

Record of Cabinet decisions

Tuesday, 5 August 2014

3.00pm to 3.25pm

Date of publication: 6 August 2014

**Subject to call-in these decisions will be effective from 14 August 2014
The record of decisions is subject to approval at the next meeting of the Cabinet**

Present:	Councillor Rodney Chambers, OBE	Leader
	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 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 Adults Services

Apologies for absence

Apologies for absence were received from Councillors Hicks (Community Safety and Customer Contact) and Jarrett (Finance and Deputy Leader).

Record of decisions

The record of the meeting held on 15 July 2014 was agreed and signed by the Leader as correct.

Cabinet, 5 August 2014

Declarations of Disclosable Pecuniary Interests and Other Interests

Disclosable pecuniary interests

There were none.

Other interests

Councillor Doe (Housing and Community Services) declared an interest in agenda item 7 (Acquisition of Premises in Chatham for Sexual Health Services) because he was the Chairman of the Strategic Partnering Board of the Medway LIFT Project, which had been involved in some of the schemes referred to in the report.

Planning Policy Affordable Housing

Background:

This report provided details of the implications of the Cabinet decision on 15 July 2014 to alter the Council's affordable housing planning policy from a requirement to provide at least 25% affordable housing on new developments to a policy of providing up to 25% affordable housing.

The report stated that the Guide to Developer Contributions was a Supplementary Planning Document which was required to be consistent with the adopted Local Plan, in this case the Medway Local Plan 2003, and that adequate consultation was required to make a change to planning policy.

The report also stated that, as a starting point, the Council would need to undertake a new Strategic Housing Market Assessment, which would provide a basis to develop a new policy on affordable housing. The report set out the necessary steps and timeline for this process.

The Cabinet accepted this item as urgent to enable it consider the issues set out in the report at the earliest opportunity and provide certainty on the issue of affordable housing.

Decision number:

Decision:

135/2014

The Cabinet agreed to continue with the at least 25% affordable housing planning policy at present until a new Strategic Housing Market Assessment has been undertaken and reported to Members.

The Cabinet noted the likely timescale to change the current policy following decision 135/2014 above.

136/2014

The Cabinet agreed the Guide to Developers Contribution report as presented to Cabinet on 15 July 2014.

Cabinet, 5 August 2014

Reasons:

To ensure that any changes to the Council's policy for affordable housing is supported by an up-to-date evidence base – and has been the subject of reasonable consultation in accordance with statutory requirements.

This will enable the revised Guide to Developer Contributions to be finalised and published on the basis that it was presented to Cabinet on 15 July 2014.

Local Flood Risk Management Strategy Outcome of Consultation

Background:

This report provided details of outcome of consultation on the Local Flood Risk Management Strategy, as required under the Flood and Water Management Act 2010 (FWMA 2010). The report gave details of the overall objectives of the Strategy as required by section 9(4) of the Flood Water Management Act 2010:

- The Risk Management Authorities in the authority's area.
- The flood and coastal erosion risk management functions that may be exercised by those authorities in relation to the area.
- The objectives for managing local flood risk.
- The measures proposed to achieve those objectives.
- How and when the measures will be implemented.
- The costs and benefits of those measures, and how they are to be paid for.
- The assessment of local flood risk for the purpose of the strategy.
- How and when the strategy will be reviewed.
- How the strategy contributes to the achievement of wider environmental objectives.

The draft Strategy was subjected to a six week period of public consultation, details of which were set out in the report. The Council had received responses from Natural England and Cooling Parish Council. It was noted that further engagement was due to be undertaken with Stoke Parish Council with regards to ongoing local flooding issues in the area.

The Regeneration, Community and Culture Overview and Scrutiny Committee considered a report on this issue on 26 June 2014. The Committee's comments were set out in paragraph 3 of the report.

A Diversity Impact Assessment (DIA) screening had been completed and was set out in Appendix 2 to the report. It was concluded that a full DIA was not required at this stage but that additional DIAs would be undertaken when implementing those measures that had been identified as having a direct impact on the public.

Appendix 1 to the report was set out in Supplementary Agenda No.1.

Cabinet, 5 August 2014

Decision number: **Decision:**

137/2014 **The Cabinet adopted the Local Flood Risk Management Strategy, as attached at Appendix 1.**

Reasons:

As the Lead Local Flood Authority, Medway Council has a statutory responsibility to produce a local strategy under the Flood and Water Management Act 2010.

There is no option to delegate this function of the Act to another Risk Management Authority.

A decision not to adopt and publish the local strategy may result in intervention by the Minister in accordance with section 20 of the FWMA 2010.

Chatham Waterfront

Background:

This report provided details of an update on the regeneration of Chatham Waterfront, with particular regard to the proposals to prepare a planning brief for the site and to investigate developer interest, to continue negotiations with the landowners to acquire interests in the site and agree compensation and, if agreement with the landowners could not be reached at a reasonable cost, and in a reasonable timeframe, to use the Council's statutory powers of compulsory purchase to acquire the land.

The report provided details of the Council's aspirations for the site, including a civic space as well as associated development on the site. There were three options for consideration, with option 1 being the preferred option, as set out in paragraph 3 of the report.

