

Record of Cabinet decisions

Tuesday, 17 December 2013

3.00pm to 4.36pm

Date of publication: 18 December 2013

**Subject to call-in these decisions will be effective from 31 December 2013
The record of decisions is 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:	Robin Cooper, Director of Regeneration, Community and Culture	
	Neil Davies, Chief Executive	
	Stephanie Goad, Assistant Director Communications, Performance and Partnerships	
	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	
Phil Watts, Finance Manager, Children & Adult Services		

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 26 November 2013 was agreed and signed by the Leader as correct.

Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

Councillor Filmer declared an interest in agenda item 18 (Gateway 3 Contract Award Special Educational Needs Home to School Transport 2014) because he was a Director of Medway Norse. He chose to leave the room during consideration and determination of this item.

Councillor O'Brien declared an interest in agenda items 8 (Expansion at Danecourt Community Special School by way of Prescribed Alterations), 18 (Gateway 3 Contract Award Special Educational Needs Home to School Transport 2014) and 19 (Gateway 3 Contract Award: Speech and Language Therapy for School Age Children) because members of his extended family worked in these areas. He advised that further to advice from the Monitoring Officer he would stay and participate in the consideration and determination of these items.

Update on Ofsted Inspection of Looked After Children Services

Background:

This report provided the Cabinet with an update on Looked after Children's Services and considered progress made against the findings from the July 2013 Ofsted looked after children inspection.

The outcome of the Ofsted inspection was that the looked after children's services was rated as 'inadequate', although the inspection judgement around 'capacity to improve' was rated as 'adequate'; reflecting the positive progress made since the earlier inspection of safeguarding services. Medway had a formal Improvement Notice from the Department of Education (DfE) and has an established Improvement Board with an Independent Chairman.

It was noted that the Chairman of the Improvement Board had written a progress report to the Minister for Children in October 2013 and the Portfolio Holder for Children's Services and senior officers had met with the DfE Improvement Team during a visit to Medway in November 2013. It was reported that both the contents of the report and feedback following the visit concluded that whilst signs of positive change and developments were at an early stage, improvements were picking up pace and the focus on children, quality of the work and management and leadership was improving. The Portfolio Holder for Children's Services also referred to a recent letter from Edward Timpson MP, Parliamentary Under Secretary of State for Children and Families that acknowledged the improvements taking place in Medway.

The report detailed areas of progress, which included areas requiring continued improvement and greater focus.

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Decision number: **Decision:**

The Cabinet noted the updates of progress made against the findings from the July 2013 Ofsted unannounced inspection into the arrangements for looked after children in Medway, as highlighted in the report.

Reasons:

To inform the Cabinet of the arrangements that are being implemented to secure urgent and sustainable service improvements.

Youth Justice Plan (Policy Framework)

Background:

This report provided details of the Medway Youth Justice Plan 2012-2014.

The Youth Justice Plan formed part of the Council's policy framework and had been developed following discussions with partner agencies. It set out the aims and objectives for 2012/2014 in relation to working with young people who offend or who were at risk of offending.

The plan, which was updated annually, reflected the requirements of the Youth Offending Team (YOT) Improvement Plan and the new requirements by the Youth Justice Board to submit a costed plan in respect of their grant to the Youth Offending Team. Copies of the Youth Justice Plan, a summary of changes made during this annual refresh and a statistical review of the Medway YOT for 2012/2013 had been circulated to Members within Supplementary Agenda No. 1.

It was noted that the Children and Young People Overview and Scrutiny Committee had considered this report on 10 December 2013 and its views were set out in an addendum report. It was noted that the Committee had requested that an update, on the issuing of inappropriate cautions to Looked After Children, be presented to the Corporate Parenting Group in the New Year.

A Diversity Impact Assessment screening form had been undertaken on the draft plan and was attached at Appendix D to the report. This indicated that a full impact assessment was not necessary.

Decision number: **Decision:**

204/2013 The Cabinet noted the views of the Children and Young People Overview and Scrutiny Committee and recommended approval of the Medway Youth Justice Plan, as set out at Appendix A, to Full Council.

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Reasons:

The Medway Strategic Youth Justice Plan has been refreshed and needed to be reviewed by the Children and Young People Overview and Scrutiny Committee and Cabinet. There have been consultations with key partners and the adoption of a refreshed plan seeks to address the underlying local causes of youth crime.

Provisional Local Government Finance Settlement

This item was withdrawn, as the Government had not announced the Local Government Finance Settlement 2014/2015.

Localising Support for Council Tax

Background:

This report provided details of the proposed revisions to the Council Tax Reduction Scheme.

