

Record of Cabinet decisions

Tuesday, 11 March 2014

3.00pm to 3.25pm

Date of publication: 12 March 2014

**Subject to call-in these decisions will be effective from 20 March 2014
The record of decisions is subject to approval at the next meeting of the Cabinet**

Present:	Councillor Rodney Chambers, OBE	Leader
	Councillor Alan Jarrett	Deputy Leader and Portfolio Holder for Finance
	Councillor David Brake	Portfolio Holder for Adult Services
	Councillor Jane Chitty	Portfolio Holder for Strategic Development and Economic Growth
	Councillor Howard Doe	Portfolio Holder for Housing and Community Services
	Councillor Phil Filmer	Portfolio Holder for Front Line Services
	Councillor 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
	Dr Alison Barnett, Director of Public Health
	Robin Cooper, Director of Regeneration, Community and Culture
	Mick Hayward, Chief Finance Officer
	Wayne Hemingway, Democratic Services Officer
	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
	Barbara Peacock, Director of Children and Adult Services

Apologies for absence

There were none.

Cabinet, 11 March 2014

Record of decisions

The record of the meeting held on 11 February 2014 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

There were none.

Hot Food Takeaways in Medway: A Guidance Note

Background:

This report provided details of a proposal to develop a planning guidance note which would place a restriction on the hours of operation of hot food takeaways within 400m of schools and introduce other measures to control numbers and location. Following consultation, the intention would be to implement a final guidance note that could form a material consideration in the determination of planning applications for hot food takeaways.

The report referred to the Task Group of the Children and Young People Overview and Scrutiny Committee which had recommended that the Council investigate the possibility of developing a Supplementary Planning Document restricting fast food outlets from operating near schools, parks and leisure centres or in areas that were already highly concentrated with fast food outlets. This was agreed by Cabinet on 28 September 2010. This matter was also identified as a priority action for 2013/14 in the Health and Wellbeing Strategy for Medway 2012-2017, in promoting healthy eating. In addition, the National Planning Policy Framework (2012) had made explicit the role planning should play in creating healthier environments.

The Health and Wellbeing Board considered the issue on 9 January 2014 and their comments were set out in paragraph 4 of the report. It was also noted that the Business Support Overview and Scrutiny Committee would consider the report on 19 March 2014.

A Diversity Impact Assessment screening exercise had been undertaken as set out in Appendix B to the report. This had highlighted that implementation of the guidance note may have a differential impact upon Black and Minority Ethnic (BME) groups as there was the potential that hot food takeaways may have a higher representation of businesses from this group.

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Decision number: **Decision:**

53/2014 **The Cabinet approved publication of the Hot Food Takeaways in Medway Guidance Note (attached at Appendix A to the report) for the purposes of public consultation.**

Reasons:

Implementation of the guidance note is likely to help reduce the levels of childhood obesity in Medway in combination with other initiatives introduced by the Public Health Directorate.

2013/14 Health Funding for Adult Social Care

Background:

This report provided information on the transfer and allocation of the 2013/2014 Health Funding for Adult Social Care, following the publication of NHS England guidance setting out the transfer of funding to local authorities. It was noted that for Medway this amounted to £3,571,548.

The report stated that the Fund would be used to support and deliver Adult Social Care and associated services that were consistent with the Council Plan priority of Adults maintaining their independence and living healthy lives.

It was further noted that the transfer and allocation of funding had been agreed with Medway NHS Clinical Commissioning Group and there had been regard to the Joint Strategic Needs Assessment for the local population, and existing commissioning plans for health and social care.

The Health and Wellbeing Board considered this report on 25 February 2014 and its comments were set out in paragraph 3 of the report.

Decision number: **Decision:**

54/2014 **The Cabinet approved the Council entering into the Section 256 Agreement (as set out in Appendix 2 to the report) with NHS England to receive £3,571,548 funding transfer from the NHS budget for the purposes of supporting Health Funding for Adult Social Care.**

Reasons:

To enable the Council to receive the NHS funding for Adult Social Care in order that adults are supported to maintain their independence and live healthy lives.

The Strood Academy - Consent to Variation of Deed of Gift

Background:

This report provided details of a proposal to consent to vary a Deed of Gift and Declaration of Trust dated 17 August 2009 made between the then Secretary of State for Children Schools and Families, Strood Academy, and Medway Council regarding the use of the sum donated by the Council to the Academy in accordance with the Deed of Gift and Declaration of Trust.

It was noted that when the Academy was set up and in line with guidance from the Department for Education, the Council paid £500,000 to the Trust to advance education in Medway on the basis set out in paragraph 2.2 of the report. Subsequently, the Council had agreed for the Strood Academy to acquire the Inspiration Centre and the report stated that the Strood Academy Trust had asked the Council to consent to the restrictions on the use of the £500,000 being lifted by the Council to help fund the purchase of the Inspiration Centre.

