

Record of Cabinet decisions

Tuesday, 16 December 2014

3.00pm to 4.10pm

Date of publication: 17 December 2014

**Subject to call-in these decisions will be effective from 30 December 2014
The record of decisions is subject to approval at the next meeting of the Cabinet**

Present:	Councillor Rodney Chambers, OBE	Leader
	Councillor Alan Jarrett	Deputy Leader and Portfolio Holder for Finance
	Councillor David Brake	Portfolio Holder for Adult Services
	Councillor Jane Chitty	Portfolio Holder for Strategic Development and Economic Growth
	Councillor Howard Doe	Portfolio Holder for Housing and Community Services
	Councillor Phil Filmer	Portfolio Holder for Front Line Services
	Councillor Peter Hicks	Portfolio Holder for Community Safety and Customer Contact
	Councillor Mike O'Brien	Lead Portfolio Holder for Children's Services
	Councillor Kelly Tolhurst	Portfolio Holder for Educational Improvement

In Attendance: Neil Davies, Chief Executive
Robin Cooper, Director of Regeneration, Community and Culture
Dr Alison Barnett, Director of Public Health
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
Julie Keith, Head of Democratic Services
Anthony Law, Democratic Services Officer
Barbara Peacock, Director of Children and Adults Services

Apologies for absence

There were none.

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Record of decisions

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

Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

Youth Justice Plan (Policy Framework)

Background:

This report provided details of the Medway Youth Justice Plan 2014-2016, which was attached at Appendix A to the report.

The Youth Justice Plan formed part of the Council's policy framework and had been developed following discussions with partner agencies. It set out the aims and objectives for 2014/2016 in relation to working with young people who offend or who were at risk of offending.

The plan, which was updated annually, reflected the requirements by the Youth Justice Board to submit a costed plan in respect of their Effective Practice Grant to the Youth Offending Team.

The report explored a number of issues that could impact upon the service, this included potential changes to the funding from one or more partners and the transfer of the Junior Attendance Centre from the Ministry of Justice to local authority control. Actions to avoid or mitigate risks were also explored.

It was noted that the Children and Young People Overview and Scrutiny Committee had considered this report on 9 December 2014 and its views were set out in an addendum report.

It was noted that a Diversity Impact Assessment form had been undertaken on the draft plan and was attached at Appendix B to the report.

Decision number:

Decision:

199/2014

The Cabinet noted the views of the Children and Young People Overview and Scrutiny Committee and recommended approval of the Medway Youth Justice Plan,

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as set out at Appendix A to the report, to Full Council.

Reasons:

The Medway Strategic Youth Justice Plan has been refreshed and needed to be reviewed by the Children and Young People Overview and Scrutiny Committee and Cabinet. There had been consultations with key partners and the adoption of a refreshed plan sought to address the underlying local causes of youth crime.

Housing Strategy 2015-2018

Background:

This report introduced the Housing Strategy 2015-2018, which set out Medway's strategic approach for housing services and detailed how the Council would enable the delivery of these services.

The strategy, attached at Appendix 1 to the report, provided a comprehensive picture of current housing needs and demands in Medway and set out how the Council and its partners would respond to existing and anticipated challenges. It was designed around four strategic priorities:

- Increase the supply of suitable and affordable homes;
- Improve the quality of homes, environment and people's lives;
- Promote sustainability by supporting people within their community;
- Improve the flexibility of accommodation.

It was noted that the strategy had been developed based upon a comprehensive review and consideration of the national and local context; achievements and progress of the 2011-14 Housing Strategy; and, consultation and needs analysis.

Members were advised that the review and feedback received from the consultation, outlined in the report, had been taken into account in the subsequent development of the strategy and its action plan.

The Business Support Overview and Scrutiny Committee had considered this report on 4 December 2014 and the report set out details of the points and questions raised, together with details of the officer's responses. It was noted that the Committee had noted the draft strategy and endorsed it, with its views, prior to submission to Cabinet. The Committee's agreement was subject to clarification of Medway's affordable housing requirement and information regarding the number of benefit claimants moving to the area. These points, together with a number of typographical errors had been addressed within the updated draft strategy attached at Appendix A to the report.

