

Record of Cabinet decisions

Tuesday, 8 April 2014

3.00pm to 4.10pm

Date of publication: 9 April 2014

**Subject to call-in these decisions will be effective from 17 April 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
	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

Record of decisions

The record of the meeting held on 11 March 2014 was agreed and signed by the Leader as correct.

Apologies for absence

There were none.

Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

Rochester Riverside Masterplan

Background:

This report provided details of a draft revised Development Brief and Masterplan for Rochester Riverside. The revised Rochester Riverside Development Brief and Masterplan would establish a set of strategic parameters and illustrative guidance to steer the future development of the site. The Brief would provide planning and design guidance to developers and would inform development management decisions.

The report stated that Rochester Riverside was a flagship project in the Council's regeneration programme. The site comprised 32 hectares (74 acres) of brownfield development land, stretching from Rochester Bridge to the north and Doust Way to the south. The principles, guidelines and aspirations as set out in the original adopted 2004 Development Brief formed the basis of the 2004 Rochester Riverside Masterplan. Allies and Morrison, working with officers and GL Hearn produced a draft revised Rochester Riverside Development Brief and Masterplan following a review of the original Development Brief and Masterplan. The review identified a number of issues in relation to the scheme as set out in paragraph 2.10 of the report.

It was noted that the consultation period would run from 28 April 2014 to 6 June 2014 and that the outcome would be reported back to Cabinet in due course.

Appendices 1 and 2 to the report were included in Supplementary Agenda No.1.

Decision number:

Decision:

- | | |
|----------------|--|
| 60/2014 | The Cabinet agreed the content of the draft Development Brief and Masterplan at Appendices 1 and 2 and authorised its publication for consultation. |
| 61/2014 | The Cabinet agreed to authorise the Director of Regeneration, Community and Culture, in consultation with the Leader, to agree any necessary minor amendments to the draft Development Brief and Masterplan document prior to the statutory consultation. |

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Reasons:

Approval of this draft Development Brief and Masterplan for consultation will progress work in bringing forward the Rochester Riverside regeneration scheme. The Development Brief and Masterplan will provide the framework to guide development on the site to realise the development opportunity of the site.

Stanley Wharf, Rochester Riverside

Background:

This report provided details of a proposal to dispose of the Stanley Wharf site on Rochester Riverside for redevelopment. The report gave details of development elsewhere on Rochester Riverside together with the specific details of the Stanley Wharf site and the tender process undertaken to identify and select a preferred developer.

It was noted that the preferred developer for Stanley Wharf would submit a detailed planning application against the revised Rochester Masterplan and Development Brief in summer 2014.

An exempt appendix provided details of the tender process for Stanley Wharf, the preferred developer and the financial bid received.

Decision number:

Decision:

62/2014

The Cabinet approved the disposal of the Stanley Wharf site and recommended to Full Council that it delegates authority to the Director of Regeneration, Community and Culture in consultation with the Leader of the Council:

- **to dispose of the Stanley Wharf site (as shown edged black on the plan attached to the report) for redevelopment**
- **to enter into any necessary agreements.**

Reasons:

The disposal of Stanley Wharf will realise capital receipts and will maintain momentum of delivery and the continued regeneration of the Council's key development scheme.

Flood and Water Management Act 2010 - Roles and Responsibilities and the Local Flood Risk Management Strategy

Background:

This report provided details of recent changes in legislation with regards to flood and water management including new statutory duties for local authorities.

The Flood and Water Management Act (FWMA) 2010 imposed specific statutory executive duties on the Council, a summary of which was set out in paragraph 2.1 of the report. It was noted that the Council was making good progress with the requirements of the FWMA 2010, which included a cross functional approach between Highways, Corporate Capital Projects, Emergency Planning, Development Management and Regeneration Teams as well as continued dialogue with other Risk Management Authorities. The report provided details of a proposal for the Director of Regeneration, Community and Culture to be granted delegated authority to have responsibility for the discharge of a number of executive functions in relation to flood and water management.

