of the posts.

Decision number: **Decision:**

- 170/2012** **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report, to enable officers to commence the recruitment process:**

Business Support

- a) **Investigation Officer**
- b) **Head of Legal**

Children and Adults

- c) **SSA/Receptionist**

Regeneration, Community and Culture

- d) **Innovation Centre Manager**
- e) **Project Manager (Rochester Riverside).**

Reasons:

The posts presented to Cabinet will support the efficient running of the Council.

Gateway 3 Report: Homecare and Extra Care Services

Background:

This report sought permission to award a framework contract for Homecare and Extra Care Services. The Procurement Board had approved this report for submission to the Cabinet after review and discussion on 21 September 2012.

The Cabinet had given approval to the commencement of this procurement at Gateway 1 on 6 September 2011 and this report was based upon a recently undertaken procurement process.

It was noted that the management of this procurement was a pilot of the category management approach to procurement, where adult social care and the corporate team were working together to ensure that the recommissioned homecare services deliver better for less. The homecare services had been the subject of a strategic sourcing plan (SSP), which was developed in partnership with PwC. Subsequent to the Procurement Board's endorsement of the SSP, a commercial strategy was developed to deliver a better service for less expenditure so that there was an increase in value for money for all stakeholders.

Members were advised that the category management approach had also identified a better approach to the initial idea of homecare providers on the framework being the select list for the mini procurements of extra care. A review of the market identified that there were specialist providers of extra care that would not tender for homecare services. The creation of a select list/framework of extra care providers meant that the council could undertake mini-procurements with quality assured providers to meet the demand for services as schemes are opened.

The report set out details of two procurement contract award options: do not award any contract and cancel procurement process and award contract to the series of contractors.

Cabinet, 2 October 2012

An exempt appendix provided key information in respect of finance and whole-life costing; providers and detailed procurement process tender evaluation information.

A Diversity Impact Assessment screening form was attached to the report. This indicated that a full Diversity Impact Assessment was not required.

Decision number: **Decision:**

1711/2012 **The Cabinet approved the procurement contract award to the series of contractors as outlined below and as detailed within the exempt appendix:**

Homecare

1. Care UK Homecare Ltd
2. Scott Care Ltd
3. Here to Care
4. Avante Community Support
5. London Care
6. Kent Social Care Professionals
7. Everycare Ltd
8. Anchor Support Services Ltd
9. Meritum Independent Living
10. Independent Care & Support Ltd
11. Circle Support
12. Plan Care
13. The People Care Team
14. Community Care Line
15. Guardian Homecare
16. Care Watch Maidstone
17. Homecare Solutions Ltd
18. Boldglen
19. Presland Care
20. Medway Age UK

Extra care

1. Housing 21
2. Care UK Homecare Ltd
3. Guardian Homecare
4. Scott Care Ltd
5. Meritum Independent Living
6. Care at Home Services
7. London Care
8. Mears Care Ltd.

Cabinet, 2 October 2012

Reasons:

The decisions are made on the basis of: the improved redesign of home care services that focus on continuous improvement; the delivery of £1.4 million of savings, without disruption to services; and, a streamlined mini-procurement process for potential extra care providers for emerging extra care schemes in Medway.

.....
Leader of the Council

.....
Date

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