### COUNCIL

### **17 OCTOBER 2013**

### **LEADER'S REPORT**

Rodney Chambers, Leader of the Council, will give a report on key developments since the last ordinary Council meeting on 25 July 2013.

#### He will include:

- Education and Employment Opportunities
- Economic Development and Growth
- · Health and Wellbeing
- Pay Day Lending
- Children's Services Improvement
- Decisions made by the Cabinet on 6 August 2013, 3 September 2013 and 1 October 2013.



### **Record of Cabinet decisions**

## Tuesday, 6 August 2013 3.00pm to 3.55pm

Date of publication: 7 August 2013

Subject to call-in these decisions will be effective from 15 August 2013 The record of decisions are subject to approval at the next meeting of the Cabinet

Present: Councillor Rodney Chambers. Leader

OBE

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 Peter Hicks Portfolio Holder for Community Safety and

**Customer Contact** 

Councillor Mike O'Brien Lead Portfolio Holder for Children's Services Councillor Kelly Tolhurst Portfolio Holder for Educational Improvement

In Attendance: Neil Davies, Chief Executive

Robin Cooper, Director of Regeneration, Community and Culture

Stephanie Goad, Assistant Director Communications, Performance and

**Partnerships** 

Mick Hayward, Chief Finance Officer

Wayne Hemingway, Democratic Services Officer

Richard Hicks, Deputy Director, Customer First, Leisure, Culture, Democracy

and Governance

Perry Holmes, Assistant Director Legal and Corporate Services/Monitoring

Officer

Julie Keith, Head of Democratic Services

David Quirke-Thornton, Deputy Director, Children and Adults Services

#### Apologies for absence

There were none.

#### Record of decisions

The record of the meeting held on 9 July 2013 was agreed and signed by the Leader as correct.

#### Declarations of disclosable pecuniary interests

Councillor David Brake, Portfolio Holder for Adult Services, declared a Disclosable Pecuniary Interest (DPI) in agenda item 4 (Disbursement of Recovered Funds) because a close family member was employed by Temple Mill Primary School. Councillor Brake withdrew from the meeting during the consideration of this item.

#### **Disbursement of Recovered Funds**

#### Background:

This report provided details of a reference from the Audit Committee which considered a report on 11 July 2013 regarding the investigation into the misappropriation of funds from Temple Mill Primary School by the former school business manager.

Following internal audit enquiries in January 2011 into potentially unusual payments from the school's bank account, the school business manager admitted that she had abused her position through misuse of school funds and subsequently repaid £41,656 to the school's account to cover the improper payments identified at that time. She was suspended from duty and subsequently dismissed from her post on grounds of gross misconduct.

Further investigations identified widespread misuse of the school's funds. The total amount involved was established to be over £200,000, including the sums repaid voluntarily. At sentencing, a compensation order for £170,000 was awarded in the Council's favour.

The Audit Committee considered four options regarding the allocation of the recovered monies and recommended to Cabinet the provision of training on governance issues (option 4), as this would reduce the risk of a similar fraud occurring elsewhere in Medway.

The Leader stated that he (together with Councillor O'Brien) had recently met with the Headteacher and Chair of Governors of Temple Mill Primary School where he had been informed of the school's request to address the Audit Committee regarding the issues. The Leader also stated that further consideration of this issue by the Audit Committee be held in the public domain.

Decision

Decision:

129/2013

number:

The Cabinet requested that the Audit Committee reexamines all existing evidence relating to the issues at Temple Mill School and reviews any new information that

has become available before making a further

recommendation to Cabinet.

#### Reasons:

To gain a greater understanding of the issues surrounding this case before making a final decision on the allocation of the recovered funds.

#### **Revenue Budget Monitoring 2013/2014**

#### **Background:**

This report gave details of the forecast outturn for the 2013/2014 financial year based on actual income and expenditure to June 2013 (the end of the first quarter).

It was noted that on 21 February 2013 the Council had set a budget requirement of £348.511 million for 2013/2014, with a Council Tax increase of 1.99%.

This was the first quarterly report and it indicated, after management action, the outturn forecast for 2013/2014 stood at a potential overspend of £4.6 million. Directorate management teams would continue to focus attention on identifying management action to contain expenditure within the overall budgets.

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

Decision number:

Decision:

130/2013

The Cabinet noted the result of the first round of quarterly revenue monitoring for 2013/2014 and instructed Directors to come forward with further proposals for management action to reduce the potential deficit.

#### Reasons:

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

#### Capital Budget Monitoring 2013/2014

#### **Background:**

This report gave details of the capital monitoring position for the period to June 2013 (the end of the first quarter), with a forecast outturn for 2013/2014.

The approved capital programme for 2013/2014 and future years was £76.8 million, consisting of £41.6 million in respect of brought forward schemes and £35.2 million in respect of new approvals.

The report commented on the delivery of the capital programme and updated Members on a number of issues. The current forecast showed that £52.5 million of the programme was forecast for spend during 2013/2014.

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 the spending forecasts summarised at Table 1 in the report.

The Cabinet noted the virements outlined at paragraph 4.2.5 of the report.

The Cabinet noted the increase to the total Academies programme, reflecting the final ringfenced grant figure following changes to the assumptions in the gateway 3 reports.

The Cabinet noted the additions to the capital programme made under delegated powers as outlined in paragraphs 4.2.3 and 4.3.3 of the report.

#### Reasons:

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

#### 2013/2014 Q1 Performance Monitoring

#### **Background:**

This report provided a summary of performance of the Council's key measures of success for 2013/2014 as set out in the Council Plan 2013/2015. This included measures of performance for the key measures of success and benchmarking against other Local Authorities.

The report also provided a summary of performance against the Council's four priorities and two values together with examples of success.