The report also provided details of the development of the Local Flood Risk Management Strategy. The primary aim of the strategy was to outline the approach Medway Council as Lead Local Flood Authority (LLFA) would take to local flood risk management, to record how this approach had been developed and agreed and to deliver the legislative requirements of the FWMA 2010. The draft Strategy would be subject to consultation between 14 April 2014 – 16 May 2014 and the outcome of consultation would be reported to Regeneration, Community and Culture Overview and Scrutiny Committee on 26 June 2014 and Cabinet on 15 July 2014.

Appendices 1 and 2 to the report were included in Supplementary Agenda No.1.

Decision number:

Decision:

- | | |
|----------------|--|
| 63/2014 | The Cabinet recommended to the Leader to agree the necessary executive delegations to officers as set out in 2.3 of the report. |
| 64/2014 | The Cabinet noted the draft Local Flood Risk Management Strategy and agreed that it proceed to formal public consultation. |
| 65/2014 | The Cabinet agreed to authorise the Director for Regeneration, Community and Culture, in consultation with the Leader and Portfolio Holder for Front Line Services, to approve any minor corrections and factual amendments to the draft to improve its clarity and consistency prior to the consultation launch. |
| 66/2014 | The Leader agreed the necessary executive delegations to officers as set out in section 2.3 of the report. |

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Reasons:

The Flood Risk Regulations 2009 and the Flood and Water Management Act (FWMA) 2010 have established Medway Council as a Lead Local Flood Authority and sets out a number of roles and responsibilities in relation to the management of local flood risk. These decisions respond to the duties imposed on the Council.

The LFRMS provides the framework from which to ensure compliance with the legislation and considers how this can be delivered and inform decision making to address flood risk issues through several services.

Review of the Guide to Developer Contributions

Background:

This report provided details of the Guide to Developer Contributions, a Supplementary Planning Document, which had originally been agreed by Cabinet in April 2008 with an updated version of the Guide agreed by Cabinet in November 2012. The Guide set out the levels of Section 106 contributions which a developer should provide when intending to build 10 dwellings or more. It was noted that the draft Guide reflected current requirements and reinstated sections on public realm and sport and leisure.

The report stated that consultation would take place between 22 April 2014 – 2 June 2014 and that the outcome of consultation would be considered by the Regeneration, Community and Culture Overview and Scrutiny Committee on 26 June 2014 and Cabinet on 15 July 2014.

It was noted that a number of typographical errors in the draft Guide would be corrected prior to it being issued for consultation.

Decision number: ***Decision:***

- | | |
|----------------|--|
| 67/2014 | The Cabinet agreed for consultation to be undertaken on the updated 2014 draft Guide to Developer Contributions, as set out in Appendix 1 to the report. |
| 68/2014 | The Cabinet agreed to delegate authority to the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Strategic Development and Economic Growth, to make any minor amendments needed to the draft Guide to Developer Contributions, prior to the consultation process. |
| 69/2014 | The Cabinet agreed that the draft Guide be re-submitted to the Regeneration, Community and Culture Overview and Scrutiny Committee for consideration and Cabinet for final approval, following consultation. |

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Reasons:

The consultation process will enable the Guide to Developer Contributions to be updated to reflect current contacts and information/evidence base. This will support planning officers and developers negotiating Section 106 contributions.

Adult Learning Annual Report

Background:

This report provided details of the outcome of the recent OFSTED inspection of Medway's Adult Learning Service and gave details of future proposals for the service.

Following an inspection of the Adult Learning Service in February 2013, the service was reinspected in February 2014 and was rated as a 3 – "Requires Improvement". This represented good progress in a year and it was noted that one subject area (Maths) was rated at Level 2 - 'Good'. In addition the inspectors made some very positive comments on the new management and governance arrangements and commented favourably on the partnership working. There were comments around support for learners and the good progress they were making.

