

COUNCIL

25 APRIL 2013

LEADER'S REPORT

Rodney Chambers, Leader of the Council, will give a report on key developments since the last ordinary Council meeting on 24 January 2013.

He will include:

- UTC
- OFSTED inspections
- Lodge Hill
- Medway celebrations
- TIGER launch
- Decisions made by the Cabinet on 12 February 2013, 12 March 2013 and 16 April 2013.

Record of Cabinet decisions

Tuesday, 12 February 2013

3.00pm to 4.50pm

Date of publication: 13 February 2013

**Subject to call-in these decisions will be effective from 21 February 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 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
Stephanie Goad, Assistant Director Communications, Performance and
Partnerships
Mick Hayward, Chief Finance Officer
Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy
and Governance
Perry Holmes, Monitoring Officer
Anthony Law, Democratic Services Officer
Barbara Peacock, Director of Children and Adults Services

Apologies for absence

An apology was received from Councillor Phil Filmer (Front Line Services).

Record of decisions

The record of the meeting held on 15 January 2013 was agreed and signed by the Leader as correct.

Declarations of disclosable pecuniary interests

There were none.

Capital and Revenue Budgets 2013/2014

Background:

This report presented proposals for the capital and revenue budgets for 2013/2014. The Cabinet had considered initial budget proposals on 27 November 2012, which had been developed in accordance with the principles set out in the Medium Term Financial Plan 2013/2016, and table 10 of the report summarised the budget changes since then.

The implications of the Local Government Finance Settlement were set out in the report. This highlighted that Medway's Start-up Funding Assessment, which now replaced the Formula Grant, was calculated as £105.430 million and represented a decrease of 3.65% over the equivalent adjusted sum for 2012/2013 with a further decrease of 8.6% for 2014/2015.

The proposed revenue budget of £348.511 million was based on a Council Tax increase of 1.99%. It was noted that considerable effort had been made to achieve a balanced budget without seriously impacting on direct services to the public.

It was reported that proposals to leave national conditions for staff pay and allowances were ongoing and the result of these negotiations would be reported to the Employment Matters Committee on 19 February 2013 and be reported to Council on 21 February 2013.

The proposed capital programme for 2013/2014, incorporating existing schemes and new funding announcements to date, was £48.224 million. An overall summary and a summary by directorate of the proposed capital programme were attached at Appendix 2 to the report.

The report explained that the Council Plan had been developed alongside the budget setting process to ensure the link between resource and business planning was maintained. The Council Plan was considered as a separate item on the agenda.

It was noted that budget proposals had been referred to all the Overview and Scrutiny Committees for consideration. The Overview and Scrutiny Committees' views were detailed in the report, with the recommendations of the Business Support Overview and Scrutiny Committee set out for Cabinet consideration.

The summarised Housing Revenue Account was set out in Appendix 4 to the report with the capital component in Appendix 2 to the report. A report setting out details of proposed rents for 2013/2014 was considered as a separate item on the agenda. The schedule of fees and charges was attached at Appendix 5 to the report.

Cabinet, 12 February 2013

The report set out the requirements under equality legislation and a Diversity Impact Assessment, that aggregated the impact of reductions in funding to services, was attached at Appendix 6 to the report.

The Cabinet agreed to consider this report as an urgent item to enable its recommendations to be forwarded to the Budget Council meeting on 21 February 2013.

Decision number: **Decision:**

The Cabinet noted the recommendations from overview and scrutiny committees as summarised in Section 8 and detailed in Appendix 1 of the report.

25/2013 The Cabinet recommended to Council the capital budget proposals, as set out in Appendix 2 of the report.

26/2013 The Cabinet recommended to Council that the net revenue budget summarised at Table 11 of the report, amounting to £348.511 million, should be adopted and that this be funded by a 1.99% increase in Council Tax for 2013/2014 with the equivalent Band D figure at £1,141.47.

27/2013 The Cabinet recommended to Council the fees and charges set out at Appendix 5 to the report.

28/2013 The Cabinet agreed that the Chief Finance Officer be requested to calculate the formal requirements under Sections 30 to 36 of the Local Government Finance Act 1992 for resolution by Special Council on 21 February 2013.

Reasons:

The Constitution requires that Cabinet's budget proposals must be forwarded to Council for consideration and approval.

The Council is required by statute to set a budget and council tax levels by 11 March each year.

Council Plan 2013 - 2015

Background:

This report presented the Council Plan 2013-2015 for consideration and referral to Council on 21 February 2013 as a Policy Framework document.

The Council Plan was the organisation's overarching business plan. It would form an essential part of the Council's performance management framework, setting out the priorities, commitments, measures and targets against which progress would be

Cabinet, 12 February 2013

judged. It was noted that the Plan had been developed alongside the 2013-14 capital and revenue budget proposals, in order to align the Council's business planning and budget setting process, and adjusted to take account of recent financial and service developments.

The Business Support Overview and Scrutiny Committee considered this report on 7 February 2013 and the views of the Committee were set out in an addendum report together with officer comments.

It was noted that a Diversity Impact Assessment screening had been undertaken on the draft plan and this was attached at Appendix 3 to the report. It was found that there was no need to carry out a full assessment. It was however noted that officers would continue to assess and monitor the plan, both prior to its agreement by Council and throughout the life of the plan, to ensure compliance with all statutory requirements.

Decision number: ***Decision:***

The Cabinet noted:

- (a) the comments of the Business Support Overview and Scrutiny Committee as set out in the Addendum report;**
- (b) that quarterly monitoring reports for 2013-14 will:**
 - 1. Ensure clear explanations in relation to the comments set out within the addendum report at paragraph 2.2 (iii) Common Assessment Form and 2.2 (iv) measures relating to vulnerable adults and children;**
 - 2. Consider the addition of a satisfaction measure for Community Officers once the current review of the service has been implemented and new baseline surveys of customers have been undertaken.**

29/2013 The Cabinet recommended the Council Plan 2013-2015 (Appendix 1 to the report), and the 2013-14 Target Planning document (Appendix 2 to the report) to Full Council for approval as part of the Council's Policy Framework, subject to the inclusion of

(i) brief comments on the constitution of the Citizens Panel;

(ii) the comments on the INSPIRER project as set out in paragraph 2.2 (ii) of the Addendum report;

and Council agreeing,

(iii) that a measure indicating outcomes achieved for children be added later to the Council Plan.

30/2013 **The Cabinet recommended that Council delegate to the Chief Executive, in consultation with the Deputy Leader who is portfolio holder for performance and business planning, authority to deal with any necessary changes to align the plan to the agreed budget.**

Reasons:

Strong business planning processes and a clear strategic framework are regarded as best practice, and will enable the organisation to demonstrate how it is using resources to meet locally specific objectives.

Housing Revenue Account Capital and Revenue Budgets 2013/2014

Background:

This report provided details of the Housing Revenue Account (HRA) revenue and capital budgets for 2013/2014. It also set out details of the proposed rent and service charges levels for 2013/2014.