The report noted that 33 out of 62 Council Plan Key measures of success were on target/exceeded their target, which compared with 44 out of 79 in 2012/13; 20 out of 51 of key measures of success improved over the short term (compared with the previous quarter); 25 out of 52 of key measures of success improved over the long term (compared with average performance over previous four quarters); 92% (373/405) were satisfied with their phone contact with Medway Council (GovMetric); 65% (1,507/2,321) were satisfied with their face to face contact; 52% (295/572) were satisfied with their web contact and; 65% (270/418) of complaints were dealt with within 10 working days.

The report also noted that 22 out of 62 key measures of success were significantly below target; 27 out of 51 key measures of success have decreased in performance over the short term (compared with the previous quarter) and 24 out of 52 key measures of success had decreased in performance in the long term (compared with average performance over previous four quarters).

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

Decision number:

Decision:

The Cabinet noted the first quarter performance against the Key Measures of Success used to monitor progress against the Council Plan 2013/15.

#### Reasons:

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

#### **Recruitment Freeze**

#### Background:

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

Appendix 1 to the report provided details of the posts.

Decision number:

**Decision:** 

131/2013

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** 

- (a) Electoral Services Assistant
- (b) Political Assistant to the Labour Group

Children and Adults Services

(c) SEN Case Officer – Tribunals

Regeneration, Community and Culture

- (d) Neighbourhood Improvement Coordinator
- (e) Project Support Assistant IMPRESS.

#### Reasons:

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

#### **Various Property Matters**

#### Background:

This report provided details of a number of property matters as follows: disposal of the Hook Meadow Snack Bar in Walderslade Road; acquisition of land in the Horsted Valley; Write-off of a bad debt in respect of Building Four at Chatham Waterfront and; disposal of land adjoining Station Approach, Strood.

The report set out the background and rationale for each of these proposals.

Decision number:

Decision:

132/2013

The Cabinet agreed to declare the Hook Meadow Snack Bar surplus and delegated authority to the Assistant Director, Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to dispose of the Council's freehold interest for the best consideration reasonably obtainable.

133/2013 The Cabinet agreed to delegate authority to the Assistant

Director, Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to purchase the freehold land in Horsted Valley on the best terms reasonably obtainable and to identify a suitable budget to vire the funding from to pay for the purchase and

restoration costs.

134/2013 The Cabinet agreed to approve the write-off of the

£37,652.91 debt accrued by RAFA, as set out in section 2.5

of the report.

135/2013 The Cabinet agreed to delegate authority to the Assistant

Director, Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to either dispose of the freehold of the land adjoining Station Approach to, or conclude a lease with, Network Rail for the best

consideration reasonably obtainable.

#### Reasons:

These decisions will: realise a capital receipt and reduce future revenue costs from the disposal (Hook Meadow Snack Bar); safeguard designated open space land for public use (Land at Horsted Valley) and; enable expansion of the existing Station car parking and realise a capital receipt or create a rental income investment (Station Approach, Strood). With regards to Building Four, Chatham Waterfront, it is not considered practical or equitable to pursue the debt.

# Outline Business Case: Saxon Way Primary School - Expansion to Two Forms of Entry

#### **Background:**

This report provided details of the business case, based on an initial feasibility study, for the expansion to 2 forms of entry at Saxon Way Primary School, Gillingham and sought permission to proceed to detailed design stage prior to Gateway 1 approval. The School Organisation Plan 2011-16 highlighted that in some areas of Medway, pressure on pupil places was expected, initially in Key Stage 1, including the Gillingham West area.

The report noted that Saxon Way Primary School was currently a one form of entry (1FE) primary school, it enjoyed a larger than average site, and was close to the major developments at Grange Farm and Victory Pier, as well as a number of smaller schemes. It was considered that expanding Saxon Way to a 2FE Primary school would be in accordance with Medway's preferred primary school size, and that from a geographical and capacity aspect, Saxon Way would be a good solution.

The report provided details of the business case which set out the preferred way forward in terms of the expansion of the school.

An exempt appendix set out the finance and whole life costings information, including costings for various options.

Decision D

Decision:

*number:* 136/2013

The Cabinet approved the outline business case and the preferred design option (3a) to allow more detailed design work to be undertaken.

#### Reasons:

Option 3 is the preferred choice of the design team. To be confident of the projected rising roll the preferred option is 3a, which, whilst slightly more expensive, allows us to be certain we are not building for unfilled spaces and in addition allows us to profile the spending across the whole capital programme more effectively.

This option also provides best value for money.

The cost estimates indicate that the preferred scheme, which will deliver the identified accommodation requirements, is the most cost effective solution.

Accurate cost estimates will be developed during the detailed design stage and presented for approval at Gateway 1 stage, prior to the tendering process.

#### **Gateway 1 Procurement Commencement: Greenvale Infant School Phase 3**

#### **Background:**

This report sought permission from the Cabinet to approve the commencement of the procurement process for a new build extension for the entrance and administration and a review of the existing accommodation to allow for two extra classrooms at Greenvale Infant School, Chatham.

The Procurement Board considered this report on 23 July 2013 and recommended that Cabinet approve the commencement of the procurement process.

An exempt appendix contained finance and whole-life costings information for this project.

Decision number:	Decision:
137/2013	The Cabinet approved the commencement of the procurement process at Gateway 1 on the basis set out in paragraph 3.10 of the report, for progression to Gateway 2 of the procurement process and invite tenders for the building works.
Reasons:	
	ed accommodation is required to enable the school to expand by 2FE or these works was approved by Cabinet on 12 June 2012 (decision
Leader of the	e Council

Wayne Hemingway/Anthony Law, Democratic Services Officers

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Date

Email: democratic.services@medway.gov.uk





### **Record of Cabinet decisions**

# Tuesday, 3 September 2013 3.00pm to 3.38pm

Date of publication: 4 September 2013

Subject to call-in these decisions will be effective from 12 September 2013
The record of decisions are subject to approval at the next meeting of the Cabinet

Present: Councillor Rodney Chambers, Leader

**OBE** 

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 Peter Hicks Portfolio Holder for Community Safety and

**Customer Contact** 

Councillor Mike O'Brien Lead Portfolio Holder for Children's Services
Councillor Kelly Tolhurst Portfolio Holder for Educational Improvement

In Attendance: Neil Davies, Chief Executive

Richard Hicks, Deputy Director, Customer Contact, 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 Adult Services

#### Apologies for absence

There were none.