The report also provided details of future service provision noting that adult learning could contribute to the Council's ambition to improve Medway as a place to live and work. The following mission statement had been developed: 'To achieve excellence for our community and businesses in Medway'. It was considered that the current configuration of the Adult Learning Service did not fully support this ambition, therefore, it was proposed to divide the service into three distinct business units: Community Learning and Skills Development; Business Development and; Leisure Learning.

Decision number: **Decision:**

70/2014 **The Cabinet:**

- (i) Noted the outcome of the OFSTED inspection.**
- (ii) Supported the mission and overarching objectives outlined in paragraph 3.1 of the report.**
- (iii) Agreed the future direction of the service as outlined in paragraph 3.2.**

Reasons:

This report outlined the OFSTED outcomes and suggested a way forward for the service. The reconfiguration of the service will make it more robust for the future and meet both the OFSTED requirements and new priorities for funding. This will support

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a vibrant service which is fit for purpose, meets the Council priorities and make it more financially robust.

Sufficiency Report 2013-2015

Background:

This report provided details of the Medway Sufficiency Report which set out how Medway Council would meet the placement needs of its current and future Children in Care and Care Leavers and improve their outcomes in light of an understanding of their needs and current provision.

The report stated that the scope was not just restricted to just making good quality placements; the intention was to co-ordinate the range of activity across Children's Services, including a clear focus on supporting families to stay together, wherever it was safe to do so, thus minimising the need for children to come into care, or supporting their timely return to their families.

The Children and Young People Overview and Scrutiny Committee considered this report on 25 March 2014 and its comments were set out in an addendum report.

The report included a Diversity Impact Assessment screening form at Appendix B to the report. This indicated that a full assessment was not necessary.

Decision number:

71/2014 **The Cabinet approved the Medway Sufficiency Report as set out at Appendix A of the report.**

Reasons:

The Medway Sufficiency Report is set within the context of national policy, legislation and guidance. The purpose of this document is to set out how Medway Council will meet the placement needs of current and future children in care and care leavers, and improve their outcomes, in light of the council's understanding of their needs and current provision.

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

Background:

This report provided details of the latest review of the Council's Corporate Business Risk Register and included three proposals from the Council's Management Team to downgrade risks in relation to SR17 - Delivering Regeneration; SR19 - Downturn in the Economy and SR22 – Treasury Management.

The Business Support Overview and Scrutiny Committee considered this report on 19 March 2014 and recommended that SR19 - Downturn in the Economy be

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regraded at C2, rather than the original proposal to regrade at E2, to link with that of the proposed regrading to C2 of SR17 Delivering Regeneration.

The Portfolio Holder for Finance and Deputy Leader paid tribute to Joy Kirby who had recently retired for her work on risk management over the years.

Decision number:

Decision:

72/2014

The Cabinet approved the recommendations from the Business Support Overview and Scrutiny Committee regarding the amendments to the Council's Risk Register as follows:

- (i) SR17 Delivering Regeneration – C2**
- (ii) SR19 Downturn in the Economy – C2**
- (iii) SR22 Treasury Management – E2.**

Reasons:

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

Additions to the Capital Programme

Background:

This report provided details of three schemes it was proposed to add to the Capital Programme. It was noted that Full Council had approved the Capital Programme 2014/2015 and beyond on 20 February 2014 and that these schemes had arisen since then which would be funded by prudential borrowing: Strood Sports Centre refurbishment; Crematorium improvement works and; Corn Exchange refurbishment.

The report provided details of the individual schemes and an exempt appendix provided commercially confidential details as to the Crematorium negotiations.

It was noted that the funds for the Corn Exchange refurbishment should also include the entrance to the Princes Hall on the High Street and the paint peeling from the clock above the entrance to the Princes Hall.

Decision number:

Decision:

73/2014

The Cabinet recommended to Council the approval of the addition of Strood Sports Centre redevelopment to the capital programme with funding of £500,000 at this stage to

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be funded by prudential borrowing.