On 23 January 2013 Council adopted a localised Council Tax Reduction Scheme and each financial year the Council needed to consider whether to revise its scheme or to replace it. A copy of Medway's current scheme had been sent to Cabinet Members within Supplementary Agenda No.2 (Appendix C to the report).

Members were advised that, in order to maintain the balance between the Council Tax Reduction Scheme and the allowances to which claimants are entitled, it was proposed to link the allowances, premiums and disregards to legislation providing for increases in benefits. It was further proposed that the scheme was revised to enable this uprating to take place automatically in line with benefit changes.

Details of the proposed changes were set out in Appendix D to the report.

The report set out details of the consultation undertaken between October and December 2013. A summary of the responses was attached at Appendix B to the report. It was noted that the majority of respondents to the consultation were in agreement with the amendments to the scheme.

Decision number:

Decision:

205/2013

The Cabinet recommended the amended Council Tax Reduction Scheme to Council for adoption on 23 January 2014.

Reasons:

The amended scheme continues to balance the need for supporting those currently in receipt of Council Tax Reduction Scheme and the ability of the Council to fund the scheme within the current budgetary constraints.

The majority of respondents to the consultation were in agreement with the amendments to the scheme.

Amending the scheme will prevent the need for, and additional expense of, future annual consultation.

Expansion at Danecourt Community Special School by way of Prescribed Alterations

Background:

This report requested authorisation to commence the statutory process and proceed to public consultation on the proposals to make prescribed alterations to Danecourt Community Special School.

Danecourt was a community special school, which currently provided education for pupils with Moderate Learning Difficulties (MLD) and Autistic Spectrum Disorder (ASD) between the ages of 2 and 11 who were too complex to be supported within a mainstream setting. The proposals, as set out in the report, were to:

- (a) increase the numbers that attend the school by up to 40 pupils. This would enable more pupils to be placed at Danecourt where it was the most appropriate provision; thereby reducing the number of pupils needing to be placed outside of Medway.
- (b) increase the range of SEN designation by adding SLD (Severe Learning Difficulties) to the school's current range of provision. This would enable the school to provide suitable education for those children with needs more complex than their current designation allows.

Initial discussions had been held with the Headteacher at the school, who was supportive of these proposals. However, to make these prescribed alterations there was a requirement to follow a statutory process and conduct a public consultation. An indicative consultation timeline was included in the report, which would result in implementation on or before 1 September 2015.

It was noted that proposals for the physical building expansion project at Danecourt School would follow the Council's procurement processes and be presented to Cabinet for the approval at the appropriate time.

Decision number: **Decision:**

206/2013 The Cabinet instructed the Director of Children and Adults Services to commence the period of public consultation to allow views to be expressed on the proposal to make prescribed alterations to Danecourt Community Special

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School, which would result in an increase in the number of pupils provided for and a change to the types of SEN provided for, on or before 1 September 2015.

Reasons:

The Council is required to consult on the proposals in accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.

Local Development Framework Medway Monitoring Report

Background:

This report provided details of the ninth Annual Monitoring Report, which analysed progress against a range of indicators associated with the adopted development plan and the draft Core Strategy that applied at the end of the monitoring period. In bringing together a great deal of information for the period 1 April 2013 to 31 March 2013 the Monitoring Report was a valuable reference for various bodies interested in the Council's performance.

It was noted that the Core Strategy had been withdrawn on 21 November 2013, following the decision by the Board of Natural England to confirm the site of the proposed new settlement at Lodge Hill as a Site of Special Scientific Interest. Ordinarily the Monitoring Report would assess progress against the individual policies in that plan. Given its withdrawal however, it was instead arranged under the themes in the Core Strategy and it would be re-formatted in future years to reflect the emerging replacement local plan.

The main highlights of this year's Monitoring Report included continued progress with the regeneration programme and, despite the number of housing completions being down on the Medway annual average to date, it was proportionately higher than elsewhere in Kent, with affordable housing completions well above target.

The Medway Annual Monitoring Report 2012 (Volume 1) had been circulated to Cabinet Members in Supplementary Agenda No.1.

Decision number: ***Decision:***

207/2013 **The Cabinet approved the 2013 Medway Monitoring Report for publication.**

Reasons:

To comply with the duty to compile and publish an annual report.

2013/14 Quarter 2 Council Plan Performance Monitoring

Background:

This report summarised the performance of the Council's Key Measures of Success for July – September (Quarter 2) 2013/2014 as set out in The Council Plan 2013/2015.

For each of the Council's four priorities and two values the report provided a summary of key measures of success (performance indicators) including service comments, customer perception and, where available, benchmarking information.