#### Record of decisions

The record of the meeting held on 6 August 2013 was agreed and signed by the Leader as correct.

#### **Declarations of disclosable pecuniary interests**

There were no declarations of disposable pecuniary interests.

Councillor Hicks declared a potential conflict of interest in agenda item 7 (Chatham World Heritage Planning Policy Document – Draft for Consultation) due to the reference within the Planning Policy Document to the High Street at Upper Upnor.

Councillor Jarrett declared on behalf of the Assistant Director Legal and Corporate Services /Monitoring Officer a potential conflict of interest in agenda item 7 (Chatham World Heritage Planning Policy Document – Draft for Consultation) as the Assistant Director lived within the scope of the Planning Policy Document.

# Overnight Short Breaks Provision for Disabled Children and Young People in Medway

#### Background:

Overnight short breaks for individuals aged five to eighteen with complex health and social care needs in Medway and Swale are currently provided by Medway NHS Foundation Trust at Preston Skreens (Minster, Sheppey) and Aut Even (Rainham). This report outlined the consultation undertaken, between 6 March 2013 and 12 June 2013, following notification by the Trust of their intention to stop providing overnight short breaks at Preston Skreens.

The report summarised the options that had framed the consultation, with further detail given within Appendix 1. Members were advised that the options had been informed by the views of stakeholders, best practice and previous reviews of short breaks provision in Medway. It was also noted that surveys, consultation events, one-to-one interviews, and taster sessions had been adopted to ensure that all families who already, or may need to, access overnight short breaks in Medway had the opportunity to respond.

Members were advised that there were 91 responses to the proposed options survey:

- 88 (97%) of responses were received from Medway residents;
- 29 (32%) of responses were from overnight short breaks users;
- 62 (68%) of responses were from non-users of overnight short breaks.

Overall, the preferred option from the main survey was Option 1A (Extend the range of day, evening and overnight short breaks for disabled children and young people and their parent carers living in Medway and Swale). It was, however, noted that users of overnight short break units were more likely to choose Option 1B (To bring together local authority and NHS funding to extend provision at Aut Even to seven days a week and purchase additional overnight short breaks from alternative residential overnight short break providers).

To ensure that all recipients of overnight short breaks had an opportunity to respond, a further booster survey was sent out to families at Preston Skreens and Aut Even. From this an additional 19 responses were received. 13 out of the 19 respondents to the booster survey said that their preferred option was Option 1B. This included 3 of

the 6 respondents from Preston Skreens.

The Children and Young People Overview and Scrutiny Committee had considered this report on 16 July 2013 and details of the discussion were set out in the report. It was noted that the Committee had recommended that the Cabinet agree that Option 1A and 1B be implemented and that the Medway NHS Foundation Trust be requested to continue provision at Preston Skreens until adequate alternative provision is available for affected families. An update since the Overview and Scrutiny Committee was set out in the report.

The Portfolio Holder, during the discussion on this item, further updated Members by advising that agreement had recently been obtained to enable access from 16 years of age, to the services provided at the Napier Unit and through Medway's Shared Lives scheme.

A Diversity Impact Assessment was attached to the report. It was noted that a full impact assessment was not considered necessary.

Decision number:	Decision:
138/2013	The Cabinet agreed that officers continue to develop options 1a and b, as set out in the report, as recommended by the Children and Young People Overview and Scrutiny Committee.
139/2013	The Cabinet agreed to delegate authority to the Director of Children and Adult Services, in consultation with the Portfolio Holder for Children Services, to finalise and implement the recommended option.

#### Reasons:

To demonstrate to families that the Council have listened to their responses to the short breaks consultation; to minimise destabilisation of the short breaks service during a period of uncertainty and to ensure that the Council has capacity to meet current and future short break needs.

#### Ofsted Inspection of Looked After Children Services

#### Background:

This report provided Cabinet with the findings from the July 2013 Ofsted unannounced inspection into the arrangements for looked after children in Medway.

It was noted that the current Ofsted framework had four areas that were graded as part of an inspection. These were:

- Capacity to improve
- Outcomes for looked after children and young people
- The quality of provision
- Leadership and management.

This record is available on our website – www.medway.gov.uk

Taken together these four areas lead to an 'overall effectiveness' grading.

It was reported that in terms of overall effectiveness Medway was judged to be inadequate, however the 'capacity to improve' judgement was rated as adequate. Details of the findings contained within the Ofsted report were set out; this included the findings that no child was found to be at immediate risk of harm, an acknowledgement that Medway was actively addressing inadequacies and that it was too soon to see the impact of changes already introduced.

Members were advised that an independently chaired Improvement Board would oversee the implementation of the actions contained within the Improvement Notice issued in relation to the 2013 Safeguarding Inspection, and the areas for improvement in both that and this Ofsted report.

It was reported that Ofsted were moving to a new inspection regime for children's social care, bringing together safeguarding and looked after children inspections into a single approach to reflect the 'journey of the child'. Ofsted planned a further change for 2014/2015 with the development of a multi-agency inspection regime for children being introduced.

Decision Decision: number:

The Cabinet noted the findings of the Ofsted inspection.

140/2013 The Cabinet agreed that a further report is brought to

Cabinet in three months to update Cabinet on the progress, particularly in relation to the immediate actions

required.