- 74/2014** **The Cabinet recommended to Council the approval of the additional prudential borrowing requirement of up to £475,000, so that the Crematorium improvement project can be completed.**
- 75/2014** **The Cabinet recommended to Council the approval of the addition of the Corn Exchange Improvement programme to the Capital Programme with funding of £100,000 to be funded by Prudential Borrowing.**

Reasons:

Approval for these schemes will allow the Improvement programmes to be put in place, delivering high quality services for our customers.

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:

- 76/2014** **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) ICT Business Services Manager

Children and Adults

(b) Admin Assistant (Temporary)

Regeneration, Community & Culture

(c) Business Information Officer.

Reasons:

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

Reprovision of the Enhanced Care Unit and Napier Unit

Background:

This report provided details of the proposal to reprovide services provided by the Napier Unit and the Enhanced Care Unit (ECU) onto one site. It was noted that these services were inextricably linked with staff working across both services and an overlap of service users who attend both. It was proposed to take forward the re-provision of the Napier Unit and ECU with Agincare. The Council had explored a range of options for the re-provision of this service including alternative sites, but given the costs, interdependencies and other issues it was considered that bringing both services onto the Napier Unit site was the best option for these services.

The report provided details of the three options for consideration together with the recommendation that option 2 (Transfer of the services to Agincare through Negotiated Procedure without a procurement exercise and without capital investment by the Council) be agreed.

The Portfolio Holder for Adult Services referred to representations he had received and responded to from a carer of a service user and also a representation via a telephone call from another member of the public. He confirmed that the representations and responses had been shared with all Cabinet Members.

It was noted that a Diversity Impact Assessment was being undertaken and would be completed and considered before any final agreement was reached on whether to award the contract to Agincare.

The draft floor plans were set out in Supplementary Agenda No.3.

Decision **Decision:** **number:**

77/2014 **The Cabinet agreed to instruct Officers to proceed with discussions for the re-provision of the Napier Unit and Enhanced Care Unit onto one site through the invitation to negotiate procedure without a procurement exercise (Option 2). A paper will be brought to Cabinet in July for the final approval request to proceed with this award.**

Reasons:

To ensure that options to secure the best provision possible for services users and family carers are fully explored.

Gateway 1 Procurement Commencement: Bailiff Services - Revenues and Benefits

Background:

This report provided details of the procurement process for the Bailiff Services – Revenues and Benefits contract. The report stated that bailiff firms would collect any outstanding balances in addition to their fees and subsequently pass on the entirety of the balance on a monthly basis to Medway Council. It was a requirement of this contract that a dedicated Medway Council bank account be maintained for the secure keeping of all monies due to the Council. Following consultation at central government level and further to the Taking Control of Goods Regulations 2013 all fees as of April 2014 would be prescribed and standardised. In light of this, there was less need for an emphasis to be placed on price, allowing the Council to focus on the quality aspect in evaluating all returned tender submissions.

The Procurement Board considered this report on 19 March and supported the recommendation set out in the report.

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

Decision number: **Decision:**

78/2014 **The Cabinet agreed to the commencement of the procurement process for bailiff services.**

Reasons:

This decision is on the basis that the contract term for the current bailiff contract is due to end on 1 January 2015, and the successful collection of all monies due to the Council is necessary to ensure cash flow over coming years.

Gateway 3 Contract Award: Carers Support Services

Background:

This report provided details of the procurement process for the award of the contracts for carers' support services. The report provided details of the existing services provided and how the services had been grouped into four lots for this procurement process.

The Procurement Board considered this report on 19 March 2014 and supported the recommendation set out in the report.

An exempt appendix contained finance and whole-life costings information for this project together with information on the tender process.

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**Decision
number:**

Decision:

79/2014

The Cabinet approved the contract award to the contractors as follows:

- (i) Lots 1 & 4 be awarded to Carers First. Lot 1 and Lot 4 will commence on 1 June 2014 and run for three years with an option to extend for a further two years.**
- (ii) Lot 3 be awarded to Agincare. Lot 3 will commence on 9 July 2014 and will run for three years with an option to extend for a further two years.**

Reasons:

A fair and transparent procurement process has been undertaken in accordance with both council rules and EU regulations. The approved suppliers scored highest on quality and offered significant savings on the current contract costs.

