

Record of Cabinet decisions

Tuesday, 18 December 2012

3.00pm to 4.30pm

Date of publication: 19 December 2012

**Subject to call-in these decisions will be effective from 2 January 2013
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: Neil Davies, Chief Executive
Mick Hayward, Chief Finance Officer
Perry Holmes, Monitoring Officer
Julie Keith, Head of Democratic Services
Barbara Peacock, Director of Children and Adults Services
Anthony Law, Democratic Services Officer
Andy McGrath, Assistant Director, Front Line Services

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 27 November 2012 was agreed and signed by the Leader as correct.

Declarations of disclosable pecuniary interests

There were none.

Youth Justice Plan (Policy Framework)

Background:

This report provided details of the Medway Youth Justice Plan 2012-2014, which had been developed following discussions with partner agencies and also reflected the requirements of the Youth Offending Team (YOT) Improvement Plan.

The Youth Justice Plan, which was revised on an annual basis and formed part of the Council's policy framework, set out the aims and objectives for 2012/2014 in relation to working with young people who offend or who were at risk of offending. In accordance with the provisions of the Crime and Disorder Act 1998 the Plan set out how youth justice services would be provided and funded and how the YOT was to be composed and funded, how it was to operate and what functions it was to carry out.

The Children and Young People Overview and Scrutiny Committee considered this report on 11 December 2012 and its views were set out in an addendum report.

A Diversity Impact Assessment (DIA) screening form had been undertaken on the draft plan which indicated that a full impact assessment was not necessary.

Decision number:

209/2012

Decision:

The Cabinet noted the views of the Children and Young People Overview and Scrutiny Committee and recommended approval of the Youth Justice Plan to Full Council.

Reasons:

To provide a plan which sets out the aims and objectives in relation to working with young people who offend or who are at risk of offending.

Gambling Act 2005 - Review of Council Statement of Gambling Policy (Policy Framework)

Background:

This report provided details of the Statement of Gambling Policy (Gambling Act 2005). This Policy set out the principles which the Local Authority applied in exercising its licensing functions under the Gambling Act 2005. The licensing objectives were:

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- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling was conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The report set out a summary of the proposed amendments to the Policy and the views of the Licensing and Safety Committee and Business Support Overview and Scrutiny Committee, which had considered the report on 21 November 2012 and 6 December 2012 respectively.

In relation to the comments made at the Business Support Overview and Scrutiny Committee, the Portfolio Holder for Community Safety and Customer Contact advised that he would be meeting with the Gambling Commission in the New Year and would also engage other political parties and Medway's three Members of Parliament as to the proliferation of Fixed Odds Betting Terminals.

A Diversity Impact Assessment (DIA) screening form had been undertaken on the draft Policy which indicated it was not necessary to proceed to a full assessment.

Decision number: ***Decision:***

210/2012 **The Cabinet noted the comments of the Licensing and Safety Committee and the Business Support Overview and Scrutiny Committee and recommended approval of the Statement of Gambling Policy to Full Council.**

Reasons:

The proposed Gambling Policy sets out how the Council will regulate licensable activities as required by the Gambling Act 2005.

Supported Accommodation Task Group

Background:

This report provided details of the in-depth review of supported accommodation undertaken by a short life Task Group which reached the following conclusions on the issue of supported accommodation:

- There was a need for legislation to be tightened in relation to housing benefit and exempt accommodation;
- Additional assistance would be helpful in the housing benefit section to address the high volume of claims, to continue the robust challenge to high rents and the vigorous challenge to any future Tribunal cases;
- Outcomes based commissioning was the way forward in terms of quality of provision in relation to housing related support along with a greater understanding of the need in this area.

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The Regeneration, Community and Culture Overview and Scrutiny Committee considered this report on 13 December 2012 and its views were set out in an addendum report.

Decision number:

Decision:

- 211/2012** The Cabinet agreed to request the Chief Finance Officer to write to Lord Freud, Minister for Welfare Reform at the Department of Work and Pensions, and to the three Medway Members of Parliament requesting that they also put pressure on Lord Freud, to (a) tighten up the regulations in connection with eligibility to exempt accommodation in view of the increasing financial burden being placed on local authorities brought about by the lack of a cap on the amount which could be charged by providers for enhanced housing benefit; and (b) address the inequality and burden placed on this Council by the increasing migration of people into Medway, eligible for enhanced housing benefit, for whom the Council may only claim part subsidy.
- 212/2012** The Cabinet agreed to request the Chief Finance Officer to report back on the business case for seconding additional, specialist, support into the Benefits Team in order to increase the capacity for dealing with complex negotiations with exempt accommodation providers. This would be on the basis of an 'invest to save' proposal as it would release the Benefits Manager to continue in her existing role within the specialist service, with responsibility for the quality assurance of the benefits caseload together with work in respect of liaison and forward planning in respect of Welfare. This would enable the Council to maintain its stance in robustly challenging high rents, negotiating lower rents and provide for a robust case in the event of a challenge at Tribunal stage.
- 213/2012** The Cabinet agreed to support the following proposals in relation to enhanced housing benefit and instructed officers as follows:
- a. As part of the negotiations with exempt accommodation providers the Council should set out its expectations relating to outcomes and promote a clear 'move on' pathway/outcomes star programme (or equivalent pathway) with regular monitoring updates to enable the Council to track the outcomes for people in exempt accommodation.