The report summarised the proposals for 2013/2014 as they related to rent, service charges, performance management, expenditure assumptions, housing repairs and borrowing and headroom. A revised Appendix A was tabled at the meeting that adjusted the overall rent averages. It was noted that the proposed average rent increase was £2.82 per week or 3.53% and an average service charge (excluding housing related support eligible charges) increase of 38p per week or 5%.

The Business Support Overview and Scrutiny Committee had considered this report on 31 January 2013. It was noted that the committee had supported the recommendations set out in the report and details of the discussion at the meeting were set out in section 11 of the report.

Decision number: ***Decision:***

The Cabinet noted the recommendations from the Regeneration, Community and Culture Overview and Scrutiny Committee, as set out at section 11 of the report.

31/2013 **The Cabinet recommended to Council:**
(a) The proposed revenue and capital budgets for 2013/2014, inclusive of an average rent increase of £2.82 per week (based upon 50 collection weeks and equating to an average increase of 3.53%); and a rent

Cabinet, 12 February 2013

increase of 2.6% for garages;

- (b) **Service charges for 2013/2014 reflect the costs incurred in providing that service, where possible, and that where costs are not fully recovered, the uplift is such that costs can be fully recovered by 2014/2015, (excepting the Wardens Service Charge as set out in 4.2 of the report), using above inflation increases to do so as per Appendix B to the report. The average increase will be 5% or £0.38;**
- (c) **That officers develop proposals for utilising headroom with the intention to submit a further report later in the year;**
- (d) **To approve the repayment of debt based on a minimum revenue payment of 2% on outstanding debt.**

Reasons:

The Council is required to carry out an annual review of rents and notify tenants not less than 28 days prior to the proposed date of change. The Council is required under the Local Government and Housing Act 1989 to ensure that the Housing Revenue Account does not fall into a deficit position.

Treasury Management Strategy 2013/2014

Background:

This report presented the Council's Treasury Management Strategy for 2013/2014. The strategy incorporated the Treasury Management Policy Statement, Annual Investment Strategy and Minimum Revenue Provision Policy. Proposed amendments to the Treasury Management Practices were also set out.

The annual presentation of a Treasury Management Strategy was a requirement under the CIPFA Code of Practice on Treasury Management. It covered the various aspects of the treasury management function and was based on the treasury officers' views on interest rates, supplemented with leading market forecasts provided by the Council's treasury adviser, Sector.

The Business Support Overview and Scrutiny Committee had considered this report on 7 February 2013 and the views of the Committee were set out in an addendum report. An amended Appendix 3 was also tabled. This corrected some incorrect information and changed the upper limit percentage of fixed rate borrowing under 12 months from 50% to 75%, following a recent change in practice by CIPFA.

A Diversity Impact Assessment screening had been undertaken and was set out in Appendix 8 to the report. It was not necessary to proceed to a full impact assessment. It was noted that the Treasury Management Strategy did not directly impact on members of the public as it dealt with the management of the local

Cabinet, 12 February 2013

authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.

Decision number: *Decision:*

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee.

32/2013 The Cabinet recommended to Council to increase the operational boundary and authorised limit to £4,000,000 and £4,400,000 respectively for other long term liabilities for 2012/2013, as set out in paragraph 3.8 of the report.

33/2013 The Cabinet recommended to Council the Treasury Management Strategy and associated policies and strategy statements as attached in Appendices 1-6 to the report.

34/2013 The Cabinet approved the amendments to the Treasury Management Practices as set out in Appendix 7 to the report.

Reasons:

Cabinet has the responsibility to make recommendations to Full Council on the approval of the Council's Treasury Management, Investment Strategy and Minimum Revenue Provision Policy Statement along with scrutinising the Treasury Management Practices and associated schedules.

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 December 2012 (the end of the third quarter).

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

This was the third quarterly report and it indicated, after management action, the outturn forecast for 2012/2013 stood at a potential underspend of £224,000, which compared to a forecast overspend of £961,000 at quarter two.

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

Cabinet, 12 February 2013

Decision number:

Decision:

The Cabinet noted the result of the third round of revenue monitoring for 2012/2013.

35/2013

The Cabinet approved the Housing Revenue Account repayment of debt based on a minimum revenue payment of 2% on outstanding debt (as detailed in paragraph 14.3 of the report).

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.

Capital Budget Monitoring 2012/2013

Background:

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

The approved capital programme for 2012/2013 and future years was £110.6 million, consisting of £83 million in respect of brought forward schemes and £27.6 million 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 £73.670 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 and additions as detailed in paragraphs 4.2.2, 4.2.3 and 4.3.1 of the report.**

Reasons:

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

Council Plan Monitoring 2012/2013 - Quarter 3

Background:

This report sets performance against the Council's Key Measures of Success for the third quarter of 2012/2013.

The report and Appendix 1 included an overview of priorities, which summarised the status of each Key Measure of Success. More detailed performance tables were attached at Appendix 2 to the report.

The Cabinet agreed to accept this report as urgent to enable Cabinet to receive and consider the latest performance monitoring information at the earliest opportunity.

Decision number: **Decision:**

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

36/2013 The Cabinet agreed to the removal of the Graffiti measure from the 2012/2013 Quarter 4 Performance Monitoring report for the reasons outlined in paragraph 8.9 of the report.

Reasons:

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

School Admission Arrangements

Background:

This report provided details of the outcome of the consultation on the co-ordinated admission schemes and arrangements for primary and secondary schools.

The schemes set out how the Local Authority would co-ordinate the processing of applications to schools and set out the relevant entry arrangements (oversubscription criteria) for Community and Voluntary Controlled schools.

It was noted Academies, Voluntary Aided and Foundation schools undertook their own consultation on entry arrangements (oversubscription criteria), but had to co-ordinate with the Local Authority schemes.

The report also provided the outcome of consultation with regards to when the Medway Test will be delivered, together with the options considered for the primary and secondary admissions.

Cabinet, 12 February 2013

The Children and Young People Overview and Scrutiny Committee had considered the report on 15 January 2013 and its comments were set out in paragraph 7 of the report.

Decision number: *Decision:*

37/2013 **The Cabinet approved the Secondary Admissions co-ordinated scheme and admission arrangements. In addition the Cabinet approved option A (midweek testing over two days) as set out in the report for the Medway Test.**

38/2013 **The Cabinet approved the Primary Admissions co-ordinated scheme and admission arrangements, including the increase of the published admission number for Brompton Westbrook Primary School from 45 to 60.**

Reasons

The Council is required to undertake a detailed consultation exercise prior to the determination of its school admission arrangements and schemes. The decisions take into account the responses from consultation.

South Thames Gateway Building Control Partnership Business Plan 2012/17

Background:

This report provided details of the draft South Thames Gateway Building Control Partnership Business Plan for 2012/2017, which outlined how the building control function for Medway, Gravesham and Swale Councils would be delivered over the next five financial years.

The Business Plan was presented in two parts, with the first including 5 strategic objectives for 2012/2017 and the second setting out the action plans and targets to achieve the objectives.