#### Reasons:

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

Medway Adult Mental Health Social Work: First Year Review and Options for the Future

#### Background:

This report reviewed progress and performance of the Medway Adult Mental Health Social Work service since 1 February 2012, which was when the social care staff transferred to Medway Council from the Kent and Medway NHS and Social Care Partnership Trust.

The report took account of consultations undertaken with users and other stakeholders, performance measures and financial information. It referred to other relevant reports and documents, including a summary report written on behalf of the team on the areas of work. It also considered the broader context across Medway, which was having an impact on mental health service users, as well as national

policy directives. The importance of improving the Council's response to children and families was also taken into account.

The report presented options available to the Council in relation to the management and position of this service as a part of its broader strategy for the development of mental health social care, to serve the needs of the community of Medway and to bring about better social care outcomes for mental health service users and their families. It was noted that there was essentially three options, with some scope for variation, and these were:

- The service remains within Council management;
- Independent social work practice established in a social enterprise;
- Market tender.

Each option was reviewed within the report.

It was noted that the Health and Adult Social Care Overview and Scrutiny Committee had considered this report on 20 August 2013. The report set out details of the discussion and the committee's recommendation that the service remains within Council management and be reviewed again in 2016.

Decision number:	Decision:
141/2013	The Cabinet agreed that the adult mental health social work team should remain in Council management and be reviewed again in 2016.
142/2013	The Cabinet agreed that operational working arrangements between the Council's housing teams, its adult mental health social work team and local NHS mental health teams be strengthened to respond to the risk of homelessness to vulnerable adults with mental health problems, recognising that Medway has limited housing resources and many areas of need.
143/2013	The Cabinet agreed that the management arrangements, set out in paragraph 2.10.21 of the report, be recruited to immediately.
	The Cabinet noted that the Health and Adult Social Care

The Cabinet noted that the Health and Adult Social Care Overview and Scrutiny Committee believed that it was essential that Medway had at least the national average of acute beds locally to ensure that service users needs are met and other services are not over burdened.

The Cabinet noted that the Health and Adult Social Care Overview and Scrutiny Committee supported the work being carried out in Appendix 3 of the report.

#### Reasons:

To ensure that the needs of adults with mental health needs and their families in Medway are met and that social work practice locally has a significant and positive impact on their lives; that Medway Council fulfils its statutory duties in relation to mental health and safeguarding; and that the Council Plan priorities and values are honoured as per Council commitments.

#### **Chatham World Heritage Planning Policy Document - Draft for Consultation**

#### Background:

This report sought approval to launch public consultation on a draft Chatham World Heritage Planning Policy Document, which was attached as Appendix 1 to the report.

The Chatham World Heritage Planning Policy document had been drafted to provide a single-point framework for decision making to support the effective balance of heritage and regeneration within the potential World Heritage Site of Chatham Dockyard and its Defences, and its buffer zone.

The document consisted of three parts. The first provided an outline of existing planning policy guidance, drawing together the various existing policy documents which relate to the site. It included reference to key management plans for significant components of the site, which contain detailed advice about how individual heritage assets or groups thereof will be managed. The second part described how some of the site's principal heritage assets (known as attributes) were represented in key views and how these should be managed to ensure that the uniqueness of Chatham Dockyard is protected and enhanced. Part three of the document set out the methodology, in line with national guidance, that would be used to assess future development and regeneration proposals in the context of Chatham's world class heritage and its bid for World Heritage Site status.

It was noted that the Chatham World Heritage Planning Policy Document had been prepared to have the status of, and the same planning weight as, a Supplementary Planning Document (SPD). When the Core Strategy was adopted, it was the intention to upgrade the Planning Policy to full SPD status.

Cabinet was advised that the policy document had been produced in close consultation with members of the Chatham World Heritage Steering Group and following workshops and consultations on the developing draft. Details of a six-week public consultation exercise, planned in accordance with the Medway Statement of Community Involvement, were set out in the report.

A Diversity Impact Assessment screening report was attached as Appendix 2 to the report. The conclusion of this was that a full Diversity Impact Assessment was not required. The assessment would be reviewed following the consultation process set out in the report.

Decision Decision: number:

144/2013 The Cabinet agreed that the draft Chatham World Heritage

Planning Policy Document proceed to formal public

consultation.

145/2013 The Cabinet authorised the Director for Regeneration,

Community and Culture, in consultation with the Leader and Portfolio Holder for Strategic Development and Economic Growth, to approve any minor corrections and factual amendments to the draft to improve its clarity and

consistency prior to consultation launch.

#### Reasons:

An adopted Chatham World Heritage Planning Policy Document will provide a single-point framework for decision making to support the effective balance of heritage and regeneration within the potential World Heritage Site of Chatham Dockyard and its Defences, and its buffer zone. It will thereby demonstrate to government that this balance is at the heart of Medway Council's decision-making, and thus assist in securing a nomination date for World Heritage Site status.

#### **Procurement Strategy**

#### **Background:**

This report provided details of a new procurement strategy for the Council, which was attached at Appendix A to the report.

The strategy set out how the Council would spend public money better by designing services that delivered better outcomes; ensuring that public money contributed to a thriving local economy and creating local employment; reducing the bureaucracy relating to procurement and using our intelligence about spend and the markets to achieve efficiencies.

The report set out details of the consultation undertaken since initial consideration by Cabinet on 9 July 2013. This included a Supplier Event attended by over 100 representatives from the business community and posting on the Council's website. The responses were set out in the report and accompanying appendix.

It was noted that the Business Support Overview and Scrutiny Committee had considered this report on 13 August 2013. The report set out details of the discussion and committee's recommendation that the Procurement Strategy be approved.

A Diversity Impact Assessment was attached to the report (Appendix C). It was noted that a full impact assessment was not considered necessary.