Cabinet considered the contents of the Housing Strategy in detail. Discussion focused on the number of people moving into Medway and the impact of this upon the availability of affordable housing for the local population and the planning policy requirement for at least 25% of all new homes being affordable homes, which did not allow flexibility in response to local needs within Medway. The Cabinet considered these points and the requirements for the strategy to be set within the context of

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existing legislation and National Planning Policy Framework, which severely restricted local flexibility. During the discussion, the Cabinet expressed their support for encouraging shared ownership opportunities for local people.

A Diversity Impact Assessment screening form (Appendix 2 to the report) had been completed and showed that it was not necessary to proceed to a full diversity assessment.

Decision number: **Decision:**

200/2014 **The Cabinet approved the Draft Housing Strategy 2015-2018, as attached at Appendix 1 to the report.**

201/2014 **The Cabinet delegated authority to the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Housing and Community Services, to make any necessary minor changes prior to publishing the strategy.**

Reasons:

Approval of the Draft Housing Strategy would enable the Council to comply with the requirement of Section 87 of the Local Government Act 2003 that the Council has a Local Housing Strategy and ensure that there is a common understanding of Medway's housing market and how gaps in housing and/or housing related support can be addressed.

Chatham Dockyard and its Defences Planning Policy Document

Background:

This report sought approval to adopt the Chatham Dockyard and its Defences Planning Policy Document.

The Chatham Dockyard and its Defences Planning Policy Document (Appendix 1 to the report) consisted of three parts:

- The first provided an outline of existing planning policy guidance, drawing together the various existing policy documents which relate to the site. It included reference to key management plans for significant components of the site, which contain detailed advice about how individual heritage assets or groups thereof will be managed;
- The second part described how some of the site's principal heritage assets were represented in key views and how these should be managed to ensure that the uniqueness of Chatham Dockyard and its Defences were protected and enhanced;
- Part three of the document set out the methodology, in line with national guidance, that would be used to assess future development and regeneration proposals within and around the Chatham Dockyard and its Defences site.

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A list of consultation responses received and how they had been incorporated into the final document was attached as Appendix 2 to the report. A Diversity Impact Assessment screening report was also attached as Appendix 3 to the report; the conclusion of which was that a full Diversity Impact Assessment was not required.

Appendices 1-5 to the report were included in Supplementary Agenda No.1.

It was noted that the Policy Document had been prepared to have the status of, and the same planning weight as, a Supplementary Planning Document. It had been drafted with significant stakeholder involvement and subject to public consultation in accordance with the Medway Statement of Community Involvement and the Town and Country Planning (Local Planning) Regulations 2012. It was consistent with the National Planning Policy Framework and the Development Plan for Medway.

It was explained that the Planning Policy Document could not yet be given a timetable for becoming a full Supplementary Planning Document, as there was no adopted parent policy that it would supplement. This meant that it was an amendment to the current policy framework and therefore needed to be approved by Full Council.

Decision number:

Decision:

202/2014

The Cabinet agreed to recommend to Full Council the adoption of the Chatham Dockyard and its Defences Planning Policy Document (Appendix 1 to the report).

203/2014

The Cabinet authorised the Director of Regeneration, Community and Culture, in consultation with the Leader and the Portfolio Holder for Strategic Development and Economic Growth, to approve any minor corrections and factual amendments to the draft document prior to its adoption by Full Council which might improve its clarity and consistency.

Reasons:

An adopted Chatham Dockyard and its Defences Planning Policy Document will provide a single-point framework for decision making to support the effective balance of heritage and regeneration within Chatham Dockyard and its Defences and its environs. It will demonstrate that the balance between heritage and regeneration is at the heart of Medway Council's decision-making.

Local Plan: Authority Monitoring Report

Background:

This report sought authority to publish the Medway Local Plan Authority Monitoring Report that was produced annually.

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The Monitoring Report consisted of three volumes:

- Volume 1 (Appendix 1 to the report) provided an overview of key population and development trends, social, economic and environmental indicators, and a commentary on progress with the preparation of the new Medway Local Plan;
- Volume 2 comprised detailed data tables that were summarised in Volume 1;
- Volume 3 was the Local Aggregate Assessment, that assessed the supply of mineral aggregates from land won, imported and secondary and recycled sources in Medway in 2013. Volumes 2 and 3 were attached at Appendix 2 to the report.