It was noted that the South Thames Gateway Building Control Joint Committee had agreed on 13 December 2012 the draft South Thames Gateway Building Control Partnership's Business Plan for 2011/2014 for submission to the partner authorities.

A Diversity Impact Assessment screening form had been undertaken on the Business Plan and it was found that it was not necessary to carry out a full impact assessment.

Decision number: *Decision:*

39/2013 **The Cabinet approved the proposed Business Plan for 2012/2017 for the South Thames Gateway Building Control Partnership, as set out at Appendix 1 to the report.**

Reasons

The constitution of the Joint Committee requires approval of the Business Plan for the following year by the Cabinet of each Partner Authority.

Community Infrastructure Levy

Background:

This report provided details of the forthcoming Community Infrastructure Levy (CIL), which would allow local authorities in England and Wales to raise funds from developers undertaking new building projects. The money could be used to fund infrastructure required within the Council's area.

In January 2012 Cabinet approved work commencing to enable the Council to achieve CIL Charging Authority status and this report sought approval to commence consultation on a preliminary draft charging schedule.

The CIL proposed rates for different types of development, which were set out at Appendix 2, and a timetable towards the proposed adoption of a CIL Charging Schedule was attached at Appendix 1 to the report.

It was noted that a Diversity Impact Assessment screening form had been undertaken on the proposals (attached at Appendix 3 to the report). This would be reviewed during the consultation process.

Decision number:

Decision:

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|----------------|--|
| 40/2013 | The Cabinet agreed that consultation on a “preliminary draft charging schedule”, based on the rates set out in Appendix 2 to the report, takes place in Spring 2013. |
| 41/2013 | The Cabinet agreed that the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Strategic Development and Economic Growth be given delegated authority to agree the detailed wording in the consultation document. |

Reasons

To enable a mechanism to be in place by April 2014 to collect CIL contributions from developers to support development.

Medway Private Sector Tenant Accreditation Scheme

Background:

This report sought approval to introduce a Medway Private Sector Tenant Accreditation Scheme.

It was reported that the aim of the scheme was to encourage tenants to sign up to a voluntary code of conduct, which encompassed tenants' responsibilities including payment of rent, looking after their property and anti-social behaviour. Compliance with the code of conduct would lead to accreditation, which tenants could use to confirm to future landlords that they were responsible tenants.

A Diversity Impact Assessment screening form was attached to the report. This had identified that no groups would be disadvantaged by the introduction of the scheme and it was found that it was not necessary to carry out a full impact assessment.

Decision number: *Decision:*

42/2013 **The Cabinet approved the introduction of the Medway Private Sector Tenant Accreditation scheme.**

Reasons

The Scheme will support tenants who want to demonstrate they are reliable and responsible when looking for private sector accommodation. It will help tenants secure better quality privately rented accommodation and support closer working with private sector landlords. The scheme will also support the Council's work in preventing and alleviating homelessness.

Chatham Waterfront: Growing Places Fund

Background:

This report seeks approval for the addition of £2.999m to the capital programme, to deliver land assembly, flood mitigation measures and the creation of public space at the Chatham Waterfront development, funded through an interest free loan via the South East Growing Places Fund.

The report examined three options for the delivery of the enabling works at Chatham, Waterfront. In summary, this included releasing development opportunities to the market, with a requirement for developers to undertake site preparation and infrastructure works; further prudential borrowing; and, delivering site preparation and infrastructure works through Growing Places Funding.

During the discussion on this item clarity was sought as to the agreed term for the repayment of loan, as the report referred to a 5-year repayment period whereas the

Cabinet, 12 February 2013

bid to the South East Local Economic Partnership had been for 7 years. Members requested that this point be clarified for the report to Council on 21 February 2013.

Decision number:	Decision:
43/2013	The Cabinet recommended that Full Council approve the proposed investment of £2,999,000 Growing Places Finance, with the loan being repaid at the end of the 7-year period with future capital receipts being used to pay off the Growing Places Finance debt.
44/2013	The Cabinet recommended to Full Council that the Council enter into a loan agreement with Essex County Council, as accountable body for Growing Places Funding.
45/2013	The Cabinet agreed to delegate authority to the Assistant Director of Legal and Corporate Services in consultation with the Portfolio Holder for Finance to acquire third party land in the Chatham Waterfront area.

Reasons

To facilitate the delivery of the next phase of essential site preparation and infrastructure works for the Chatham Waterfront scheme.

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 one further post tabled at the meeting.

Decision number:	Decision:
46/2013	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 Department (a) Head of Business and Administration Support Services (b) HR Support Assistant

Regeneration, Community and Culture

- (c) Project Support Assistant**
- (d) Bikeability Officer**
- (e) Programme Coordinator**
- (f) Project Officer.**

Reasons:

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

Options for a Facilities Management Solution for Medway Council

This item was withdrawn.

Gateway 3 Contract Award: Outsourcing of Linked Service Centres - Nelson Court and Robert Bean Lodge

Background:

This report provided details of the procurement exercise for the award of contract for the outsourcing of Robert Bean Lodge and Nelson Court.

Medway had three linked service centres (LSCs) that provided residential care and support for older people with dementia, adults with rehabilitation needs, respite for adults over 18 and day care for older people. The three LSCs were Platters Farm, Robert Bean Lodge and Nelson Court.

The report gave details of the procurement tendering process undertaken and resultant options.

A Diversity Impact Assessment screening was undertaken on the proposals to outsource Robert Bean Lodge and Nelson Court, as set out in appendix 1 to the report.

It was noted that the Procurement Board had considered this report on 1 February 2013 and supported the recommendations as set out in the section 11 of the report.

An exempt appendix contained key information in respect of finance and whole-life costings, providers and detailed procurement process tender evaluation information.

The Cabinet agreed that the decisions set out below were urgent and should therefore not be subject to call-in. In line with rule 16.11 of Chapter 4, Part 5 of the Constitution, call-in can 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 Cabinet agreed to accept this as an urgent item because of the need to prevent any further delay so that this procurement exercise can be concluded providing certainty for both the residents and staff of both of the services.

Cabinet, 12 February 2013

It was noted that the Chairman of the Health and Adult Social Care Overview and Scrutiny Committee had agreed that the decisions proposed are reasonable in all the circumstances and to them being treated as a matter of urgency and to waive call-in.

Decision number:	Decision:
47/2013	The Cabinet approved the procurement contract award to The Agincare Group as outlined within the 'Procurement Contract Award Recommendation' section of the Exempt Appendix.
48/2013	The Cabinet delegated authority to the Assistant Director, Adult Social Care, in consultation with the Portfolio Holders for Finance and Adult Services, Assistant Director of Legal and Corporate Services and the Chief Finance Officer, to finalise the arrangements to ensure effective mobilisation of the service.
49/2013	The Cabinet recommended to Full Council that it delegates authority to the Assistant Director, Adult Social Care, in consultation with the Portfolio Holders for Finance and Adult Services, Assistant Director of Legal and Corporate Services and the Chief Finance Officer, to dispose of the Nelson Court and Robert Bean Lodge properties.
50/2013	The Cabinet agreed that these decisions are considered urgent and therefore should not be subject to call-in.