Gateway 3 Contract Award: Housing Revenue Account (HRA) Development of Garage Sites for Additional Housing Stock

Background:

This report provided details of the procurement process for additional housing stock through the development of Housing Revenue Account (HRA) garage sites and that this project would deliver up to 23 units in a total of 10 locations within Gillingham, Twydall and Rainham.

The Procurement Board considered this report on 19 March 2014 and supported the recommendation set out in the report.

An exempt appendix contained finance and whole-life costings information for this project together with information on the tender process.

**Decision
number:**

Decision:

80/2014

The Cabinet approved the contract award for the HRA Development for Additional Housing Stock – Garage Sites to Chartway Group PLC, to achieve the outputs described in Section 4 of the report.

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Reasons:

The proposed development project 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.

Gateway 3 Contract Award: Retender of the Housing Revenue Account (HRA) Repairs and Maintenance Contract

Background:

This report provided details of the procurement process for the Housing Revenue Account (HRA) repairs and maintenance contract. The report stated that the Council owned 3,015 properties and 199 leaseholder properties and this contract would provide a fully encompassing repairs and maintenance service to the Council's housing stock.

The Procurement Board considered this report on 19 March 2014 and supported the recommendation set out in the report.

An exempt appendix contained finance and whole-life costings information for this project together with information on the tender process.

Decision number:

81/2014 **The Cabinet approved the contract award for the Housing Revenue Account (HRA) Repairs and Maintenance Service to Mears Limited, to achieve the outputs and opportunities described in Section 4 of the report.**

Reasons:

Approval of the contract will ensure the Council meets its statutory obligations in terms of maintenance of its stock, and provide value for money and a quality service for tenants and leaseholders.

Gateway 5 Contract Management Report: Early Help

Background:

This report provided details of a review of progress of eight of the current Early Help contracts. It was noted that the Council, in partnership with the Medway Clinical Commissioning Group (CCG), funded a number of organisations to deliver a range of early help services for children. The report provided detailed information on the proposals for each of the service providers as set out in paragraph 4 of the report.

The Procurement Board considered this report on 19 March 2014 and supported the recommendation set out in the report.

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It was noted that Diversity Impact Assessments had been provided (appendices 1-8 of the report as set out in Supplementary Agenda no. 4). For those services that were being decommissioned, officers would work with providers to ensure that the risk to service users was minimised.

An exempt appendix contained finance and whole-life costings information for the contracts.

Decision number:

Decision:

82/2014

The Cabinet agreed the following:

(i) Crisis Intervention 10

Decommission the service, giving a notice period of 3 months from April 2014.

(ii) Place2Be

Cease to subsidise the service offered to academies with effect from April 2014, and to reduce support to around 10% of the current level by April 2015.

(iii) Low Level Grants (Relate Medway & North Kent, Medway Mediation and KASBAH)

Decommission the services, giving a notice period of 4 months from April 2014.

(iv) Home-Start

Decommission, giving a notice period of 12 months from April 2014 and reduce the funding over the last 9 months of the contractual term by 14% in line with the savings requirements. Commission a new service to be in place by April 2015.

(v) Medway Challengers Service

Terminate current contract arrangements giving a notice period of 6 months from April 2014. Commission a new service which promotes emotional and mental health of Looked After Children

(vi) New Directions Mentoring

Decommission the service giving a notice period of 3 months from April 2014.

Reasons:

The current funding arrangements have been based on grant allocation and Service Level Agreements (SLAs). As these services had been identified as on-going requirements they were required to be compliant with the Medway Council

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contract rules, public procurement rules, or state aid rules and therefore a competitive process carried out. This had not been the process in the past.

An Early Help Strategy has recently been produced which identified priorities for early help services, and all early help provision should be targeted on these areas of need.

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Leader of the Council

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Date

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