Decision Decision:

number:

146/2013 The Cabinet approved the Procurement Strategy as set out

in Appendix A to the report.

#### Reasons:

The proposed strategy sets out how the Council will spend public money better through designing services that deliver better outcomes; ensuring that public money contributes to a thriving local economy and creating local employment; reducing the bureaucracy relating to procurement and using intelligence about spend and the markets to achieve efficiencies.

#### **Recruitment Freeze**

#### **Background:**

This report presented information on vacancies that officers had requested approval to commence recruitment for, following the process agreed by Cabinet on 7 January 2003 (decision number 9/2003). Appendix 1 to the report provided details of the posts.

Decision Decision: number:

147/2013

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** 

- (a) Category Specialist
- (b) Accounting Technician

**Children and Adults Services** 

- (c) Service Support Assistant
- (d) Administrative Assistant

Regeneration, Community and Culture

- (e) European Project Officer
- (f) Project Coordinator (GREENFIT)
- (g) Social Regeneration Officer
- (h) WORK Programme Administrator/Receptionist
- (i) Head of Regeneration and Economic Development.

#### Reasons:

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

This record is available on our website – www.medway.gov.uk

Wayne Hemingway/Anthony Law, Democratic Services Officers

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### **Record of Cabinet decisions**

# Tuesday, 1 October 2013 3.00pm to 4.24pm

Date of publication: 2 October 2013

Subject to call-in these decisions will be effective from 10 October 2013

The record of decisions are subject to approval at the next meeting of the Cabinet

Present: Councillor Rodney Chambers, Leader

OBE

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 Phil Filmer Portfolio Holder for Front Line Services
Councillor Peter Hicks Portfolio Holder for Community Safety and

**Customer Contact** 

Councillor Mike O'Brien Lead Portfolio Holder for Children's Services
Councillor Kelly Tolhurst Portfolio Holder for Educational Improvement

**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, Deputy Director, Customer Contact, Leisure, Culture, Democracy

and Governance

Perry Holmes, Assistant Director Legal and Corporate Services/Monitoring

Officer

Anthony Law, Democratic Services Officer

Barbara Peacock, Director of Children and Adult Services

#### Apologies for absence

An apology for absence was received from Councillor Doe (Housing and Community Services).

#### Record of decisions

The record of the meeting held on 3 September 2013 was agreed and signed by the Leader as correct.

#### **Declarations of disclosable pecuniary interests**

Councillor David Brake, Portfolio Holder for Adult Services, declared a personal interest in agenda item 5 (Disbursement of Recovered Funds) because a close family member was employed by Temple Mill Primary School. Councillor Brake withdrew from the meeting during the consideration of this item.

#### Medium Term Financial Plan 2014/2017

#### **Background:**

This report set out the major financial issues facing the Council over the next six years. It also provided a framework for the more detailed preparation of the draft Revenue Budget for 2014/2017.

The report included details of the Council's financial position, together with an overview of the Spending Review 2010, the Council's strategic priorities and core values and the need for the Medium Term Financial Plan to be able to respond to the changing policy context in which the Council and its partners operated. An assessment of likely available resources and details of a number of key spending issues across the Council's directorates were set out. Diversity Impact Assessments would be undertaken and reported to Members as part of the budget and service planning process as the quantum of resources and hence the impact on Council services unfolds.

Members were advised of potential deficits for 2014/2015 to 2016/2017 of £16.214m, £18.452m and £11.889m. The cumulative effect of these to known resource declarations was £34.666m, despite allowing for a potential council tax yield of 2% per annum and further savings from the transformational Better for Less programme.

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

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

It was noted that the Business Support Overview and Scrutiny Committee had considered the report on 19 September 2013 and its comments and recommendations were set out in the report.

Decision Decision:

148/2013 The Cabinet endorsed the underlying aims of the Medium Term

Financial Plan.

The Cabinet noted the forecast level of overall funding outlined in Section 4 of the report; spending priorities in Section 5 of the report and the consequent funding shortfall identified in Table 4 of the report.

149/2013

The Cabinet instructed Portfolio Holders and Directors to identify savings and efficiencies to achieve a balanced budget for 2014/2015 and beyond.

#### Reasons:

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

#### **Disbursement of Recovered Funds**

#### Background:

This report advised Members of the recovery of funds misappropriated from Temple Mill Primary School and the options for disbursement.

It was noted that the Audit Committee had initially considered options for the disbursement of the recovered funds on 9 July 2013 and recommended to Cabinet on 6 August 2013 the provision of training on governance issues (option 4), as this would reduce the risk of a similar fraud occurring elsewhere in Medway. It also requested a further report on how the proposed programme would be delivered. The Cabinet, on 6 August 2013, requested that the Audit Committee re-examine all existing evidence relating to the issues at Temple Mill Primary School and review any new information that had become available before making a further recommendation to Cabinet. The Audit Committee, on 4 September 2013, subsequently reconsidered the issues, which included representations from the Headteacher and Governors from Temple Mill Primary School.

A copy of the minutes of the Audit Committee were attached at Appendix 1 to the report and the report included information obtained following the committee meeting as to ICT replenishment, financial management systems and support to the school.

Decision number:	Decision:
150/2013	The Cabinet agreed that Temple Mill Primary School's Voluntary Fund be reinstated in the sum of £14,000.
151/2013	The Cabinet agreed that £50,000 be allocated for the replenishment of ICT as set out in paragraph 6.2 of the report.
152/2013	The Cabinet agreed that a specific reserve of £25,000 be established for enhancements to the teaching environment at Temple Mill Primary School and that this be ringfenced for

draw down on application.

153/2013 The Cabinet agreed that £40,000 be allocated for one year for

the creation of an Internal Audit post to provide internal audit

support for schools.

