

COUNCIL

16 OCTOBER 2014

LEADER'S REPORT

Rodney Chambers OBE, Leader of the Council, will give a report on key developments since the last ordinary Council meeting on 24 July 2014.

He will include:

- Thames Estuary Airport
- Lodge Hill
- Key Stage 2 results
- Decisions made by the Cabinet on 5 August 2014, 2 September 2014 and 30 September 2014.

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 |

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|-----------------------|--|
| 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.

Cabinet, 5 August 2014

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:

- | | |
|-----------------|--|
| 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. |

Cabinet, 5 August 2014

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

Wayne Hemingway/Anthony Law, Democratic Services Officers

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Record of Cabinet decisions

Tuesday, 2 September 2014

3.00pm to 4.07pm

Date of publication: 3 September 2014

**Subject to call-in these decisions will be effective from 11 September 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 |

In Attendance: 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 Adults Services

Apologies for absence

An apology for absence was received from Councillor Tolhurst (Educational Improvement).

Record of decisions

The record of the meeting held on 5 August 2014 was agreed and signed by the Leader as correct.

Cabinet, 2 September 2014

Leader's Announcement

The Leader welcomed the announcement, earlier in the day, that plans for the Thames Estuary Airport had been officially rejected by the Airports Commission. The Leader thanked all involved in the cross party campaign to stop the airport on the Isle of Grain and noted that this would bring to an end the concerns of many Medway residents.

The Leader restated that should these proposals come forward again, the Council would again work in the interests of Medway in opposing them.

Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

Councillor Hicks took this opportunity to advise that he had considered the content of agenda item 12 (Gateway 3 Contract Award: Enforcement Agent Services – Revenues and Benefits) in the context of his employment. He stated that he did not have an interest in this item and remained in the room for the discussion and determination of this matter.

Rochester Riverside - Development Brief and Masterplan

Background:

This report sought approval to adopt the Rochester Riverside Development Brief and Masterplan (September 2014) as a Supplementary Planning Document to the 2003 Local Plan. Copies of these documents had been included within Supplementary Agenda No.1.

The revised Development Brief and Masterplan established a vision for a high quality residential living environment with a complementary mix of uses. It promoted the development of a new neighbourhood that complemented historic Rochester, ensuring Rochester's existing and future residents and visitors benefit from the area's regeneration. The Masterplan included new residential units, a range of small office spaces, a hotel, shops and restaurants, and a new 'Station Quarter' focused around the new Rochester Station. The scheme included a new primary school as well as other community facilities.

The report gave details of the six week public consultation exercise undertaken, outlining the comments received and the Council's response to the comments and issues raised. The report outlined the changes made to the revised Development Brief and Masterplan in light of the comments received. It was noted that the Council's Regeneration, Community and Culture Overview and Scrutiny Committee

Cabinet, 2 September 2014

had considered the draft documents as part of the consultation process and the Committee's view were set out within Appendix 2 to the report.

Alternative options to adopting the revised Development Brief and Masterplan, such as a market led review, were considered within the report.

During the discussion of this item, it was noted that the report and Brief acknowledged a small reduction to the Parking Standards for Rochester Riverside (1.6 spaces per unit as opposed to the Council's Interim Parking Standards average of 1.85 spaces per unit). Members were advised that the Council's Interim Parking Standards policy did allow for deviations where it could be demonstrated that the site sits within an urban context and has sustainable transport links and amenities close by. The Cabinet considered that Rochester was a unique development site and, as reported, the parking standards were considered appropriate in the light of the site's urban context, transport links and the necessity to deliver a viable, high quality development. The Cabinet also noted that the Development Brief referred specifically to further flexibility in providing additional spaces at evenings and weekends via a resident permit system for the Medway Council owned long stay car park, as well as the future potential to create a multi-storey car park at the site if additional spaces are required now, or in the future.

It was noted that a number of minor typographical errors in the Development Brief and Masterplan, which would need to be addressed ahead of final publication.

Decision number:

Decision:

The Cabinet noted the comments received during the public consultation on the draft revised Rochester Riverside Development Brief and Masterplan as set out in the report.

The Cabinet noted the responses to the issues raised and subsequent changes to the Rochester Riverside Development Brief and Masterplan as set out in the report.

