

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.

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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:

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.

**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

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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.

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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.

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Leader of the Council

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Date

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