Reasons:

The outsourcing of these services will provide best value and maintain the quality of the service.

Delegated authority will enable mobilisation of the new provider to gather momentum so that service users have certainty about the future of the service and the authority can realise efficiencies as soon as possible.

Proposals for the Inspiration Centre at Strood Academy

Background:

This report advised Cabinet of the current position regarding the proposals for the Inspiration Centre and to facilitate this seeks authority to dispose of the Council's interest to the Strood Academy.

It was noted that Cabinet had previously approved, in August 2012, that officers progress detailed negotiations with Medway Youth Trust and Strood Academy Trust to agree the terms for the leases of the centre whilst safeguarding young people and

Cabinet, 12 February 2013

the reputations of the parties involved. Strood Academy had formulated a proposal which was detailed within the report.

An exempt appendix advised Cabinet of Strood Academy's financial offer to acquire the Council's interest in the Centre.

**Decision
number:**

Decision:

51/2013

The Cabinet recommended that Full Council approve Strood Academy's proposal as set out in the report.

52/2013

The Cabinet recommended that Full Council declares the Council's interest in the Inspiration Centre at Strood Academy surplus to requirements and delegates authority to the Assistant Director, Legal and Corporate Services in consultation with Portfolio Holder for Finance to finalise the detailed negotiations and dispose of its interest in the Centre.

Reasons:

To facilitate the proposals received from Strood Academy and to enable the Centre to open and provide for the first class facilities identified in this report.

.....
Leader of the Council

.....
Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

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Record of Cabinet decisions

Tuesday, 12 March 2013

3.00pm to 3.55pm

Date of publication: 13 March 2013

Subject to call-in these decisions will be effective from 21 March 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 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
Robin Cooper, Director of Regeneration, Community and Culture
Wayne Hemingway, Democratic Services Officer
Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy
and Governance
Perry Holmes, Assistant Director Legal and Corporate Services/Monitoring
Officer
Julie Keith, Head of Democratic Services
Barbara Peacock, Director of Children and Adults Services

Apologies for Absence

Apologies for absence were received from Councillors Phil Filmer (Front Line Services) and Tom Mason (Corporate Services).

Record of Decisions

The record of the meeting held on 12 February 2013 was agreed and signed by the Leader as correct.

Declarations of Disclosable Pecuniary Interests

There were none.

Ofsted Inspection of Local Authority Arrangements for the Protection of Children

Background:

This report presented Cabinet with a summary of the Ofsted inspection of the local authority arrangements for the protection of children in Medway which took place between 7 and 16 January 2013 and was followed by publication of the Ofsted report on 15 February 2013.

This inspection considered key aspects of a child's journey through the child protection system, focusing on the experiences of the child or young person and the effectiveness of the help and protection that they were offered. The inspection focused on the effectiveness of the multi-agency arrangements for identifying children who were suffering, or likely to suffer harm, from abuse or neglect; and for the provision of early help where it was needed. It also considered the effectiveness of the local authority and its partners in protecting these children if the risk remained or intensified. The Inspector scrutinised case files, observed practice, spoke with children, their families, social workers, managers and other professionals. The Inspector analysed performance data, management information and business plans such as the one for the Medway Safeguarding Children's Board.

The Ofsted report's findings was summarised in the report. The Council would be formally issued an 'Improvement Notice' by the Secretary of State via the Department for Education in the next few weeks. The Council would be required to establish an Improvement Board, which would oversee the implementation of the actions in the Improvement Notice and the areas for improvement in the Ofsted report. The Inspector had already endorsed the focus and content of the Director of Children and Adults Services' improvement plan and additional resources had been approved by Members. It was noted that progress would be monitored very closely through the Improvement Board and would be subject to internal and external scrutiny and validation.

Decision number: **Decision:**

The Cabinet noted the findings of the Ofsted inspection and the improvement arrangements that are being established in response to the Department for Education's Improvement Notice.

Reasons:

To report the findings of the recent Ofsted inspection and the arrangements that are being implemented to secure urgent and sustainable service improvements.

Public Health - Transfer of Responsibilities

Background:

This report presented details of the transfer of responsibilities for certain public health functions to the Council and sought authority to be delegated to the Monitoring Officer to deal with the legal formalities in relation to formal receipt of those functions under the Health and Social Care Act 2012 and subordinate legislation. It was noted that the Health and Social Care Act 2012 would statutorily transfer to the Council functions relating to public health with effect from 1 April 2013. This followed a period of transition that had seen Primary Care Trust (PCT) staff working from Gun Wharf in preparation for the transfer.

Members were advised that the Council had prepared for the transition of these functions through a project board chaired by the Director of Public Health, who was currently jointly appointed by the Council and the PCT. This project Board included senior officers of the Council including the Chief Finance Officer, the Assistant Director, Organisational Services, Assistant Director Communications, Performance & Partnership and the Assistant Director, Legal & Corporate Services and had overseen the transfer arrangements for staff, resources, information and contracts as well as the formal legal elements of the transfer.

It was noted that Full Council had agreed a number of changes to the Constitution, outside of the employee scheme of delegation, on 21 February 2013 with effect from 1 April 2013.

Decision number:

Decision:

- | | |
|----------------|---|
| 53/2013 | The Cabinet agreed to formally receive the transfer of the public health functions and the staff, resources, information and contracts related to them taking place on 1 April 2013 under the Health and Social Care Act 2012. |
| 54/2013 | The Cabinet agreed to delegate authority to the Monitoring Officer, in consultation with the Portfolio Holder for Adult Services, to enter into all documentation necessary to effect the legal receipt through transfer of the new public health functions, the staff, resources, information and contracts related to them and to fulfil any statutory instrument transferring the functions to the Council. |
| 55/2013 | The Cabinet recommended to the Leader to agree the changes to the Cabinet Portfolios to reflect the transfer of public health functions as set out in Appendix 1 to the report. |
| 56/2013 | The Cabinet recommended to the Leader to agree the necessary executive delegations to officers as set out in |

Cabinet, 12 March 2013

Appendix 1 to the report.

- 57/2013** **The Leader agreed the changes to the Cabinet Portfolios to reflect the transfer of public health functions as set out in Appendix 1 to the report.**
- 58/2013** **The Leader agreed the necessary executive delegations to officers as set out in Appendix 1 to the report.**

Reasons:

To comply with legislative requirements under the Health and Social Care Act 2012 and any subordinate legislation issued under that Act.

Discretionary Housing Payment Policy

Background:

This report presented an overview of the changing nature of discretionary housing payments and sought approval of an updated discretionary housing payment policy. From April 2013, although the national funding has increased, Discretionary Housing Payment (DHP) could only be awarded to those in receipt of Housing Benefit or Universal Credit Housing Element (UCHE). This meant that DHP could no longer be awarded as a top up to any shortfall between the council tax liability and the award of local council tax reduction.