The Cabinet noted the final version of the Rochester Riverside Development Brief and Masterplan, Final Supplementary Planning Document (September 2014) (which had been circulated as Appendix 1 within Supplementary Agenda No.1).

142/2014 **The Cabinet approved the adoption of the Rochester Riverside Development Brief and Masterplan, Final Supplementary Planning Document (September 2014) as a Supplementary Planning Document to the 2003 Local Plan (Appendix 1 within Supplementary Agenda No.1).**

Cabinet, 2 September 2014

Reasons:

The Cabinet approved the adoption of the Rochester Riverside Development Brief and Masterplan (September 2014) as a Supplementary Planning Document to progress work in bringing forward the Rochester Riverside regeneration scheme.

Medway Better Care Fund Plan

Background:

This report provided the Cabinet with information in relation to the Better Care Fund (BCF) Plan and its implications for Medway.

It was noted that the Cabinet had considered a report on the Better Care Fund Plan on 14 January 2014 and that in February 2014, Medway Council and Medway Clinical Commissioning Group (CCG) had submitted a jointly agreed plan to the Local Government Association (LGA) and NHS England. A final BCF Plan was subsequently submitted on behalf of both organisations on 4 April 2014.

Revised guidance had, however, been issued in July 2014 requiring all local authorities, in partnership with their local CCGs, to submit revised BCF plans by 19 September 2014. It was explained that the previous £1bn Payment for Performance framework had been revised, so that the proportion of the £1bn that was now linked to performance was dependent solely on an area's scale of ambition in setting a planned level of reduction in total emergency admissions (general and acute non-elective activity).

Noting that the plan's development would be an iterative process up to its submission, delegated authority was sought to finalise and submit the revised Better Care Fund (BCF) Plan on 19 September 2014 and to make any further minor amendments following submission. It was noted that an assurance process would be undertaken post submission of the plan.

A special Health and Wellbeing Board meeting would consider this matter on 9 September 2014.

Decision number: **Decision:**

143/2014 **The Cabinet noted and supported the proposed governance journey for the delivery of the revised BCF Plan.**

The Cabinet noted that the plan was an iterative process that would continue to be developed as more information and guidance from the LGA/NHS England became available.

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144/2014 **The Cabinet delegated authority to the Director of Children and Adults Services, in consultation with the Portfolio Holder for Adults Services, to finalise and submit the revised plan after it had been considered and endorsed by the Health and Wellbeing Board and to make any further minor amendments that may be required to the revised plan following submission.**

Reasons:

Developing a revised BCF Plan is a national requirement of all Local Authorities in conjunction with their CCG partners. Delegated authority was sought because the Plan development would be an iterative process, up to the point at which the plan is submitted in mid September 2014.

Welfare Reform Task Group

Background:

This report presented the findings and recommendations of the cross party Task Group that had considered the impact of the Government's Welfare Reforms.

It was noted that these changes had included the introduction of a cap on benefits, the social sector housing size criteria, the replacement of Council Tax Benefit with a local council tax scheme and new responsibilities relating to local discretionary funds. The main reform, yet to be implemented in Medway, would involve the introduction of a completely new benefit, Universal Credit.

It was noted that the Task Group had considered a number of key lines of inquiry: focusing upon communication, the methods employed to mitigate against any adverse impact of the reforms and existing services and policies. Evidence had been sought from officers across the Council, as well as representatives from a number of organisations (including the Department for Work and Pensions, Medway Citizens Advice Bureau, StepChange, Medway Food Bank, the Hyde Group, MHS Homes, The National Landlords Association and CVS Medway).

The Task Group report set out the key findings. This included highlighting the work the Council was already undertaking to inform and assist residents, which had been positively highlighted by partner organisations during the evidence sessions, and that whilst a smaller number of Medway residents than originally anticipated had been impacted, those affected had seen a significant reduction in their household incomes.

The Task Group's recommendations sought to support the Council and its partners in delivering a co-ordinated service, with an Officer Welfare Reform Group continuing to act as the principal co-ordinating vehicle within the Council.

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It was noted that the Business Support Overview and Scrutiny Committee had considered the Task Group report and recommendations on 26 August 2014 and a supplementary report set out the detail of that discussion.