A Diversity Impact Assessment had been carried out on the proposals which was set out in Appendix 1 to the report. This identified the impacts of the proposals and considered that, overall, the positive impacts outweighed the negative. In addition, it identified how any negative impacts might be mitigated and any positive impacts ensured through the delivery of the project.

An exempt appendix contained information which related to the financial affairs of those persons/companies with land interests on the site and disclosure of this information could have a detrimental impact on the Council's commercial position.

Cabinet, 5 August 2014

**Decision
number:**

Decision:

138/2014

The Cabinet instructed officers to:

- (i) Continue negotiations with landowners to acquire the land;**
- (ii) Prepare a design brief for the site;**
- (iii) Instruct experts to assess developer interest in the site;**
- (iv) Instruct experts to advise on the regeneration of the site and also the compulsory acquisition process (including the preparation of a draft compulsory purchase order) should negotiations not prove successful;**
- (v) Issue landowners with requisitions for information to enable the council to fully understand the nature of their interests and also to assist in the preparation of a CPO.**

The Cabinet noted that if negotiations with landowners cannot be concluded at a reasonable cost and in a reasonable timeframe (in consultation with the Leader), it will be necessary to use the Council's statutory powers of compulsory purchase to acquire the land, and that if this is the case, a further report will be submitted to Cabinet recommending the making of the formal compulsory purchase order.

Reasons:

To allow the Council's aspirations for the site to be realised within a reasonable timeframe.

Acquisition of Premises in Chatham for Sexual Health Services

Background:

This report provided details of a proposal to take a lease of premises in order to relocate some Contraceptive and Sexual Health (CASH) services to new central Chatham premises and to seek approval to add the scheme to the Capital Programme.

The report provided a detailed history of the provision of sexual health services in Medway with particular regard to the provision of such services in the Chatham area.

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The service had previously been provided from Elm House, New Road, Chatham but had been moved to Lordswood Healthy Living Centre on a temporary basis, following the closure of Elm House. The intention was to move services back to Chatham as soon as a suitable location was found. It was also found that from the data available it would appear that the majority of the footfall from Elm House did not attend Lordswood but rather attended the already busy clinics at Balmoral Gardens and possibly the more expensive genito-urinary medicine (GUM) clinics.

The report provided details of the options regarding the reprovision of the service in Chatham. A screening Diversity Impact Assessment was attached at Appendix 2 to the report and a full Diversity Impact Assessment would be prepared before any decisions were made and the Assistant Director Legal and Corporate Services would have due regard to it when deciding whether and how, to exercise the powers delegated to him by Cabinet.

The report noted that it was necessary to recommend the capital costs of fitting out the premises and moving the service (£200,000) to the Council's Capital Programme, which was a matter for Full Council to decide. However, The next meeting of Full Council was not until 16 October 2014. A long term search, (starting in March 2013) was carried out for suitable premises for CASH and the preferred premises was a very good choice that would not be replaced with an alternative without difficulty and a further delay of several months. Waiting until 16 October for approval at Full Council for the addition of the scheme to the capital programme was likely to result in the owner of the property letting it to another applicant during the next three months and officers would, therefore, be back to needing to look for a new property. Therefore, on this occasion, it was proposed that the Chief Executive use the urgency provisions as set out in paragraph 4.1 of the Employee Delegation Scheme to agree the addition to the Capital Programme, to avoid the risk of losing the opportunity to take a lease on the premises. The use of these urgency provisions would be reported to Full Council on 16 October 2014 for information.

An Exempt Appendix contained detailed financial information including the proposed terms of the lease.

***Decision
number:***

Decision:

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|-----------------|--|
| 139/2014 | The Cabinet agreed to delegate authority to the Assistant Director, Legal and Corporate Services in consultation with the Portfolio Holders for Finance and Adult Services, to take a lease of the premises to locate contraceptive and sexual health (CASH) services in central Chatham. |
| 140/2014 | The Cabinet agreed to recommend to the Chief Executive (using urgency powers (in place of referring this matter to Full Council)) to add the scheme for the refurbishment and moving costs to the capital programme. |

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Reasons:

The provision of a Chatham CASH service will improve access to services for Medway residents, which will result in increased uptake of services. This can then contribute to the preparations and planning for the re-commissioning of sexual health services in 2015. It will also provide a positive contribution to public health work to reduce teenage pregnancy rates as well as reduce sexually transmitted infections.

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:

141/2014

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

- a) Project Manager (Building & Design Services)
- b) Finance Assistant Exchequer (Range 1) x 4
- c) Finance Assistant Exchequer (Range 2) x 4
- d) Data Processing Clerk
- e) Lawyer – People (child care) x 2 temporary posts
- f) Legal Services – various posts following a restructure
- g) Internal Auditor x 2
- h) Head of Finance Strategy
- i) Management Accountant – BSD (0.5 FTE)
- j) Management Accountant – RCC
- k) Finance Business Partner – Education
- l) Technical Accountant

Children and Adults

- m) Integrated Processes Officer

Regeneration, Community & Culture

- n) WORK Programme Support Administrator.

Reasons:

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

Cabinet, 5 August 2014

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Leader of the Council

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Date

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