154/2013 The Cabinet agreed that the balance of the funds be allocated

to the governor training budget as set out in paragraph 3.4

(option 4) of the report.

#### Reasons:

Using these funds will provide targeted support to Temple Mill Primary School and will also provide training on governance issues, which will reduce the risk of a similar fraud occurring elsewhere within Medway.

#### Review of Children's Trust and Proposed Future Arrangements

#### **Background:**

This report summarised the review undertaken on the Children's Trust arrangements and proposed future arrangements for multi-agency partnership working. It recommended the establishment of the Medway Children's Action Network.

It was noted that the review of the Medway Children's Trust had included engagement with a range of stakeholders including the Clinical Commissioning Group, the Parent's Forum, Public Health, Councillors, CVS, Voluntary Sector Forum and Medway Community Health. The review had concluded that the existing arrangements were no longer fit for purpose and there was a need to move to a more streamlined approach. This had become possible due to recent changes in government guidance providing greater flexibility.

The report outlined proposals for the establishment of the Medway Children's Action Network (Medway CAN), designed to develop more effective partnership working to improve outcomes for children, young people and their families. The report detailed the Council's legal duties and confirmed that Medway CAN would fulfil the Council's statutory requirements.

Members were also advised that Partnership Commissioning was currently developing a Children and Young People's Commissioning Plan (previously referred to as Better Start in Life Strategy). The plan would look at the total resource for children, families and young people in Medway, how the Council was investing (or proposing to invest) and identify jointly agreed objectives. The plan would support the delivery of the aims and objectives of the Council Plan, Health and Wellbeing Strategy and Improvement Plan. It would come to Cabinet at a later date for approval.

Decision Decision: number:

#### 155/2013 The Cabinet:

- (a) approved the establishment of Medway Children's Action Network (CAN), as set out in paragraph 3 of the report.
- (b) delegated authority to the Director of Children and Adults Services, in consultation with the Portfolio Holder for Children's Services, to finalise the proposed membership, as set out in paragraph 3.4 of the report and with the inclusion of the Medway Youth Parliament.
- (c) noted the development of a Children and Young People's Commissioning Plan.

#### Reasons:

Although the statutory guidance surrounding Children's Trust Boards has been removed, there is a continuing legal requirement for authorities to have a Children's Trust Board and to promote effective partnership working to improve outcomes for Children and Young People and their families. Medway CAN will be outcomes and solution focused and will bring together Voluntary and Community Sector and statutory partners.

#### Housing Revenue Account (HRA) Development Programme

#### Background:

This report sought the Cabinet's views on a proposal for the Housing Revenue Account (HRA) development programme to be included within the Council's Capital Programme and to use the HRA Headroom to fund the programme.

It was noted that the new "self-financing" regime for the HRA came into place on 1 April 2012. As part of the self-financing settlement the Council was given a maximum debt cap and the difference between this and the actual debt was known as "headroom". The HRA headroom available as at April 2013 was £5.5m and this was estimated to increase by approximately £800,000 per annum to £9.397m in year five of the programme (2017/2018), once the annual provision for debt repayment had been taken into account and assuming no new borrowing was undertaken.

It was proposed to increase Medway's existing housing stock by using the available headroom to finance a house-building programme and to consider substantial remodelling or refurbishment of some existing properties where appropriate.

This report suggested a draft programme for future activity. The programme included both the regeneration of currently owned assets such as existing garages and sheltered schemes as well as new development on land acquired either directly, or in

partnership with local contractor/developers. Reports on individual HRA projects or groups of projects would be submitted to Cabinet for approval to proceed.

It was noted that the Business Support Overview and Scrutiny Committee had considered this report on 19 September 2013. Details of the Committee's consideration and recommendations were set out in the report.

During the discussion on this item it was noted that reference to 'Davenport Road' within the report should be amended to read 'Davenport Avenue' and 'Winchester Avenue' should read 'Winchester Way'.

Decision number:

Decision:

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee as set out in the report.

156/2013

The Cabinet recommended that Full Council approve the addition of a £5.5m housing development programme to the Council's Capital Programme funded by utilising the £5.5m borrowing Headroom available to the Housing Revenue Account.

#### Reasons:

This proposed development programme would both improve and add to the HRA's existing housing stock, which will benefit existing tenants and Medway residents that qualify for affordable housing.

Annual Review of Risk Management Strategy and 6 Monthly Review of the Council's Corporate Business Register

#### Background:

This report provided details of the annual review of the Council's Risk Management Strategy and six monthly review of the Council's Corporate Business Risk Register.

Members were advised that the Strategic Risk Management Group was not recommending any changes to the Risk Management Strategy. However, following review by 'risk owners', a number of proposed amendments to the Corporate Risk Register were set out in the report.

It was noted that the Business Support Overview and Scrutiny Committee had considered this report on 19 September 2013 and its comments were set out in paragraph 5 of the report. It was noted in the report that the Strategic Risk Management Group and 'risk owners' would consider the issues raised.

Decision number: Decision:

#### **157/2013** The Cabinet:

- (a) noted the comments of the Business Support Overview and Scrutiny Committee as set out in the report;
- (b) approved the Risk Management Strategy, as set out in Appendix A to the report;
- (c) approved the amendments to the Council's Risk Register as detailed in section 3 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.

#### Solar Photovoltaic Energy Systems

#### **Background:**

This report proposed an investment in Solar Photovoltaic (PV) Systems for Gun Wharf and Medway Tunnel to generate electricity, reduce carbon emissions and achieve revenue savings.

It was noted that the annual cost of electricity at Gun Wharf was £450,000 and £170,000 at Medway Tunnel. The proposal was to install a 30kW peak power (kWp) scheme at the Medway tunnel and a 108kWp scheme at Gun Wharf. It was anticipated that the energy generated by both systems would be used on site and offset an element of current supply requirements and costs.