**Decision
number:**

Decision:

145/2014

The Cabinet agreed that the Welfare Reform Officers Working Group continues to lead the Medway response to Welfare Reform and to work to develop communication between the Council and other agencies, with the objective of providing the customer with the single journey through a coordinated response. This should include:

- (a) a Stakeholder event explaining the Welfare Reforms and the schemes in operation in Medway. This event should enable organisations to showcase their response to the reforms;**
- (b) the development of a booklet (in print and online) for all affected residents, signposting the various organisations providing support.**
- (c) A briefing for all Members on the Welfare Reforms.**

146/2014

The Cabinet agreed that the Welfare Reform Officers Working Group undertakes further work to improve communication channels for potentially vulnerable claimants of discretionary payments, who may find themselves excluded. This should incorporate:

- (a) any positive learning from existing cross agency partnerships, such as Street Weeks and Troubled Families;**
- (b) a review of Council systems, with a view to highlighting vulnerable claimants, especially where there may be safeguarding issues, and the potential need for ‘personal intervention’ in the debt recovery process;**
- (c) undertaking a Diversity Impact Assessment to understand the cumulative impact of the Welfare Reforms including the impact on groups with protected characteristics and to identify the necessary actions to take forward.**

147/2014

The Cabinet agreed that the Welfare Reform Officers Working Group review the Council’s corporate debt policy, considering the feasibility of encouraging the “Warm Transfer” of clients to organisations such as StepChange,

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the Citizens Advice Bureau and Christians Against Poverty and stressing the availability of advice agencies at the later stages of the debt recovery process.

- 148/2014** The Cabinet agreed that the Welfare Reform Officers Working Group continue until after the introduction of Universal Credit and that the Corporate Management Team reviews its membership, with a view to ensuring appropriate representation at the relevant time and enhancing its collaborative work with partners.
- 149/2014** The Cabinet agreed that the Welfare Reform Officers Working Group ensures that it continues to track and respond to the emerging requirements of Universal Credit and Welfare Reforms, reporting on progress to the Business Support Overview and Scrutiny Committee every 6 months.
- 150/2014** The Cabinet agreed that the Council write to the Secretary of State for Work and Pensions and Secretary of State for Communities and Local Government, copying in the Chairman of the Local Government Association, highlighting the:
- (a) recognised delays and impact of the assessment phases of Employment and Support Allowance and Personal Independence Payment processes;
 - (b) concerns expressed during the evidence sessions as to direct payments;
 - (c) benefits of a localised Local Welfare Assistance Fund and stressing the need for Central Government to make alternative funding provision for this to continue.
- 151/2014** The Cabinet agreed that the Welfare Reform Officers Working Group reflects on digital access, use and support across Medway. This should give particular focus on:
- (a) assisting in the development of a Corporate Customer Access Strategy and the development of an assisted digital offer;
 - (b) linking in with community networks and considering the potential role of Digital Ambassadors (led by partners and the wider community);
 - (c) learning from research and pilot projects that are being undertaken both locally and nationally to establish barriers and enablers to digital access and use;

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- (d) **the evolution of community hubs and considering the potential for privacy for claimants at Council access points.**

Reasons:

The Task Group has considered current legislation and Government policy. It has also reviewed the current picture in Medway and met officers from across the Council and with representatives from a number of organisations. The decisions seek to support the Council and its partners in delivering a co-ordinated service, as well as contributing to the national dialogue on Welfare Reforms.

2014/15 Quarter 1 Performance Monitoring

Background:

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

The report included progress reports on performance against 51 Key Measures of Success and 24 Key projects. It also included feedback from the council's customers using GovMetric, a customer satisfaction measurement at the point of contact (phone, web and face to face). The performance results and associated service comments were set out under each of Medway's four key priorities and two values.

Whilst noting that data was not available to report on all measures in quarter one, the Council had achieved target on 18 out of 36 indicators (50%). This was similar to the position this time last year.

Decision number:

Decision:

152/2014

The Cabinet noted quarter one 2014/2015 performance against the Key Measures of Success used to monitor progress against the Council Plan 2013/2015 and agreed, where required, to continue 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.