Early indications were that certain groups such as foster families, carers and the disabled may be affected more by the welfare reforms than by other groups, but this did not necessarily mean that they were any worse off overall than any other groups. As such, some form of financial assessment of the customer's circumstances would give assurance that the funds were being targeted at those most in need. The Department for Work and Pensions had issued draft guidance on the DHP scheme in 2012, which recognised the role of local authorities in assisting customers affected by the Welfare Reforms from April 2013. The Council's existing policy had been amended to reflect these changes as set out in Appendix 1 to the report.

A Diversity Impact Assessment screening form had been carried out as set out in Appendix 2 to the report. The findings of this indicated the revised policy did not need a full Diversity Impact Assessment.

Decision number: **Decision:**

- 59/2013** **The Cabinet adopted the revised discretionary housing payment policy as set out in Appendix 1 to the report subject to the deletion of "or unwilling" from the third bullet point under the section entitled "claiming a DHP" on page 40 of the agenda.**

Cabinet, 12 March 2013

Reasons:

The Government's welfare reform policy will see the biggest changes to the welfare system for over 60 years. Some recipients of benefit may be affected by one change, whilst others may be affected by multiple changes.

Discretionary Housing Payments are a means of protecting our most vulnerable customers from the effects of these changes, and as such it is imperative that the DHP policy is amended to reflect latest developments.

Business Rate Relief

Background:

This report presented a review of the current procedures for granting relief from National Non-Domestic (Business) Rates. The Localism Act 2011 had introduced a new power for local authorities to award a local discretionary relief where it was in the council tax payers' interests to do so. The cost of any such discount would be borne entirely by the local authority until 31 March 2013 after which it would be shared 50% by the Government, 49% by Medway Council and 1% by Kent & Medway Fire & Rescue Authority.

The report stated that the Council's current guidelines met the balance between affordability to the Council of granting relief and the benefit that a particular organisation provided to the local community. It was noted that national charity shops were automatically awarded top-up discretionary rate relief without any need to demonstrate they were contributing to the Medway area. The new local discretionary rate relief gave the Council absolute discretion to help any organisation. However, contributing 49% of the funding meant that the cost borne by the Council would be fairly high.

The Portfolio Holder for Finance referred to a letter tabled at the meeting from David Fraiss, who ran a business in Chatham High Street, which had been also signed by 31 other Chatham Town Centre traders, which requested business rate relief.

Decision number: **Decision:**

- | | |
|----------------|--|
| 60/2013 | The Cabinet agreed to continue to adopt the guidelines shown at appendices 1, 2 and 3 to the report, noting that the over-riding criteria at Appendix 1 (v) requires there to be evidence of a positive impact for the community of Medway. |
| 61/2013 | The Cabinet agreed not to create a local discretionary rate relief system at this time. |

Cabinet, 12 March 2013

Reasons:

Relief from business rates where appropriate is a crucial factor in the survival of many voluntary organisations that support the educational, cultural and economic well being of the Medway area. An equitable and affordable procedure for the award of such relief is a necessary part of the Council's administrative process.

Until an appropriate set of circumstances arises it is not possible to formulate guidelines or budgetary implications to support the introduction of a new local relief.

Council Tax Discretionary Relief Policy

Background:

This report presented details of a Discretionary Council Tax Relief Policy. It was recognised that there may be particular cases of hardship which were not adequately covered by the proposed new localised council tax reduction scheme, or discounts and exemptions, especially given the number of welfare reform changes being implemented from 1 April 2013. Therefore, it was proposed to put in place a discretionary relief fund, utilising powers under section 13A of the Local Government Finance Act 1992, although it was anticipated that this would only apply in limited exceptional circumstances such as:

- circumstances unusual/exceptional to the taxpayer;
- costs that are beyond their control and do not arise through the actions or failures of others;
- extreme and temporary situations which make it difficult to meet the Council Tax liability that is due;
- imminent recovery action that will have a major detrimental effect on the resident's capacity to support or maintain their family.

A Diversity Impact Assessment (DIA) screening had been completed as set out in Appendix 2 to the report. Given that the fund was equally accessible to all council taxpayers there were no concerns that any particular groups would be adversely affected by this policy, but monitoring would be needed to ensure that relief was awarded in an equal manner.

Decision number:

Decision:

62/2013

The Cabinet adopt the discretionary council tax relief policy as set out in Appendix 1 to the report funded as indicated in paragraph 5.2 of the report.

Cabinet, 12 March 2013

Reasons:

The Government's welfare reform policy will see the biggest changes to the welfare system for over 60 years. Some recipients of benefit may be affected by one change, whilst others may be affected by multiple changes. Given this, and the launch of a new localised council tax reduction scheme, it is possible that some council taxpayers could face financial hardship and as such a contingency fund could prove a lifeline in those particular cases.

Proposal to Establish a Joint Venture Company for Facilities Management

Background:

This report presented details of a proposal to establish a joint venture company with Norse Commercial Services Limited so that the Council would benefit from a total facilities management solution that both delivered savings from the Council's expenditure on such activities and generated income by undertaking such activities for private and public sector clients in the region.

The Cabinet had considered a report in October 2012 on the issue and agreed that officers enter into due diligence discussions with Norse. Following discussions with the Council's service managers, the services which remained within the scope of the proposal were set out in paragraph 2.6 of the report.

The report provided the detailed implications of establishing a joint venture company including procurement issues, governance arrangements, property rationalisation, HR issues (TUPE and pensions) and the transfer strategy.

A Diversity Impact Assessment screening had been undertaken as set out in Appendix 4 of the report. It was noted that diversity issues would be regularly reviewed as part of the mobilisation planning and implementation.

The Cabinet agreed that the decisions set out below were urgent and should therefore not be subject to call-in. 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 Cabinet agreed to accept this as an urgent item because the budget for 2013/14 included the proposed savings in this report.

It was noted that 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:**

63/2013 **The Cabinet agreed to establish a joint venture company that is operational from 1 June 2013.**

Cabinet, 12 March 2013

- 64/2013** The Cabinet agreed that Norse Commercial Services Limited be formally invited to establish a joint venture with the Authority on the terms outlined in the principal Heads of Terms subject to the satisfactory negotiation of the various legal agreements that will underpin this arrangement.
- 65/2013** The Cabinet agreed that the transfer should be for services described in paragraph 2.6 of the report commencing June 2013.
- 66/2013** The Cabinet agreed the principle of adding further Facilities Management services in later phases subject to agreeing a business case for such additions.
- 67/2013** The Cabinet agreed that the Chief Executive, in consultation with the Leader, will appoint Councillors and Senior Officers to be Directors of the joint venture company.
- 68/2013** The Cabinet agreed that regular further reports be brought back to Cabinet by the joint venture company.
- 69/2013** The Cabinet agreed that the Assistant Director for Legal and Corporate services determine the joint venture company name, in consultation with the Portfolio Holder for Finance, following a consultation with Members and staff.
- 70/2013** The Cabinet agreed that these decisions were conditional upon the outstanding matters listed in paragraph 4.66 of the report being resolved to the satisfaction of the Portfolio Holder for Finance, the Chief Executive and the Chief Finance Officer.
- 71/2013** The Cabinet agreed that these decisions are considered urgent and therefore should not be subject to call-in.