It was noted that over half of the council's key measures of success (62%), where targets had been set, were achieving target and over half of the key measures had improved since the previous quarter (53%). 48% of the council's key measure had improved over the long term compared with 47% which had improved last quarter. In relations to areas for improvement, it was reported that 25% of the council's key measures were significantly under performing (compared with 40% in the previous quarter). New benchmarking information relating to Finance and Adult Social Care services was included in this report for the first time.

Performance tables on the 86 key measures were set out in Appendix 1 to the report.

During the discussion of this item, the Chief Executive undertook to convey the Cabinet's appreciation for the work undertaken by staff in response to the recent tidal surge.

Decision number: ***Decision:***

208/2013 **The Cabinet noted the second quarter performance against the Key Measures of Success used to monitor progress against the Council Plan 2013/15 and agreed to work with officers to identify any areas for remedial action to build on current achievements.**

Reasons:

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

Housing Strategy Annual Review

Background:

This report provided details of the Housing Strategy, which had been approved in October 2011. The Strategy sought to deliver the strategic housing priorities for Medway and set the direction for housing in Medway until 2014. As such, it aimed to reflect policies and priorities at national, regional and local level. The Strategy was

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designed around three aims (Bridging the Gap, Early Prevention and Health and Housing) with seven outcomes and this report reviewed and assessed progress up to November 2013.

Details of progress against each of the aims was set out in the report and it was noted that across all the themes there had been significant progress against the priority actions. A total of 17 actions had been completed and the majority were on target to be delivered by 2014.

It was noted that the Strategic Housing Partnership Board was responsible for monitoring performance on a quarterly basis. The Business Support Overview and Scrutiny Committee had also considered this report on 5 December 2013 and its comments were set out in the report. The Overview and Scrutiny Committee had requested further information on the number of Extra Care Units, the mix of affordable housing between rented and shared ownership units and details of the number of Houses in Multiple Occupation visited.

Decision number: ***Decision:***

The Cabinet noted the progress against the aims of the Housing Strategy.

Reasons:

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

Treasury Management Strategy Mid-Year Review 2013/2014

Background:

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

- An economic update for the first six months of 2013/14;
- A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
- A review of the Council's investment portfolio for 2013/14;
- A review of the Council's borrowing strategy for 2013/14;
- A review of any debt rescheduling undertaken during 2013/14; and
- A review of compliance with Treasury and Prudential Limits for 2013/14.

The report considered the circa £23million that was externally managed by Investec Asset Management. It was noted that the performance of the portfolio to 30 September 2013 had been poor, with a loss from 31 March 2013 of 0.063%. Comparable investment performance data also highlighted that the in-house team had outperformed Investec Asset Management in nine out of the last ten years.

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The Audit Committee had considered the report on 6 December 2012 and its views were set out in the report. It was noted that the Committee had supported the controlled withdrawal of funds to the in-house team, which with support from the Council's financial advisor Sector would minimise the risk of further losses. At the request of the Committee, the report provided further information as to the capacity of the in-house team to expand its portfolio.

Decision number: **Decision:**

209/2013 **The Cabinet noted the contents of this report (including the views of the Audit Committee) and recommended the report to Full Council.**

210/2013 **The Cabinet instructed the Chief Finance Officer to commence discussions with Investec Asset Management to enable the movement of the portfolio managed by Investec Asset Management to the in-house team.**

Reasons:

The Treasury Management Strategy requires that Cabinet and Council receives and considers a mid year review of treasury management strategy and performance. The performance of the external fund manager has consistently failed to meet that achieved by the in-house team. The transfer therefore presents better value of money.

Integrating Youth Offending Team and Youth Service

Background:

This report provided information about how a more co-ordinated and focused 'adolescent offer' could achieve savings and better outcomes for vulnerable young people. It also considered proposals to bring the Youth Offending Team and Youth Service into one building, further integrating their work programmes and providing savings by maximising and sharing staff and resources.

The report also requested authority to declare surplus 67 Balfour Road and proposed to Full Council to add a scheme to the Capital Programme.

Decision number: **Decision:**

The Cabinet noted the proposal to integrate some of the working practices of the Youth Offending Team (YOT) and the Youth Service and noted that the Director of Children and Adults Services would undertake this reorganisation under delegated authority.