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:

153/2014

Decision:

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) Business Administration Support Service/Meeting Support Officer x 7.41**
- (b) Category Support Officer**
- (c) Database Administrator (DBA)**

Children and Adults

- (d) Troubled Families Coordinator**
- (e) CYC Administrative Assistant**
- (f) Operations Assistant**
- (g) Admin Assistant (Temporary)**
- (h) Partnership Commissioning Programme Lead x 5**
- (i) Deputy Director - Children & Adults Services**

Regeneration, Community & Culture

- (j) Prison Library Assistant**
- (k) Finance Assistant.**

Reasons:

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

Gateway 1 Procurement Commencement: Minor Works / Low Value Construction Framework & Construction Professional Services Consultancy Framework

Background:

This report sought permission to commence the procurement of a Minor Works / Low Value Construction Framework and a Construction and Engineering Consultancy Framework. This would cover projects up to the value of £1 million.

The report set out details of the framework, noting that one aim was to support the local economy through the use of local small and medium enterprises (SMEs) where

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they meet the required standards. It was also reported that the Property and Capital Projects service priority was to ensure speedy service selection and that once the framework was in place, call off from the framework would be in line with the procedures as set out.

The production of an annual summary of contracts via the framework would enable Members to monitor contract performance and have an overview of productivity.

This Gateway 1 report had been considered by Corporate Management Team and then Procurement Board.

An exempt appendix contained key financial information.

Decision number:

154/2014

Decision:

The Cabinet agreed:

- (a) permission to proceed with the procurement of:**
 - (i) Low value construction/minor works framework**
 - (ii) Construction professional services consultancy framework.**
- (b) that Gateway One and Three reports be replaced with annual summary reports to Procurement Board detailing the number of projects, total value of spend and the framework Key Performance Information (KPI) monitoring.**

Reasons:

The decisions will reduce the reactive procurements undertaken at present whilst providing efficiencies to the Council and ensuring quality improvements over the course of the 4 year framework. Negating Gateway One and Three papers will also speed up the procurement process, enabling officers to dedicate time to more projects thereby increasing efficiency and productivity. The production of an annual summary of contracts via the framework will enable Members to monitor contract performance and have an overview of productivity.

Gateway 1 Procurement Commencement: The Medway Grid for Learning

Background:

This report sought permission to commence the procurement of Medway Grid for Learning (MGfL) services.

It was noted that the Medway Grid for Learning (MGfL) provided a wide range of services for its members, which included an Internet connection, website hosting, virus protection, first line support, e-mail services for staff and pupils, e-mail and web

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filtering, secure remote access and secure file transfer. It was explained that schools constantly use these critical services for day to day administration and to gain access to learning resources.

This reprourement was for four key services: first line support, e-mail, webfiltering and anti-virus. The Gateway 1 report had been approved for submission to Cabinet after review and discussion at Directorate Management Team Meeting on July 14 2014 and the Procurement Board on 13 August 2014.

An exempt appendix contained key financial information.

Decision number: **Decision:**

155/2014 **The Cabinet approved procurement of the MGfL services: first line support, e-mail, web filtering and antivirus using the South East Grid for Learning framework.**

Reasons:

This is the preferred option because it offered significantly reduced lead times to implementation, competition was ensured and it confirmed the capability of the successful company. With the urgent requirement to improve standards achieved in schools, it was imperative that schools had the most up to date and cost effective services. It provided best value for money and the quickest route to implementation.

Gateway 3 Contract Award: Re-Provision of The Napier Unit and Enhanced Care Unit (ECU)

Background:

This report set out details of the proposal to take forward the re-provision of the Napier Unit and ECU with Agincare (Rochester Care Home Limited).

The report set out the background of the Council's long-standing intention to re-provide the Napier Unit and the Enhanced Care Unit (ECU) onto one site. It was explained that these services were inextricably linked, with staff working across both services and an overlap of service users who attend both.

The report set out details of the associated procurement and property implications. It was noted that the Council had explored a range of options for the re-provision of these services, which had included alternative sites. Given the costs, interdependencies and other issues it was however considered that bringing both services onto the Robert Bean Lodge site was the best option.

It was also noted that a diversity impact analysis had been undertaken and a copy was annexed to the report. This identified both the negative and positive 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.

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The Procurement Board had considered this report on 13 August 2014 and supported the recommendation as set out in the report.

An exempt appendix contained key information in relation to Financial Analysis, savings (both cashable and non-cashable) and evaluation.