Reasons:

This arrangement will enable the Council to better manage the spend on activities related to facilities management, ensure the quality of services and works that are delivered and better safeguard the authority on statutory, regulatory and reputational issues.

To allow the Council to take advantage of income opportunities and make efficient use of assets, workforce and knowledge.

The appointments indicated in paragraph 8.5 would ensure the company works under a suitable governance structure.

Cabinet, 12 March 2013

Regular reporting will ensure transparency at all stages of the company development and to ensure that the company activities are in keeping with the Council's priorities and operating model.

Participation by staff in the naming of the company will contribute to staff being actively involved in setting up of company.

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 one further post tabled at the meeting.

Decision number:

72/2013

Decision:

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 Department

- (a) Meeting Support Officer – Business Administration Support Service**
- (b) Meeting Support Officer – Children's Independent Safeguarding and Review Service**
- (c) Server Engineer**
- (d) Application Support Technician**
- (e) Head of Category Management (Place)**
- (f) Data Processing Clerk**
- (g) Senior Accountant**

Children and Adults

- (h) CYC Coordinator**
- (i) SEN Senior Officer**
- (j) SEN Team Coordinator**
- (k) School Services Support Officer**
- (l) Admin Assistant (Temporary)**
- (m) Support Services Assistant.**

Reasons:

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

Renewal of Lease at Northbank House

Background:

This report presented details of a proposal to renew the lease and grant agreement in respect of Northbank House on the Medway City Estate. Northbank House had been leased to IPS International Ltd since December 2006. The report set out the role of IPS International Ltd including the delivery of training for over 900 Medway people employed in more than 150 companies.

It was proposed that the General Disposal Consent be used, so that the rent charged for the property could be at less than best consideration, on the grounds that the use of the property for a training facility which had social and economic benefits for the Medway area.

An exempt appendix provided key information in respect of the financial and legal implications arising from the proposal.

Decision number:

Decision:

73/2013

The Cabinet agreed to grant delegated authority to the Assistant Director of Legal & Corporate Services, in consultation with the Portfolio Holder for Finance, to;

- (i) To serve any necessary notices, to take a surrender of the current lease and to grant a new lease and any necessary supplementary agreement(s) in respect of Northbank House;**
- (ii) To use the 2003 consent order, so that the property can be let at less than best consideration.**

Reasons:

To maintain the Council's income flow from the property.

To help IPS International to continue to deliver training services for the benefit of the area.

Cabinet, 12 March 2013

.....
Leader of the Council

.....
Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

Telephone: 01634 332509/332008

Email: democratic.services@medway.gov.uk

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Record of Cabinet decisions

Tuesday, 16 April 2013

3.00pm to 4.17pm

Date of publication: 17 April 2013

**Subject to call-in these decisions will be effective from 25 April 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

In Attendance: Dr Alison Barnett, Director of Public Health
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, Assistant Director Legal and Corporate Services/Monitoring
Officer
Julie Keith, Head of Democratic Services
Anthony Law, Democratic Services Officer
Barbara Peacock, Director of Children and Adults Services

Apologies for absence

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

Cabinet, 16 April 2013

Record of decisions

The record of the meeting held on 12 March 2013 was agreed and signed by the Leader as correct.

Declarations of disclosable pecuniary interests

Councillor O'Brien (Community Safety and Customer Contact) declared a disclosable pecuniary interest in agenda item 8 (Road and Pavement Resurfacing Schemes) because he and his wife owned a property in Station Road, Rainham. He left the meeting for the consideration and determination of this item.

Councillor Mason declared a personal interest in agenda item 4 (Community Safety Plan 2013-2016) given the reference to Rochester Fire Station and his appointment to the Kent and Medway Fire and Rescue Authority.

Community Safety Plan 2013 - 2016 (Policy Framework)

Background:

This report provided details of the Community Safety Plan 2013/2016. The Plan was required under section 6 of the Crime and Disorder Act 1998 which placed obligations on Crime and Disorder Reduction Partnerships, also known as Community Safety Partnerships (CSPs), to produce a Community Safety Plan to formulate and implement a strategy to reduce crime and disorder, combat substance misuse, and reduce re-offending. The Community Safety Plan formed a part of the Council's Policy Framework.

The report provided information on the operation of the partnership in 2012–2013 and the proposed Community Safety Plan 2013–2016, which was attached at Appendix 1 to the report.

Members were advised that following a strategic assessment and discussions with partners the previous priorities had been streamlined down to five for the coming year:

- Tackle drug and alcohol abuse
- Tackle ASB and enviro-crime
- Reduce re-offending
- Tackle domestic abuse
- Reduce the Number of People Killed or Seriously Injured in Road Traffic Collisions.

Key performance against these priorities was set out within the 2013 - 2016 Community Safety Plan Action Plan, which was attached at Appendix 2 to the report.

The Regeneration, Community and Culture Overview and Scrutiny Committee considered this report on 11 April 2013 and its comments were set out in an addendum report. During the discussion of this item the Portfolio Holder for Community Safety and Customer Contact referred to the new Rochester Fire Station and Road Safety Centre, which had been identified by the Overview and Scrutiny

Cabinet, 16 April 2013

Committee for inclusion within the Plan. It was agreed that these should be referenced within the background section of the Plan.

It was noted that a Diversity Impact Assessment screening form was attached at Appendix 3 to the report, which showed that a full Diversity Impact Assessment was not required.

Decision number: **Decision:**

The Cabinet noted the comments of the Regeneration, Community and Culture Overview and Scrutiny Committee.

74/2013 The Cabinet recommended the draft Community Safety Plan to Council on 25 April 2013 for final approval and that the background section to the draft Plan include information on the Rochester Fire Station and Road Safety Centre.

Reasons:

The Community Safety Plan discharges the council's statutory requirement to produce a plan for community safety.

The Community Safety Plan forms part of the Policy Framework and the Constitution requires the Cabinet to finalise its proposals for the Council to consider having taken into account any proposals from Overview and Scrutiny.

Housing Allocations Policy

Background:

This report outlined proposals for a new Housing Allocations Policy, the aim of which was to ensure that the limited number of social homes available was allocated to those in the greatest housing need, as set out in the legal definition of reasonable preference. In addition to specifying who was and who was not assisted under the scheme it also set out how to apply for re-housing and the standard of service that our customers can expect.

It was noted that Section 168 of the Housing Act 1996 (as amended by the Homelessness Act 2002) placed a duty on Council's to have an adopted Housing Allocations Policy, which sets out how it would allocate social housing in the area. The rules governing the allocation of social housing was mainly set by the Government through primary legislation and the proposed Policy had been developed in accordance with the new Government guidance for local housing authorities, which was published in June 2012.