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- b. An enquiry tickbox questionnaire should be developed for potential providers of exempt accommodation asking the following:**
 - i. Questions about the eligibility of the landlord to provide the relevant support**
 - ii. Questions about the premises – does the landlord own the freehold for example?**
 - iii. Information about staffing and the roles of the staff employed**
 - iv. Details of how the provider work out their rent costs**
 - v. Whether the landlord had also requested support from the commissioning part of the Council**
 - vi. Details, including training, qualifications etc of any support workers employed by the landlord**
 - vii. Information about how the landlord could demonstrate quality in the support they were offering.**

214/2012 The Cabinet agreed to (a) support the direction of travel, suggested by the Task Group, as set out in paragraph 6.2.13 of the Task Group report, in adopting a smarter, more cohesive structured approach to the commissioning of Housing Related Support for those areas considered as part of the review, and (b) instruct officers to prepare a Commissioning Framework for services and to develop a timetable to allow for the efficient, effective and equitable commissioning of services to reflect the approach endorsed by the Task Group and present their Quality Assurance Framework to Regeneration, Community and Culture Overview and Scrutiny Committee and Cabinet Members prior to implementation.

Reasons:

To ensure the continuance of robust challenge in relation to dealing with enhanced housing benefit applications and applications from providers of exempt accommodation. The decisions are also designed to introduce outcomes based commissioning of housing related support to improve the quality of provision across the area and bring about a greater understanding of the need in this area.

Localising Support for Council Tax

Background:

This report provided details of a draft localised council tax support (CTS) scheme as required under the Local Government Finance Act 2012, following the abolition of council tax benefit (CTB) under the Welfare Reform Act 2012.

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The requirements of the revision to CTB were reported to Cabinet on 4 September 2012 (decision number 147/2012) and the contents of a consultation on proposals for an eight week period were agreed (decision number 148/2012).

The Cabinet considered the results of the consultation exercise on 27 November 2012 and asked officers to draw up a local council tax support scheme based upon the preferred scheme that was part of the consultation (decision number 189/2012).

The report set out the main provisions of the Scheme, which had been issued to Cabinet Members in Supplementary Agenda No.2.

A Diversity Impact Assessment had been undertaken and was attached at Appendix A to the report. The assessment identified a number of potential adverse impacts together with some mitigating factors being incorporated into the scheme.

Decision number: ***Decision:***

215/2012 The Cabinet recommended the Council Tax Support scheme to Full Council for adoption on 24 January 2013.

Reasons:

The scheme balances the need for supporting those currently in receipt of council tax benefit and the ability of the Council to fund the scheme within the current budgetary constraints.

The scheme has been drawn up in accordance with Cabinet's recommendation on 27 November 2012, which was reflective of the fact that the majority of respondents to the consultation were in agreement with the principles of the scheme.

CIPFA have confirmed that the scheme meets the aims and recommendations of Cabinet.

Treasury Management Strategy Mid Year Report 2012/2013

Background:

This report provided details of the mid year review of the Council's Treasury Management Strategy. This had been prepared in compliance with the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management and covered the following:

- An economic update for the first six months of 2012/13;
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- A review of the Council's investment portfolio for 2012/13;
- A review of the Council's borrowing strategy for 2012/13;
- A review of any debt rescheduling undertaken during 2012/13; and
- A review of compliance with Treasury and Prudential Limits for 2012/13.

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It was noted that the council needed to formally adopt CIPFA's Code of Practice 2011 and a copy was attached at Appendix 1 to the report.

The Business Support Overview and Scrutiny Committee considered the report on 6 December 2012 and its views were set out in the report.

Decision number: ***Decision:***

216/2012 **The Cabinet noted the contents of this report (including the views of the Business Support Overview and Scrutiny Committee) and recommended the report to Full Council.**

217/2012 **The Cabinet recommended to Full Council the adoption of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management 2011, as set out in Appendix 1 to the report.**

Reasons:

The Treasury Management Strategy requires that Cabinet and Council receives and considers a mid year review of treasury management strategy and performance.