Decision number:

Decision:

156/2014

The Cabinet agreed to delegate authority to the Assistant Director of Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to:

- (a) finalise a contract or contracts for the provision of the ECU and Napier Unit service.**
- (b) vary, terminate, replace or renew the existing care contracts in respect of Robert Bean Lodge and Nelson Court.**
- (c) vary, terminate, surrender/renew the existing lease of the Napier unit.**
- (d) grant a sublease of the Napier Unit.**
- (e) grant a temporary lease of the ECU.**

Reasons:

To ensure that options to secure the best provision possible for service users and family carers and ensure these services are provided in premises that are fit for purpose for the needs of those service users now and in the future.

This delegation ensures the Assistant Director of Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, has sight of the final contracts before the Council enters any final agreement.

Gateway 3 Contract Award: Enforcement Agent Services - Revenues and Benefits

Background:

This report sought permission to award a contract for Enforcement Agent Services – Revenues and Benefits.

It was noted that this Gateway 3 report had been approved for submission to Cabinet after review and discussion at the Business Support Directorate Management Team and the Procurement Board on 13 August 2014.

The report noted that the restricted procedure had been followed, with the utilisation of preference lotting. This was to ensure that no supplier was successful in being awarded more than one lot.

Cabinet, 2 September 2014

An exempt appendix set out a financial analysis for this procurement project, including evaluation and price information.

Decision number: **Decision:**

157/2014 **The Cabinet approved the award of Enforcement Agent Services – Revenues and Benefits contract to the following suppliers:**

- (a) Lot A (Rochester and Chatham) – Jacobs**
- (b) Lot B (The rest of Medway) – Rundle.**

Reasons:

The contract term for the current bailiff contract was due to end on 1 January 2015, and the successful collection of all monies due to the Council was necessary to ensure cash flow over coming years. The decision is made on the basis of the tender process and evaluation undertaken as summarised in the report.

Gateway 5 Contract Management Report: Integrated Social Care Systems

Background:

This report reviewed progress of the contract currently delivered by Corelogic Limited for Frameworki and recommended that Cabinet exercise the option to grant a 1 year extension available for this contract.

The Council had awarded a contract to Corelogic Limited for Frameworki in July 2012 using the Government Procurement Service's 'Local Government Software Application Solutions' framework. The contract was granted for an initial period of 2 years with the ability to extend for up to a further 5 years on a year by year basis.

It was noted that the Integrated Social Care System allowed both Children and Adult Services to capture details of an individual and their family's needs. Practitioners could form a better picture of a child or adult's care and support requirements and to meet these in ways that were meaningful for the individual in their family context.

The report considered the key outcomes of the specification and an exempt appendix contained key information, including financial analysis and adherence to agreed Service Levels.

It was noted that on 13 August 2014 the Deputy Monitoring Officer, in consultation with Procurement Board, had agreed that this procurement should be re-categorised as Medium Risk. This meant that no further Gateway 5 reports would be made to Cabinet and that Cabinet approval would not be required to further extensions of the contract in accordance with its terms.

Cabinet, 2 September 2014

Decision number: **Decision:**

158/2014 **The Cabinet approved the grant of an extension to the Integrated Social Care Systems contract of one year and noted that future extensions may be granted under delegated authority set out in the Council's Constitution without a further report being made to Cabinet.**

Reasons:

The Council's need for, and obligation to provide, an adequate social care records system would remain into the long term. The current system Frameworki was operating well with no major issues of concern to report.

.....
Leader of the Council

.....
Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

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Record of Cabinet decisions

Tuesday, 30 September 2014

3.00pm to 3.40pm

Date of publication: 1 October 2014

**Subject to call-in these decisions will be effective from 9 October 2014
The record of decisions is subject to approval at the next meeting of the Cabinet**

| | | |
|-----------------|-------------------------|--|
| Present: | 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 |

In Attendance: Neil Davies, Chief Executive
Kim Carey, Interim Deputy Director - Children and Adults Services
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

Apologies for absence

Apologies for absence were received from Councillors Rodney Chambers OBE (Leader) and Councillor Tolhurst (Educational Improvement).

Record of decisions

The record of the meeting held on 2 September 2014 was agreed and signed by the Deputy Leader as correct.

Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

Medium Term Financial Plan 2014/2018

Background:

This report set out the major financial issues facing the Council over the next four years. It also provided a framework for the more detailed preparation of the draft Revenue Budget for 2015/2016.

The report included details of the Council's financial position, together with an overview of the Government's spending plans for 2015/2016, 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 the impact on Council services unfolded.