It was reported that the payback of the scheme would be in the region of 10 years and the net saving over a 20-year period was in the region of £350,000 based on current energy prices. It was also estimated that the installation of Solar PV would reduce the Council's carbon dioxide emissions by approximately 70 tonnes per annum.

The capital cost of the installations was estimated to be £230,000, which if approved would be funded through prudential borrowing. As an addition to the capital programme this matter would be referred to Council for decision.

Decision number: Decision:

158/2013 The Cabinet recommended that Full Council approve a

funding envelope for the scheme by adding £230,000 to the

capital programme.

#### 159/2013

The Cabinet delegated authority to the Assistant Director of Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to enter into the necessary feed-in tariff contractual arrangements and procure the installation of Solar Photovoltaic systems at Gun Wharf and Medway Tunnel using prudential borrowing on the best terms reasonably obtainable, subject to Full Council first agreeing to amend the capital programme to fund the scheme as set out in paragraph 8.1.1 of the report.

#### Reasons:

The installation of Solar PV will not only generate energy and savings, but also reduce the Council's carbon footprint.

#### 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. Details of three further posts were set out within an addendum report tabled at the meeting.

## Decision number:

#### **Decision:**

#### 160/2013

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**

- (a) Service Support Assistant (Medway Revenue and Benefits Service)
- (b) Category Specialist x 4
- (c) Administration Officer
- (d) Lawyer, Children's Services
- (e) Lawyer, Litigation
- (f) Paralegal (Planning and Projects)

#### **Children and Adults Services**

- (g) Assistant Debt Management Officer
- (h) Finance Officer

#### **Public Health Directorate**

(i) Supporting Healthy Weight Assistant

#### Regeneration, Community and Culture

- (j) Homechoice Assistant
- (k) HRA Building Inspector
- (I) Processing Administration Senior (Temporary)
- (m) Processing Assistant Processing and Income Recovery.

#### Reasons:

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

Gateway 1 Contract Procurement Commencement: Brompton Westbrook Primary School - Expansion to Two Forms of Entry

#### **Background:**

This report sought permission to commence the procurement of the permanent expansion to 2 forms of entry at Brompton Westbrook Primary School. The Outline Business Case for the new building had been approved by Cabinet on 11 June 2013 (decision number: 99/2013).

The new accommodation included a school/community hall with changing facilities, a new main entrance, two new classrooms and additional dining space. This allowed the existing hall to be used for improved SEN group rooms and pastoral care. It also allowed reconfiguration of the office spaces, which were currently unsuitable.

The report set out the various procurement options including a preferred option for consideration.

It was noted that the Gateway 1 report had been approved for submission to the Cabinet after review and discussion by the Children and Adult Directorate Management Team and Procurement Board.

An exempt appendix set out key information concerning finance and whole-life costing.

Decision

number:

Decision:

161/2013

The Cabinet approved the Gateway 1 High Risk Report for progression to Gateway 2 of the procurement process for a single stage Design and Build tender via the Kent County Council Select List (as set out in 3.10 (2) of the report).

#### Reasons:

The decision grants permission to commence the procurement of the permanent expansion of Brompton Westbrook Primary School to 2 forms of entry in accordance with the decision of Cabinet on 11 June 2013 (decision No. 99/2013). This decision would allow for works to commence 6 weeks earlier than via the IESE framework two stage tender route. It was believed that the single stage route offered a better opportunity to deliver the key items for September 2014.

#### **Gateway 1 Procurement Commencement: Hoo Peninsula Wireless Network**

#### **Background:**

This report sought permission to commence the procurement of a wireless network solution for schools and academies on the Hoo Peninsula.

It was noted that the Hoo Peninsula was poorly served by the major telecommunications companies and as such connections to council buildings and schools was expensive and slow. The lack of service provision on the Peninsula was affecting delivery of online learning opportunities to the pupils attending schools on the Peninsula. The efficiency of leadership and management processes that rely on internet connectivity were also affected.

Members were advised that to create equality across the authority the connection speeds to these sites must be increased. It was reported that ICT had undertaken a separate feasibility study for a high-speed wireless solution that would serve the majority of these sites. The results of this survey were detailed in this report together with the various procurement options.

This Gateway 1 report had been approved for submission after review and discussion by the Children and Adults Directorate Management Team and Procurement Board.

An exempt appendix set out key information concerning finance and whole-life costing.

Decision number: Decision:

162/2013 The Cabinet approved the use of the FAB-Telecoms-12 Fabrick

Housing Group Framework to procure a wireless network solution for schools and academies on the Hoo Peninsula as set out in

paragraph 4.1 of the report (preferred option).

#### Reasons:

The current network solution on the Hoo Peninsula is not fit for purpose and is inhibiting the delivery of high quality education for young people who learn there. The proposed procurement will provide an upgradable cost effective solution.

#### **Gateway 1 Procurement Commencement: Corporate School Meal Provision**

#### **Background:**

This report sought permission to commence the procurement of the school meal provision on behalf of Medway schools, which would deliver a sustainable, quality, value for money service to students in Medway within both small and large schools and which would meet nutritional standards for school meals, as set by government.

The report set out the various procurement options including a preferred option for consideration.

It was noted that the Gateway 1 report had been approved for submission to the Cabinet after review and discussion by the Children and Adult Directorate Management Team and Procurement Board.

An exempt appendix contained finance and whole-life costings information for this project.

Decision

Decision:

*number:* 163/2013

The Cabinet approved the commencement for the

procurement of school meals provision for Medway

schools on the basis set out in paragraph 4.1 of the report.

#### Reasons:

The current contract is due to expire on 31 July 2014, therefore a contract needs to be in place for commencement on 1 August 2014.