Housing Strategy Annual Review

Background:

This report provided details of the Annual Review of the Housing Strategy. The Strategy aimed to reflect policies and priorities at national, regional and local level. It helped deliver the strategic housing priorities for Medway and set the direction for housing in Medway until 2014. The Strategy was designed around three aims (Bridging the Gap, Early Prevention and Health and Housing) with seven outcomes, as set out in the report.

It was noted that there had been significant progress against the priority actions. A total of 15 actions had been completed and the majority were on target to be delivered by 2014. A detailed report of progress against the Strategy Action Plan was set out.

The Regeneration, Community and Culture Overview and Scrutiny Committee considered this report on 13 December 2012 and its comments were set out in an addendum report.

Decision number: ***Decision:***

218/2012 **The Cabinet noted the progress against the aims of the Housing Strategy.**

Reasons:

The Housing Strategy and its Action Plan sets the strategic direction for Housing Services in Medway, contributing to the Council's core values and strategic priorities and giving context for the attraction and investment of resources.

Tenancy Strategy

Background:

This report provided details of a Draft Tenancy Strategy as required under s150 of the Localism Act 2011.

The Draft Tenancy Strategy set out the objectives to be taken into consideration by individual Registered Providers of social housing as they made decisions about their own tenancy policies. It provided an overview of how the Council would address the issues of rent, tenure reform, and changes to the housing register. The key aims of the Medway Council Tenancy Strategy were:

- To set out clear expectations for Registered Providers and other social landlords operating in Medway;
- To make the best use of the Council's housing stock and wider social housing stock in the area;
- To prevent homelessness and enable housing to be offered to those in the greatest need;
- To offer tenancies which were in the interest of the individual household;
- To create and maintain sustainable communities.

A Diversity Impact Assessment (DIA) screening form had been undertaken on the draft Policy that indicated it had not been necessary to proceed a full assessment.

The Regeneration, Community and Culture Overview and Scrutiny Committee considered this report on 13 December 2012 and its views were set out in an addendum report. It was also noted that consultation had been undertaken with a diverse range of partners and stakeholders, with feedback received having been taken into account in the subsequent development of the Strategy.

Decision number:

219/2012

Decision:

The Cabinet approved the Tenancy Strategy, as set out in Appendix 1 to the report.

Reasons:

Approval of the Tenancy Strategy will fulfil the provisions of Section 150 of the Localism Act 2011, which requires local authorities to prepare and publish a Tenancy Strategy.

Local Development Framework Annual Monitoring Report

Background:

This report provided details of the eighth Annual Monitoring Report which analysed progress against a range of indicators associated with the adopted development plan and the emerging Local Development Framework, in accordance with s35 of the Planning and Compulsory Purchase Act 2004. The report highlighted the main findings of this year's report including that Medway was out performing many other areas on a number of measures and, as a consequence, was avoiding the worst effects of the continuing economic downturn.

The Medway Annual Monitoring Report 2012 (Volume 1) was circulated to Cabinet Members in Supplementary Agenda No.1. During the discussion of this item the Portfolio Holder for Strategic Development and Culture undertook to clarify the stewardship reported within the 'CS6 Preservation and Enhancement of Natural Assets' section of the monitoring report.

Decision **Decision:**
number:

220/2012 The Cabinet agreed the 2012 Annual Monitoring Report for publication.

Reasons:

To enable continued monitoring of the development plan to be made available to the local community and others.

Rochester Airport

Background:

This report provided details of proposals on how the Council intended to safeguard the future of the airport, incorporating a modern airport facility with improved heritage and community facilities.

The report stated that facilities at the airport were nearing the end of their economic lives and it was generally accepted that for the airport to remain open in the medium/long term, investment was needed to make it sustainable.

The options for the future of the airport were set out in the report. It was also noted that a masterplan will be prepared for the site that would set out a clear framework for the reconfiguration of the aviation facilities, as well as the basis for redeveloping surplus and adjoining land for employment related uses.

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**Decision
number:**

Decision:

221/2012

The Cabinet delegated authority to the Assistant Director of Legal and Corporate Services, in consultation with the Finance Portfolio Holder to:

- (a) Grant a lease or leases to an airport operator, which allows the council to take back land freed up by the closure of runway 16/34. A longer lease of the Airport, will allow the private sector and the operator together with the council to invest in the site to improve its facilities, public access and the heritage offer available.
- (b) Vary/release covenants on adjacent land and enter into agreements with adjoining landowners on the best terms reasonably obtainable, in order to bring forward land for disposal/development.