Members were advised of potential deficits for 2015/2016 to 2017/2018 of £12.238m, £20.339m and £27.324m respectively.

It was noted that 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 stated that irrespective of the eventual forecast shortfall in resources arising from the budget requirement, it must remain the Council's main strategic aim to achieve a sustainable budget without recourse to reserves.

It was noted that the Business Support Overview and Scrutiny Committee would be considering the report on 7 October 2014.

Decision number: **Decision:**

159/2014 **The Cabinet endorsed the underlying aims of the Medium Term Financial Plan.**

Cabinet, 30 September 2014

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 3 of the report.

160/2014 The Cabinet agreed to instruct Portfolio Holders and Directors to identify savings and efficiencies to achieve a balanced budget for 2015/16 and beyond.

Reasons:

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

Council Tax - Empty Homes Premium

Background:

This report provided details of the proposal to introduce a council tax empty homes premium from 1 April 2015 resulting in council tax of 150 per cent for properties that have been empty and unfurnished for more than two years.

The report provided the legislative background to the proposals which were reported to Full Council in January 2013. It was noted that The Council Tax (Administration and Enforcement) (Amendment) (No.2) (England) Regulations 2012 gave billing authorities the discretion to levy an empty homes premium of up to 50% on council tax payable in respect of dwellings that have been left empty and unfurnished for two years or more. It was noted that the option of introducing a premium links to the Council's Housing Strategy, would aim to reduce the number of empty properties in the area and minimise the likelihood that properties become long-term empties.

The Business Support Overview and Scrutiny Committee considered this report on 26 August 2014 and its comments were set out in paragraph 4 of the report. It was noted that the Committee had sought clarification on the application of the premium when a property was subject to probate. This had been provided at the meeting with further details provided in Appendix 1 to the report.

Decision number: Decision:

161/2014 The Cabinet recommended to Council to set a Council Tax rate for long-term empty properties (dwellings that have been left empty and unfurnished for two years or more) at the maximum permitted 150% of the normal liability, so to encourage owners to bring their property back into use.

Reasons:

To act in accordance with The Council Tax (Administration and Enforcement) (Amendment) (No.2) (England) Regulations 2012.

2014 Review and Update of the School Organisation Plan 2011-2016

Background:

This report provided details of the progress made in delivering the School Organisation Plan 2011-16 action plan. It highlighted areas of emerging need in Medway and provided details of proposals to ensure that a sufficient supply of good quality school places would be maintained.

The report provided the latest birth, migration and housing data for Medway and proposals for an increase in primary school places in Gillingham and Strood.

Details of increasing demand for secondary school places and special educational needs provision were also set out in the report.

The Children and Young People Overview and Scrutiny Committee considered this report on 18 September 2014 and its comments were set out in paragraph 7 of the report.

Councillor Filmer, Portfolio Holder for Front Line Services, asked that he be informed of the outcome of discussions between the Director of Children and Adult Services and the Director of Regeneration, Community and Culture Overview and Scrutiny Committee on the issue of expansion of places with the Hoo Peninsula as set out in paragraph 7.2 (second bullet point) of the report.

Decision number:

Decision:

The Cabinet noted the positive progress made against the School Organisation Plan 2011/2016 action plan.

162/2014 **The Cabinet approved an appraisal of the options outlined in the report to provide sufficient additional primary accommodation in the areas of Strood and Gillingham, including more detailed feasibility studies as required and agreed that the preferred options be reported back to Cabinet in due course.**

163/2014 **The Cabinet approved an appraisal of the options for expansion within the secondary sector, including more detailed feasibility studies as required, and agreed that the outcome be reported back to Cabinet in due course.**

Reasons:

These decisions will ensure that the Council meets its statutory duty to ensure sufficient good school places.

Medway Statement of Community Involvement

Background:

This report provided details of the updated version of the Medway Statement of Community Involvement (SCI), following consultation.

The purpose of the SCI was to explain how the Council would involve the community in the preparation of local planning policy documents and how it would consult on planning applications, including the standards expected from developers with major proposals.

It was noted that the Council had consulted on a revised draft SCI during summer 2014 and sought the views of a wide range of stakeholders. Officers had considered the comments raised during the consultation process and had prepared an updated version of the SCI accordingly. The comments received during the consultation process, together with the Council's proposed response to the comments, were set out in Appendix 2 to the report.