Decision number: **Decision:**

55/2014 The Cabinet agreed to delegate authority to the Assistant Director of Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to take all necessary steps to enable the purchase of the Inspiration Centre to proceed including but not limited to writing a suitable letter to the Charity Commission regarding the Deed of Gift and Declaration of Trust and entering into a Deed of Variation of the Deed of Gift and Declaration of Trust if required.

Reasons:

In order to generate a capital receipt from the sale of the Inspiration Centre and to improve service delivery at the Academy and otherwise provide an alternative means to meet the aims of the Deed of Gift.

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, and details of a further post was tabled at the meeting.

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Decision number:

Decision:

56/2014

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 Directorate

- (a) Lawyer, Contracts and Commercial – Property and Contracts Team
- (b) Lawyer, Children’s Services x 4
- (c) Legal Support Assistant x 3
- (d) Lawyer, Property
- (e) Lawyer, Adult Services

Children & Adults

- (f) Social Worker (Youth Offending Team, Cookham Wood)
- (g) Support Services Assistant

Regeneration, Community & Culture

- (h) STEPS Cluster Coordinator
- (i) Housing Assistant
- (j) Housing Assistant (Temporary)
- (k) WORK Programme Job Broker Advisor.

Reasons:

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

Gateway 1 Procurement Commencement: Residential and Nursing Care for Working Age Adults

Background:

This report provided details of the procurement of residential and nursing care for working age adults. It was noted that this was dependent on the purchase of a suitable software package to support a Dynamic Purchasing System (DPS). The use of a DPS would allow the flexibility for providers to enter the market in Medway and will create a more diverse market that offers greater choice for service users as well being cost effective for the Council.

It was noted that the Procurement Board considered this report on 18 February 2014 and supported the recommendation set out in the report.

An exempt appendix provided details of the finance and whole-life costings for the procurement.

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**Decision
number:**

Decision:

57/2014

The Cabinet approved the commencement of this procurement on the basis set out in paragraph 4.2 of the report.

Reasons:

The Council is required to tender these services in line with the Council's procurement rules and to ensure the tendering of services is compliant with the EU procurement regulations.

Gateway 1 Procurement Commencement: Supported Living Services

Background:

This report provided details of the procurement of supported living services for adult social care and accommodation based services for young people. This procurement was dependent on the purchase of a suitable software package to support a Dynamic Purchasing System (DPS) for the Supported Living and accommodation based services for children. This system would allow flexibility for providers to enter the market in Medway and would create a more diverse market that would offer greater choice for service users as well being cost effective for the Council.

It was noted that the Procurement Board considered this report on 18 February 2014 and supported the recommendation set out in the report.

A Diversity Impact Assessment had been undertaken on the proposals and was attached at Appendix 1 to the report. The Equality Act 2010 would be included as a clause in the general terms and conditions of the contract that the successful contractor(s) would be contractually bound to adhere to.

An exempt appendix provided details of the finance and whole-life costings for the procurement.

**Decision
number:**

Decision:

58/2014

The Cabinet approved the commencement of this procurement on the basis set out in paragraph 4.2 of the report.

Reasons:

The Council is required to tender these services in line with the Council's procurement rules and to ensure the tendering of services is compliant with the EU procurement regulations.

Gateway 3 Contract Award: Infrastructure Support Services for the Voluntary and Community Sector (VCS) in Medway, Including Volunteering

Background:

This report provided details of the procurement process for the award of the contract for the Infrastructure Support Services for the Voluntary and Community Sector (VCS) in Medway (including Volunteering).

It was noted that the Partnership Commissioning Team had decided to follow an Open Procedure for this procurement opportunity to encourage as much interest as possible from the VCS. A specification was developed in consultation with VCS providers through an engagement event, on the 12 September 2013 held at the Corn Exchange, Rochester. In order to be more inclusive towards VCS organisations the timeframe to complete the tenders was extended, as requested by VCS providers at the engagement event. The OJEU Open process was therefore extended from the standard 45 days to 64 days.

The Procurement Board considered this report on 18 February 2014 and supported the recommendation set out in the report.

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

Decision number:

59/2014 **The Cabinet agreed to award the contract to the Council for Voluntary Services (CVS), lead provider for the consortium.**

Reasons:

The decision to award a three-year contract to the supplier is consistent with priorities outlined in the Council Plan and Sustainable Communities Strategy. These documents acknowledge the supplier has a strong foundation on which to build an empowered and self-confident society, providing a range of services for local people/communities including engaging with the most hard to reach groups. This procurement has provided an opportunity to revise the service specification to create a service which responds to and meets the diverse needs of Medway residents and to combine volunteer centre services and voluntary sector support services into one contract.

The proposed contract will deliver much improved volunteer centre and voluntary sector support services, and has achieved a cost saving by consolidating three current service contracts into one.

The provision of volunteer centre services and voluntary sector support services across Medway is consistent with both the national and local move to harness social capital and supports the key priorities outlined within the Coalition Government's

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vision/programme of a Big Society; giving communities more power and encouraging people to take an active role in their communities.

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Leader of the Council

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Date

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