222/2012

The Cabinet agreed to receive a further report next summer requesting it to recommend to Full Council that:

- (a) A capital contribution (to be defined following the marketing of the leasehold opportunity) is made towards the cost of the new airport facilities.
- (b) It delegates authority to the Assistant Director of Legal & Corporate Services, in consultation with the Finance Portfolio Holder, to dispose of the land freed up as a result of the closure of runway 16/34 so that it can be developed.

Reasons:

To safeguard the long-term future sustainability of the airport, to secure the improvement of the airport to provide a modern facility with improved public access and heritage offer and to release additional employment land, whilst meeting the Council's legal and fiduciary duties.

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, with details of five further posts tabled at the meeting.

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Decision number:

Decision:

223/2012

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

Business Support Department

- (a) Contract Administrator**
- (b) Database Administrator**
- (c) Exchequer Officer**
- (d) HR Information Officer**

Children and Adults

- (e) Assistant Director, Children's Social Care**
- (f) Children's Service Manager Looked After Children Lead**

Regeneration, Community and Culture

- (g) WORK Programme Job Broker Adviser (x2)**
- (h) Community Inclusion Co-ordinator**
- (i) Principal ESF Programme Officer**
- (j) Weekly Collections Project Officer.**

Reasons:

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

Gateway 1 Procurement Commencement Report: Outsourcing Strand Water Sports Centre

Background:

This report sought permission to commence the procurement of activities and services related to the Strand Water Sports Centre at Gillingham. This would initially involve inviting expressions of interest from external providers to deliver this service for the period of the project 2013 – 2018 and to become an active partner in the development of the Strand area in North Gillingham.

This report had been approved for submission to the Cabinet after review and discussion by Children and Adults Directorate Management Team on 25 May 2012 and the Procurement Board on 28 November 2012.

A Diversity Impact Assessment (DIA) screening form (attached at Appendix 2 to the report) had been undertaken which indicated that a full impact assessment was not necessary.

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An exempt appendix contained key information in respect of finance and whole life costings and information relating to individuals.

<i>Decision number:</i>	<i>Decision:</i>
224/2012	The Cabinet approved the commencement of the procurement project to outsource the Strand Water Sports Centre in Gillingham.
225/2012	The Cabinet agreed that a market testing and reviewing of existing employment contracts with staff takes place in April 2013 or as soon after as is possible.
226/2012	The Cabinet agreed that should external interest be identified in providing this water-based activity a procurement process is initiated to determine a new provider for April 2013 or as soon after as is possible.
227/2012	The Cabinet agreed that should only one external provider be interested, Medway Water Sports Trust, they are afforded preferred provider status and contractual arrangements are developed with this local trust.
228/2012	The Cabinet agreed that the refurbishment of the causeway / slipway should become part of the wider Sport England development plans of the Strand Leisure Park area, led by Medway Leisure, with on-going management and maintenance a negotiated partnership between Medway Cruising Club, the new water sport provider and the Council.
229/2012	The Cabinet agreed that discussions continue with affected staff to amicably resolve the management of change process so that employment liabilities for Strand staff are minimised for any new provider of the service.

Reasons:

On the basis that these recommendations have been approved by Children and Adults Departmental Management Team, Corporate Management Team and the Procurement Board.

The decisions support the Medway Strategic Priority of 'Children and young people having the best start in life in Medway'.

Gateway 3 Contact Award: Wainscott Primary School: New Buildings for Expansion to Two Forms of Entry

Background:

This report provided details of the Final Business Case (FBC) for the expansion of the buildings at Wainscott Primary School to accommodate two forms of entry following consideration at the Procurement Board on 28 November 2012, along with the associated contract documents, and sought Cabinet approval to finalise the formal contract with BAM Construction Limited, within the funding available and identified in the body of the report.

An exempt appendix set out the FBC together with the funding sources and life-cycle costings.

Decision number:

Decision:

- 230/2012** **The Cabinet approved the Final Business Case for the expansion of Wainscott Primary School to 2 forms of entry.**
- 231/2012** **The Cabinet agreed the award of the contract to construct new buildings for Wainscott Primary School to BAM Construction Limited using the EFA Design & Build Lump Sum Contract for use with the EFA Contractor Framework and to delegate authority to the Director of Children and Adult Services, in consultation with the Portfolio Holder for Children's Services and the Assistant Director of Legal & Corporate Services to finalise the contract.**

Reasons:

The use of the EFA National Framework for the procurement of the Design and Build Contractor is the best option to allow delivery of the new school buildings within the desired timeframes and is the procurement route approved within the Outline Business Case.

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Leader of the Council

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Date

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