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211/2013 **The Cabinet agreed to delegate authority to the Assistant Director, Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to declare surplus 67 Balfour Road, when it is clear that the property is no longer needed for service provision so that the property can be disposed of by the Assistant Director, Legal and Corporate Services, in consultation with the Portfolio Holder for Finance for best consideration.**

212/2013 **The Cabinet recommended to Full Council to add up to £50,000 for the development of the Strood Youth Centre Training Room, as outlined in paragraph 6.2 of the report as an addition to the Capital Programme.**

Reasons:

This provides the Council with revenue savings, a capital receipt and seeks to improve service delivery for young people

Former Park and Ride Site, Marconi Way

Background:

This report sought delegated authority for officers to appropriate the former Park and Ride site at Marconi Way.

It was noted that the Park and Ride site had been closed and Cabinet in March 2012 had agreed to delegate authority to the Chief Finance Officer to declare surplus and dispose of the site. Kent Fire and Rescue Service (KFRS) had agreed to purchase the site and had recently obtained planning permission for a fire station on it.

Members were advised that the site and other land was subject to a covenant given by the Council in a lease of the adjoining site, not to use the site for any purpose other than a surface car park and ancillary purposes and for open space. The sale to KFRS was however conditional upon this covenant being released.

Members were advised of discussions had been held with the beneficiary of the covenant and the general power under Section 122 of the Local Government Act 1972 to appropriate land within its ownership for any purpose for which it was authorised to acquire land by agreement.

Decision number: **Decision:**

213/2013 **The Cabinet agreed to delegate authority to the Assistant Director of Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to appropriate the former Park and Ride site and to meet any compensation claims payable as a result.**

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Reasons:

The appropriation of the land will allow the Council and KFRS to override the covenant so that the development of a fire station on the site can proceed.

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:

214/2013

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) Blue Badge Application Administrator
- (b) Business Administration Support Officer
- (c) Customer Relations Manager
- (d) Electoral Services Manager
- (e) Employment Liaison Coordinator
- (f) Senior Electoral Services Officer.

Reasons:

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

Gateway 1 Procurement Commencement: Will Adams Pupil Referral Unit

Background:

This report sought permission to commence the procurement of the expansion of the Will Adams Pupil Referral Unit, as per Option 8 of the Outline Business Case that was submitted to Cabinet on 29 October 2013.

It was noted that these proposals would provide for a more effective use of the existing accommodation, address the shortfall in current provision and provide flexibility for future expansion. This option also responded to comments made in an Ofsted Report concerning the shortage of places and facilities, following an inspection in September 2012.

The report considered the business case and procurement options for this works/construction procurement. This Gateway 1 report had been approved for

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submission to Cabinet after review and discussion at Children and Adults Directorate Management Team meeting on 26 November 2013 and Procurement Board on 4 December 2013.

Decision number: **Decision:**

215/2013 **The Cabinet approved the use of the Kent County Council Select List, for procurement via a below EU threshold Select List, as set out in paragraph 4.1 of the report.**

Reasons:

The decision above is provided on the basis that this option addresses most of the PRU's needs and allows for future development if and when additional funding is made available. This provides more effective use of the existing accommodation, addresses the shortfall in current provision and provides flexibility for future expansion. This option also reduces the building costs and offers the most cost effective solution.

The Council has a statutory duty to provide school places for children resident in Medway as set out in the Education Act 1996. This project is required to enable the Council to discharge that duty.

Gateway 3 Contract Award: Hoo Peninsula Wireless Network

Background:

This report sought permission to award a contract to the supplier of a wireless network solution for schools and academies on the Hoo Peninsula.

The Cabinet had approved the commencement of this procurement at Gateway 1 on 1 October 2013 and this Gateway 3 Report had been approved for submission to the Cabinet, after review by the Children and Adults Directorate Management Team on 29 November 2013 and Procurement Board on 4 December 2013.

The report gave details of the procurement process undertaken and the evaluation criteria applied. An exempt appendix set out key information relating to analysis and tender evaluation information.

Decision number: **Decision:**

216/2013 **The Cabinet approved the contract award to install a wireless network solution for the Hoo Peninsula to MLL Telecoms, as outlined within section 2.2 of the Exempt Appendix.**

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Reasons:

The current network solution on the Hoo Peninsula was not fit for purpose and was inhibiting the delivery of high quality education for young people who learn there.

The procurement would provide an upgradable cost effective solution.

Gateway 3 Contract Award Special Educational Needs Home to School Transport 2014

Background:

This report set out detail the results of the tender for SEN home to school transport, and sought permission to make arrangements for transport provision for the following three schools (Warren Wood School, Brompton Academy and Rivermead School) and the provision of respite and "Write Trak" transport.

Details of the procurement process undertaken was set out in the report and an exempt appendix contained procurement process tender evaluation information and financial analysis. It was noted that a Teckal company had submitted a proposal for carrying out SEN home to school transport and the report considered the implications of this.