#### **Gateway 1 Contract Procurement Commencement: Strood Community Hub**

#### **Background:**

This report sought permission to commence the procurement of Strood Community Hub. The project involved relocating Strood Library and Contact Point from their current locations to 133 High Street, Strood. The property required refurbishment and fit out for this purpose and it was proposed that the Council take out a lease of the premises from the current landlord. It formed part of the wider regeneration proposals for Strood and would act as its focal point.

The report set out the various procurement options including a preferred option for consideration.

It was noted that the Gateway 1 report had been approved for submission to the Cabinet after review and discussion by the Regeneration, Community and Culture Directorate Management Team and Procurement Board.

An exempt appendix contained finance and whole-life costings information for this project.

Decision D number:

Decision:

164/2013

The Cabinet approved this Gateway 1 report for progression to Gateway 2 of the procurement process and invited tenders for the building works as set out in the preferred option (paragraph 4.1 of the report), utilising the KCC select list of approved contractors.

165/2013

The Cabinet agreed to delegate authority to the Assistant Director Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to enter into a lease and any related legal agreements of suitable premises in Strood for a new Community Hub on the best terms reasonably available, subject to: any necessary and satisfactory planning consents being obtained and subject to vacant possession and Full Council approval of the scheme as an addition to the Capital Programme.

166/2013

The Cabinet recommended that Full Council approve the addition of £1 million to the Capital Programme to fund the refurbishment and fit-out costs.

#### Reasons:

The KCC select list provides the best option in terms of tender turn around and being able to give a local contractor opportunity to bid. Tenderers will be selected from the Medway Zone section of the KCC select list.

Gateway 1 Procurement Commencement: Infrastructure Support Services for the Voluntary and Community Sector

#### **Background:**

This report sought permission to commence the procurement of a combined infrastructure support service to the voluntary and community sector (VCS) in Medway.

The report provided background and context to the services that were currently being delivered and provided Cabinet with options for the future delivery of these services, so that officers could proceed with the commissioning of a combined infrastructure support service to the VCS in Medway. This service would include existing volunteer centre services and voluntary sector support services.

It was noted that the Gateway 1 report had been approved for submission to the Cabinet after review and discussion by the Children and Adult Directorate Management Team and Procurement Board.

An exempt appendix contained finance and whole-life costings information for this project.

Decision number:

Decision:

167/2013

The Cabinet approved the procurement of one contract for a combined infrastructure support service to the Voluntary and Community Sector (VCS) in Medway, as set out in paragraph 4.1 of the report.

#### Reasons:

The proposed procurement would provide the opportunity to deliver much improved volunteer centre and voluntary sector support services, with the potential for a cost saving by consolidating three current service contracts into one.

# Gateway 4 Procurement Post Project Completion Review: All Faiths Community School, Strood

#### **Background:**

This report provided details of the review of the works undertaken at All Faiths Community School to deliver much needed additional teaching space of three new classrooms, the provision of a new hall, the demolition of the existing Children's Centre and the provision of a new Children's Centre with improved storage and external learning space, the creation of a new combined reception area, allowing for a stronger link between the school and Children's Centre and the provision of an extra parking area and a new, safer internal road.

It was noted that the works were completed on time and within budget. The report also included comments from the Headteacher of the school.

It was noted that the Gateway 4 report had been approved for submission to the Cabinet after review and discussion by the Children and Adult Directorate Management Team and Procurement Board.

An exempt appendix contained finance and whole-life costings information for this project.

Decision number:

Decision:

The Cabinet noted the outcome of the contract as set out in paragraph 4.1 of the report.

The Cabinet noted the Headteacher feedback as set out in paragraph 8.5 of the report.

#### Reasons:

The contract was a one off procurement, which has now finished. In addition, the project was completed to specification and within budget.

# Gateway 4 Procurement Post Project Completion Review: Lordswood Infant and Junior Schools

#### **Background:**

This report provided details of the review of the works undertaken at Lordswood Infant and Junior Schools to provide functional, inspirational and secure open learning environments. To do this the project provided one integrated building, which improved the accommodation for teaching and learning, made better use of the space on the ground floor, enabling all classrooms to be accommodated and situated together in year groups. The project provided access to shared resources and to outside classroom space, enabling cross class working. The final provision of a link building joined the two schools together. The link building united the schools physically as well as providing a functional weatherproof route for children, staff and visitors.

It was noted that the works were completed on time and within budget and comments from the Headteacher of Lordswood Primary School were included within the report.

It was noted that the Gateway 4 report had been approved for submission to the Cabinet after review and discussion by the Children and Adult Directorate Management Team and Procurement Board.

An exempt appendix contained finance and whole-life costings information for this project.

Decision Decision:

The Cabinet noted the outcome of the contract as set out in paragraph 4.1 of the report.

#### Reasons:

number:

The contract was one-off with no additional termed requirements.

Gateway 4 Procurement Post Project Completion Review - Thames View Infant and Junior Schools

#### **Background:**

This report provided details of the review of the works undertaken at Thames View Infant and Junior Schools to extend the nursery accommodation and improve the dropping off/ waiting area outside the nursery entrance with the use of a canopy. The

Junior school building has had a new main entrance, which provided a focal point for the visitors to the school and the provision of sufficient space for a central hub for administrative staff for the amalgamated school.

It was noted that the works were completed on time and within budget. The report also included comments from the Headteacher of Thames View Primary School.

It was noted that the Gateway 1 report had been approved for submission to the Cabinet after review and discussion by the Children and Adult Directorate Management Team and Procurement Board.

An exempt appendix contained finance and whole-life costings information for this project.

Decision Decision: number:

The Cabinet noted the outcome of the contract as set out in paragraph 4.1 of the report.

The Cabinet noted the headteacher feedback in section 8.5 of the report.

#### Reasons:

The contract was a one off procurement, which has now finished.

Leader of the Council
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