The main changes to the policy and the rationale for these were summarised within the report.

Cabinet, 16 April 2013

Members were advised that the proposed Policy had been developed following wide ranging public consultation. Further details of the consultation and engagement were set out in section 6 and Appendix 2 of the report.

Due to the need to undertake a number of administrative and procedural changes to implement the new Policy it was recommended that the new Policy be formally adopted and come into force from 1 August 2013. As part of the transitional arrangements officers would apply the new assessment criteria over that period.

The Regeneration, Community and Culture Overview and Scrutiny Committee considered this report on 11 April 2013 and its comments were set out in an addendum report.

It was noted that a Diversity Impact Assessment screening form was attached at Appendix 3 to the report, which showed that a full Diversity Impact Assessment was not required.

Decision number: ***Decision:***

The Cabinet noted the comments of the Regeneration, Community and Culture Overview and Scrutiny Committee.

75/2013 The Cabinet agreed to adopt the revised Housing Allocations Policy, attached at Appendix 1 to the report, to come into effect on 1 August 2013.

76/2013 The Cabinet delegated authority to the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Housing and Community Services, to agree wording changes where these are of a minor nature.

Reasons:

Section 168 of the Housing Act 1996 (as amended by the Homelessness Act 2002) places a duty on Council's to have an adopted Housing Allocations Policy, which sets out how it will allocate social housing in the area. The proposed policy has been developed in accordance with the new Government guidance for local housing authorities and to reflect the feedback from a wide-ranging consultation process.

Special Educational Needs Transport Policy

Background:

This report sought approval to amendments to the current Medway Special Educational Needs Transport Policy, so to align the Policy with legislative requirements and new statutory guidance relating to appeals.

Cabinet, 16 April 2013

These amendments followed the publication of revised guidance by the Department for Education in March 2013 and a review of Medway's new Special Educational Needs (SEN) Transport Policy, ahead of Member training in April.

The Cabinet agreed to accept this report as an urgent item to enable the SEN Transport Policy to be compliant with legislative requirements at the earliest opportunity.

Decision number: **Decision:**

- 77/2013** **The Cabinet agreed the changes to sections 3.4 and 3.5 of the Special Educational Needs Transport Policy, as set out at Appendix 1 to the report.**
- 78/2013** **The Cabinet agreed the addition to section 3 relating to denominational preference, as detailed at Appendix 1 to the report.**
- 79/2013** **The Cabinet agreed, in order to comply with the new statutory guidance, that the wording in paragraph 14.1 of the Special Educational Needs Transport Policy be changed from "a panel of professionals" to "a senior officer" as set out within the guidance.**
- 80/2013** **The Cabinet agreed that the Director of Children and Adults, in consultation with the Portfolio Holder for Children Services, bring forward a proposed School Transport Policy which combines transport for SEN and non-SEN children and young people.**

Reasons:

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

Efficiencies of New Recycling Service

Background:

This report noted that from October 2013 recycling and organics collections would be increased to a weekly basis. This service enhancement had been fully funded by Department for Communities and Local Government. Alongside this change, officers were recommending three service stances that could save significant revenue expenditure by reducing the cost of waste disposal and ensuring the collection fleet provides best value for Medway.

The report reviewed current policy positions, demonstrated the potential savings available and how they would be implemented. A summarised Communications Plan

Cabinet, 16 April 2013

was attached at Appendix 1 to the report and a Contamination Policy was attached at Appendix 2 to the report.

The Portfolio Holder for Front Line Services introduced a set of revised recommendations for Members' consideration.

It was noted that a Diversity Impact Assessment screening form was attached at Appendix 3 to the report, which showed that whilst a full Diversity Impact Assessment was not required a number of issues would be considered at the next review.

Decision number: **Decision:**

81/2013 **The Cabinet agreed that:**

- (a) The collection containers will stay the same as currently used:**
 - i). Brown wheeled bins for food and garden waste; supported by issuing of kitchen caddies to assist residents to separate out food waste in the kitchen. For properties which are not suitable for wheeled bins the option of 23ltr food bin and reusable brown bags.**
 - ii). White reusable bags/clear sacks for the collection of containers, i.e. glass bottles/jars, cans, foil, household plastics packaging and aerosols.**
 - iii). Blue reusable bags/blue boxes for paper and card only.**
 - iv). Black sacks for the remaining waste.**
- (b) Residents will not be forced to recycle, i.e. it is an optional service.**
- (c) An extensive communication campaign be run over the next 6 months until 28 October when weekly collections launch, and beyond. This will include additional officers (externally funded by the DCLG project) to speak with residents to ensure the message has been embedded regarding how to recycle in Medway. It will consist of local promotions, public events, road shows, door stepping etc, use of social and print media, including Medway Matters, and targeted education and engagement with residents who may need additional assistance or guidance into how to recycle.**
- (d) Paper and card to be collected weekly when placed out separately from commingled materials i.e. glass**

Cabinet, 16 April 2013

bottles/jars, cans, foil, household plastics packaging and aerosols.

- (e) Garden waste will be collected weekly, when presented in the following:
- i). 1 x Brown wheeled bin + 2 x sacks or
 - ii). 4 x sacks or
 - iii). 1 x 23ltr food bin + 4x sacks
- (f) If residents get it wrong, they will be contacted by council officers to explain the service. Whilst this dialogue is ongoing, waste will not be left on the street.

Reasons:

For the majority of residents, weekly collections of recycling and organic waste will provide an increased level of convenience whilst overcoming a number of barriers to participation, e.g., storage of materials, fear of smell/flies from food waste, etc.

These decisions offer best value to the local taxpayer, both financially and environmentally. Not adopting these decisions would place a financial pressure on the service.

Road and Pavement Resurfacing Schemes

Background:

This report provided a list of road and pavement resurfacing schemes for 2013/2014.

It was noted that the highways team compiled a list of road and pavement sites to be resurfaced on an annual basis. This list of sites was restricted by the available and allocated budget. The proposed sites for 2013/2014 were listed in Appendix A to the report.

Members were advised that at Council on 21 February 2013 it had been agreed that a further £480,000 of funding would be put forward for additional road and pavement schemes and the proposed sites were listed in Appendix B to the report.

It was noted that for all of the resurfacing works there would be prior consultation with transportation companies and emergency services. For some of the Rainham sites it would also be necessary to consult with private property owners regarding works adjacent to the private forecourts in Station Road.

Decision number:

Decision:

82/2013

The Cabinet agreed the road and pavement programmes as set out in Appendices A and B to the report.

Reasons:

This decision will assist with the Council's priority of 'Everyone benefiting from regeneration'.

Six Monthly Review of the Council's Corporate Business Risk Register

Background:

This report set out details of a 6-month review of the Council's corporate business risk register.

The Council's corporate business risk register, which was last reviewed by Cabinet in October 2012, had been reviewed by 'risk owners' and the Corporate Management Team and the report set out a number of proposed amendments.

