

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).

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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

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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.

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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.

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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

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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**

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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).

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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.

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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:

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|----------------|--|
| 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.

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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

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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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