The Procurement Board had considered the report on 4 December 2013 and supported the recommendations as set out in the report.

Decision number:

Decision:

217/2013

The Cabinet approved Medway Norse making arrangements for the requirements set out in lots 1 and 2 of the original procurement, as set out in the report and exempt appendix.

Reasons:

Whilst the result of the tender exercise achieved a saving on the current spend on transport to the three school sites, the decision of accepting Medway Norse's proposal achieved a greater saving through the profit sharing arrangement in place.

This option also allows for greater certainty in budget setting by contracting this service for a set annual cost (a 25% change in passenger numbers built into the annual cost).

The single operator per school approach also allows for service quality improvements and consistency of operator and transport staff for the passengers, which had both been highlighted as important to parents and passengers who receive SEN transport.

Gateway 3 Contract Award: Speech and Language Therapy for School Age Children

Background:

This report proposed that the Council pool budgets with Medway Clinical Commissioning Group (MCCG) to deliver Speech and Language Therapy services to school aged children and young people whose statements of special educational need included these services.

It was recommended that MCCG commission Speech and Language Therapy services and that these arrangements be governed by MCCG entering into an agreement with the Council pursuant to Section 75 National Health Service Act 2006. It was noted that both the Council and MCCG currently purchased Speech and Language Therapy services from Medway Community Healthcare Trust.

It was reported that the service specification was being clarified to ensure those children with the greatest assessed need obtained the statutory support. The service specification also allowed for additional funding from MCCG, above and beyond the group's statutory duties, to complement those services funded by Medway Council.

Members were advised that an additional investment of £77,532 would enable Medway Council to fulfil the Council's legal obligations to meet the needs of children and young people whose statement of SEN or Education, Health and Care plans included speech and language therapy. By jointly commissioning this service, financial efficiencies would be realised. In addition to the above, MCCG had agreed a specific budget for children with primary health needs. It was noted that the additional investment from the Council was likely to reduce from September 2014 if the Children and Families Bill became law; as this would impose on MCCG a new duty to meet the needs of these children.

An exempt appendix set details of the finance and whole-life costings, together with tender evaluation information.

Decision number:

Decision:

218/2013

The Cabinet approved the letting of the Section 75 agreement with Medway Clinical Commissioning Group. A contract between Medway Clinical Commissioning Group and Medway Community Healthcare Trust would then be varied to clarify the specification and increase the funding to ensure statutory duties are met. The Cabinet also approved the increase in funding, as detailed in the report and exempt appendix, to enable the Council's statutory duties to be met.

Reasons:

The decision above will ensure that the council's statutory responsibilities are met with regard to the provision of Speech and Language Therapy for school age children.

Gateway 5 Contract Management Report: Waste Collection and Disposal, Household Waste Recycling Centres, Tree Maintenance and Highways Minor Works

Background:

This report provided details of a four high risk Gateway 5 reports that had recently been considered by Procurement Board.

It was noted that the council's procurement Gateway process, as contained in the Council's Contract Procedure Rules, required that high risk reports were submitted to Cabinet. Gateway 4 reports provided post-project appraisal reporting and were completed one year after the Gateway 3 contract award approval for termed contracts or post-delivery of one-off requirements. Gateway 5 reports provided comprehensive contract management reporting that must be completed annually.

The report set out summary information in relation to the following contracts:

- Household Waste Recycling Centres
- Waste Collection and Disposal
- Tree Maintenance
- Medway Highways Minor Works Contract.

Decision number:

Decision:

219/2013	The Cabinet noted the Household Waste Recycling Centres contract review and agreed that it continues to be subject to annual reporting.
220/2013	The Cabinet noted the Waste Collection and Disposal contract review and agreed that it continues to be subject to annual reporting.
221/2013	That Cabinet notes the Tree Maintenance contract review and agreed that it no longer be subject to annual reporting, as set out in paragraph 3.3 of the report.
222/2013	That Cabinet notes the Medway Highways Minor Works contract review and agreed that it continues to be subject to annual reporting.

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Reasons:

Each Gateway 5 report had been submitted for consideration to Cabinet as it was high risk and as such had an annual Gateway reporting requirement.

Leader's Announcement

The Leader referred to the interim report published earlier in the day by the Airports Commission, which had shortlisted three options for expanding UK airport capacity. Concern was expressed that whilst Heathrow and Gatwick airport were identified as the Commission's preferred locations for future increased runway capacity in the UK, proposals for a new hub airport on the Isle of Grain had not been ruled out completely. The Leader restated the Council's opposition to these proposals.

.....
Leader of the Council

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Date

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