It was reported that the Business Support Overview and Scrutiny Committee had considered this report on 3 April 2013 and its additional suggested changes were set out in section 5 of the report. It was noted that the Chair of the Strategic Risk Management Group supported the Committee's proposals.

Decision number:

Decision:

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee.

83/2013

The Cabinet approved the amendments to the Council's Risk register as detailed in Section 3 of the report and agreed to delegate authority to the Director of Regeneration, Community and Culture to incorporate, within the risk register, the risks outlined in Section 5 of the report.

Reasons:

The establishment of a corporate framework for risk management was recommended by CIPFA and SOLACE and would complement and support the work already being carried out within each directorate to manage risks.

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).

Cabinet, 16 April 2013

Appendix 1 to the report provided details of the posts, with details of one further post tabled at the meeting.

Decision number:

Decision:

84/2013

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) Senior Accountant**
- (b) Senior Business Administration Support Service**
- (c) Head of Legal**
- (d) Lawyer, Children's Services**

Children and Adults

- (e) Primary Mental Health Worker**
- (f) Support Services Assistant (Mental Health) x2**
- (g) Support Services Assistant (AASSA)**
- (h) Support Services Assistant (Specialist Services) x4.5**

Public Health

- (i) Health Improvement Assistant**
- (j) Health Improvement Assistant (Smoking)**

Regeneration, Community and Culture

- (k) Project Support Assistant – Inspirer Project.**

Reasons:

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

Duty to Secure Education Places for Vulnerable Children Aged Two Years

Background:

This report explained that the duty to secure early education places for vulnerable young children and those from low income households required provision for around 1,400 children.

The report identified the number of additional places required and proposed a capital programme across 2013 and 2014, drawing upon the additional capital grant funding allocated to Medway by the Department for Education for this purpose.

Cabinet, 16 April 2013

It was proposed that Medway adopted a carefully targeted capital programme; focusing primarily on small works that would maximise additional places within good quality local establishments; and supplemented by a small number of projects in targeted localities. This represented a sustainable approach, utilising existing buildings, making improvements to local community infrastructure, and ensuring that places were provided in the communities in which eligible families lived.

Details of the informal consultation undertaken was set out and it was noted that the Cabinet Advisory Group for the Children and Adults Capital Programme had endorsed this report for consideration by Cabinet.

Additions to the capital programme, where the funding source was not ring-fenced, was a matter for Full Council. The Cabinet therefore agreed 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 and therefore deferral to a later meeting would not allow sufficient time for works to be carried out prior to the introduction of the duty.

Decision number:

Decision:

- | | |
|----------------|--|
| 85/2013 | The Cabinet recommended to Council that a capital scheme be approved to secure sufficient additional places for young children to meet the authority's statutory duty. |
| 86/2013 | The Cabinet recommended to Council that, initially, an upper limit of £560,000 be set – equivalent to the additional capital funding allocated by the Department for Education (DfE). |
| 87/2013 | The Cabinet agreed 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. |

Reasons:

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.

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.

Gateway 1 Procurement Commencement: Local Welfare Provision (LWP) Scheme

Background:

This report sought permission to commence the procurement for the operation and administration of Medway's Local Welfare Provision Scheme from 1 July 2013 for a 21 month period, with potential for extension subject to funding.

It was noted that as part of the Welfare Reform Act 2012, the Discretionary Social Fund scheme administered by the Department of Works and Pensions (DWP) had been abolished. The responsibility for part of this discretionary scheme had been transferred to local authorities to develop Local Welfare Provision Schemes.

This Gateway 1 report had been approved for submission to the Cabinet for review and approval by the Children and Adult Management Team and the Procurement Board.

It was reported that the Children and Adults Directorate Management Team had recommended that this procurement project be approved as a Category B High Risk procurement project at Procurement Gateway 1 by Cabinet. This was because although this procurement project was a Services Category B High Risk procurement with a total contract value above £250,000, there were political implications and/or service sensitivities that Cabinet should be aware of.

An exempt appendix set out key information in respect of finance and whole-life costings.

The Cabinet agreed that this report and the decisions set out below were urgent and should therefore not be subject to call-in. In line with rule 16.11 of Chapter 4, Part 5 of the Constitution, call-in can 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 Cabinet agreed to accept this as an urgent item because the service must be procured in accordance with EU Procurement Regulations and be in place for 1 July 2013.

It was noted that the Chairman of the Health and Adult Social Care 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. This was because the Council took on the responsibility of part of the Discretionary Social fund from 1 April 2013. The interim arrangement of 3 months allows for sufficient time for the Council to procure the longer-term contract. The value of this longer-term procurement requirement is above the EU Procurement Threshold for Services of £173,934 and in order to procure the service for the required date of 1 July 2013, the procurement process must commence in April 2013.

Cabinet, 16 April 2013

Decision number: **Decision:**

88/2013 **The Cabinet approved the procurement of a Service Provider for the Local Welfare Provision Scheme to be undertaken in accordance with the EU Procurement Regulations.**

89/2013 **The Cabinet agreed that these decisions are considered urgent and therefore should not be subject to call-in.**

Reasons:

As part of the Welfare Reforms, limited Central Government funding has been made available to provide a Local Welfare Provision Scheme.

Although this funding has not been ring-fenced, the Council has an obligation to support vulnerable local people in an emergency or crisis situation. This service provision links directly into the Medway Council Plan and will deliver against the Council's Strategic Priorities:

- Children and young people having the best start in life in Medway Council
- Adults maintaining their independence and live healthy lives.

Sale of Robert Bean Lodge and Re-provision of Napier Unit

Background:

This report sought Cabinet approval to delegate authority to declare the Napier Unit as surplus and to consider the options for the re-provision of the respite service for adults with learning difficulties.

It was noted that following decisions by Cabinet and Council in February 2013 a contract had 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 had raised discussions on the future of the Napier Unit, as this was part of the same building as Robert Bean Lodge.

The Napier unit was an 8-bed respite service for adults with a learning disability and there were no permanent residents at the unit. Two possible options for the re-provision were set out within the exempt appendix, as it was commercially sensitive and part of the ongoing negotiations with Agincare regarding Robert Bean Lodge and Nelson Court.

It was noted that subject to Cabinet approval to explore the options for the re-provision of the Napier Unit, consultation with services users, family carers and staff would be undertaken. Members were advised that the Council had the option to maintain the current service but this was an opportunity to develop a new service to

Cabinet, 16 April 2013

replace the existing facility in consultation with service users, family carers, staff and other stakeholders.

The Cabinet agreed to consider this as an urgent item, as the progress of the sale of Robert Bean Lodge and Nelson Court was premised on the outcome of the discussions on the future of the Napier Unit. The mobilisation of the sale was planned over the next 6 weeks subject to agreement on the Napier Unit. The timescale and progress of the proposed sale was such that to bring the paper to the next Cabinet would have delayed the process significantly.

**Decision
number:**

Decision:

90/2013 The Cabinet declared the Napier Unit as surplus and delegated 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.

91/2013 The Cabinet delegated 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.

Reasons:

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.

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Leader of the Council

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Date

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