The Regeneration, Community and Culture Overview and Scrutiny Committee considered the consultation draft SCI and feedback on the comments received during the consultation process at its meeting on 21 August 2014 and its comments were set out in full in Appendix 4 to the report.

A Diversity Impact Assessment screening had been completed for the revised SCI and was attached at Appendix 3 to the report. This assessment concluded that there were no disproportionate impacts on particular sectors of the community.

Decision number:

Decision:

164/2014

The Cabinet approved the adoption of the revised Medway Statement of Community Involvement as set out at Appendix 1 to the report as an updated version of the document.

Reasons:

This is to provide the Council with an appropriate updated SCI in line with legislative requirements that can be used to inform the process for the preparation of a new Local Plan.

Revenue Budget Monitoring 2014/2015 - Round 1

Background:

This report gave details of the forecast outturn for the 2014/2015 financial year based on actual income and expenditure to July 2014.

It was noted that on 20 February 2014 the Council had set a budget requirement of £331.431 million for 2014/2015, with Council Tax increased by 1.995%.

This was the first period report and it indicated that, after management action, the outturn forecast for 2014/2015 stood at a potential overspend of £4.2 million. The report provided explanatory information as to the revenue budget position.

Decision number: **Decision:**

165/2014 **The Cabinet noted the forecast position from the first round of 2014/15 revenue monitoring 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 2014/2015 - Round 1

Background:

This report and accompanying appendices gave details of the capital monitoring position for the period to July 2014 with a forecast outturn for 2014/2015.

The approved capital programme for 2014/2015 and future years was £83.8 million, consisting of £56 million in respect of brought forward schemes and £27.8 million 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 £58.897 million of the programme was forecast for spend during 2014/2015.

Cabinet, 30 September 2014

Decision number:

Decision:

166/2014

The Cabinet noted the spending forecasts summarised at Table 1 and agreed the following virements, in accordance with the Council's delegated financial limits:

- Transfer £202,000 from the Basic Need Programme to fund the forecast overspends against the Wainscott Primary and Napier Primary schemes;
- Transfer £451,000 from the Basic Need Programme to the Academies Programme to part fund the cost of asbestos removal;
- Transfer £165,000 from the Basic Needs Programme (funded from the Targeted Basic Needs Grant) to fund the overspend on the New Horizons project.

167/2014

The Cabinet recommended to Council the following additions to the capital programme, both of which are to be funded through virements from the Adult Social Care Transformation budget:

- Transfer £400,000 from Adult Social Care Transformation to fund the Smarter Working @ Gun Wharf project;
- Transfer £120,000 from Adult Social Care Transformation to fund the construction of additional provision on the Old Vicarage site.

Reasons:

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

Short Break Review and Policy

Background:

This report provided details of the key findings and recommendations arising from a comprehensive review of short breaks, which had been requested by Medway Council and Medway Clinical Commissioning Group following closure of Preston Skreens. The report also provided details of the draft Short Break Policy for Disabled Children and Young People 2014/2019.

The draft Short Break Policy had been developed in response to the recommendations arising from the review, feedback from children, young people and parents and the recent legislative requirements stated in the Children and Families Act 2014. The Policy set out how Medway Council and Medway Clinical Commissioning Group (MCCG) would meet these requirements, and improve the

Cabinet, 30 September 2014

quality and choice of services for families of disabled children in Medway within the available financial resources.

The Children and Young People Overview and Scrutiny Committee considered this report on 18 September 2014 and its comments were set out on paragraph 9 of the report. Director's comments were included in paragraph 10 of the report in response to the comments made by the Committee.

A Diversity Impact Assessment had been carried out on the draft policy as set out in Appendix 2 to the report. This identified both the negative and positive impacts of the proposed policy changes and identified how any negative impacts might be mitigated and any positive impacts ensured through the delivery of the services which were the subject of the policy.

Decision number: **Decision:**

168/2014 **The Cabinet approved the Short Break Policy for Disabled Children and Young People in Medway 2014-2019.**

169/2014 **The Cabinet agreed to delegate authority to the Director of Children and Adults Services, in consultation with the Portfolio Holder for Children's Services (Lead Member), to implement the Policy, as set out in paragraph 8.1 of the report.**

Reasons:

The approval of the Short Break Policy for Disabled Children and Young People in Medway 2014-2019 will ensure that short break services are better targeted at meeting those families who are most in need and ensuring greater equity of provision.

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.

Cabinet, 30 September 2014

Decision number:

Decision:

170/2014

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) Senior Administration Officer
- (b) Project Manager x 2
- (c) Assistant Building Services Engineer
- (d) Political Assistant (Conservative Group)
- (e) Political Assistant (Labour Group)

Children and Adults

- (f) Social Care Business Manager
- (g) Programme Manager – Care Act
- (h) Head of Service Safeguarding and Quality Assurance

Regeneration, Community & Culture

- (i) Local Growth Fund (LGF) Strategic Manager
- (j) Head of Integrated Transport
- (k) Processing Assistant – Processing and Income Recovery
- (l) External Funding Officer.

Reasons:

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

Gateway 1 Procurement Commencement: SEN Provision at New Horizons Academy, Chatham

Background:

This report sought permission to commence the procurement of a works contractor to carry out phase 2 of refurbishment works at the New Horizons Children's Academy, Chatham to deliver accommodation for therapy and counselling services for up to 20 pupils per day.

This report was referred to Cabinet for consideration following initial discussion at the Children and Adults Directorate Management Team meeting on 3 September 2014 and Procurement Board on 10 September 2014.

An exempt appendix contained key financial information.

**Decision
number:**

Decision:

171/2014

The Cabinet approved the procurement of a contractor via the Kent Business Portal to carry out the additional works at New Horizons Academy in Chatham.

Reasons:

The proposed procurement process will encourage the greatest level of competition from the market and offer opportunities to local SMEs.

Gateway 1 Procurement Commencement: Transfer of the Old Vicarage to the Independent Sector

Background:

This report sought permission to commence the procurement of transferring The Old Vicarage children's home to the independent sector through competitive tendering for a period of 5 years with provision to extend for a further two years. The report also included details of a proposal for semi-independent accommodation for two care leavers. It was noted that this would require Full Council approval to add the scheme to the Capital Programme.

This report was referred to Cabinet for consideration following initial discussion at the Children and Adults Directorate Management Team meeting on 5 August 2014 and Procurement Board on 10 September 2014.

A Diversity Impact Assessment had been undertaken on the proposals as set out in Appendix B to the report and set out details of the positive impacts and the potential adverse impacts.

An exempt appendix contained key financial information including an options appraisal detailing the benefits and challenges of using the current site and potential alternatives to using the current site.

**Decision
number:**

Decision:

172/2014

The Cabinet approved the commencement of the procurement process for the transfer of The Old Vicarage children's home to the independent sector through competitive tendering for a contract period of 5 years with provision to extend for a further 2 years, using the OJEU (Official Journal of the European Journal) Open Procedure as set out in paragraph 4.2 of the report.

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- 173/2014** The Cabinet approved the option to maintain ownership of The Old Vicarage property/site and the development of the semi-independent accommodation onsite, as set out in Appendix A to the report.
- 174/2014** The Cabinet recommended to Full Council to add a scheme to the Capital Programme in the sum of £120,000 for the development of semi-independent accommodation for two care leavers onsite at the Old Vicarage property as set out in paragraph 8.1.3 of the report.

Reasons:

This will allow the procurement process to begin in order for a new provider to be operational when the current contract concludes in order to ensure service continuity and a seamless transition for the young people at The Old Vicarage.

Gateway 4 Report: Outsourcing of Linked Service Centres: Nelson Court and Robert Bean Lodge

Background:

This report provided a review of the older people residential care services provided at Nelson Court and Robert Bean Lodge by Agincare Homes Holdings Ltd. The report provided service information including service user satisfaction surveys which indicated that 65% of respondents were satisfied with the service.

This report had been referred to Cabinet for consideration following initial discussion at the Children and Adults Directorate Management Team and Procurement Board.

An exempt appendix contained key financial information.

Decision number: **Decision:**

- 175/2014** The Cabinet noted the contents of this report and agreed that a further gateway 5 report be submitted following the second anniversary of the contract in 2015. Should performance of the service be maintained at the current levels permission will be sought to report back to Procurement Board every 5 years for the remainder of the contract.

Reasons:

The contract continues to meet the strategic aims and statutory obligations of Medway Council and service users as outlined in the Gateway 3 report and has delivered to the quality requirement.

Cabinet, 30 September 2014

.....
Leader of the Council

.....
Date

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