A Housing Implementation Strategy was also presented (Appendix 3 to the report) to set out the position on the supply of housing land and actions being taken to boost the supply of housing.

Appendices 1-3 to the report were included in Supplementary Agenda No.1. A revised copy of the Housing Implementation Strategy had been circulated to Members within Supplementary Agenda No.2, which corrected a small number of errors since the publication of the Cabinet agenda.

It was noted that there were no direct equalities impacts of the approval of the Monitoring Report by Cabinet for publication. Members were advised that in preparing and approving local plan policies, the Council has had due regard to its equality duties under Section 149 Equality Act 2010.

The Cabinet considered Medway's performance in delivering new homes and the pressures being placed on services and local infrastructure, which would require further investment should further developments come forward.

Decision number: **Decision:**

The Cabinet noted paragraph 1.14 of the Medway Housing Implementation Strategy (Appendix 3 to the Cabinet report) and that in compliance with the National Planning Policy Framework it was obliged to review its housing needs and therefore increased its housing target from 815 to 1,000 dwellings per annum.

204/2014 The Cabinet approved the 2014 Authority Monitoring Report for publication, as set out in Appendices 1 and 2 in Supplementary Agenda No.1 and revised Appendix 3 in Supplementary Agenda No.2, subject to:

a) Paragraph 1.14 of the Medway Housing Implementation Strategy (revised Appendix 3 to the Cabinet report) being amended to read:

Secondly, the Council has been obliged to review its housing needs and has therefore taken the

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decision to increase its housing target from 815 to 1000 dwellings per annum, back dated to the start of the new local plan period 2011/12. This is based on an assessment of projected household growth in Medway over the period of the new local plan up to 2035. Thus thereby demonstrating the authority's commitment to significantly boost the supply of housing immediately.

- b) The bottom 3 lines of the table in paragraph 5.8 of the Housing Implementation Strategy (Appendix 3 to the Cabinet Report) being deleted.**
- c) The Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Strategic Development and Economic Growth, being delegated authority to approve any minor corrections to Appendices 1, 2 and 3 prior to publication that might improve clarity and consistency.**

Reasons:

To comply with the legal duty to compile and publish a planning monitoring report.

Localising Support for Council Tax

Background:

This report sought approval of the re-adoption of the existing local council tax reduction scheme (CTRS) for 2015/2016.

The current Medway scheme had been agreed at Full Council on 24 January 2014 and consisted of two parts. The first made provision for non-pensioners, which was at Members' discretion, and the other made provision for pensioners that was made on a national basis and in line with previous awards of council tax benefit. The key aspects of the CTRS were:

- Any entitlement to a reduction was based on a means test, by taking into consideration a customer's income and comparing this with any personal allowances, premiums and disregards to which they may be entitled;
- Only 75% of council tax liability was used to assess Council Tax Support;
- A minimum deduction was made in respect of non-dependants to include any such person in the household, aged 18 years or more;
- Those in receipt of a war widow or war disablement pension received the same protection as pensioners.

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It was noted that for each financial year, the Council must consider whether to revise its scheme or to replace it with a replacement scheme and any revisions to the CTRS or a replacement CTRS must be the subject of consultation.

To maintain the balance between the council tax reduction scheme and the allowances to which claimants were entitled, Full Council had amended the original scheme on 24 January 2014, following public consultation, so that it was uprated on an annual basis in line with national changes (decision number 748/2014). As the April 2015 allowances would not be announced until January 2015 the current allowances were set out at Appendix 1 to the report but would be updated in the report to Full Council.

Decision number: **Decision:**

205/2014 The Cabinet recommended the current Council Tax Reduction Scheme (which will therefore be subject to annual uprating) to Council for adoption on 22 January 2015.

Reasons:

The scheme continues to balance the need for supporting those currently in receipt of CTRS and the ability of the Council to fund the scheme within the current budgetary constraints.

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:**

206/2014 The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report, to enable officers to commence the recruitment process:

Children and Adults

- a) SEN Team Co-ordinator (3 Years)**
- b) SEN Team Co-ordinator (2 Years)**
- c) Quality Assurance Officer**
- d) Placement Officer (Children's) x2**
- e) Performance and Improvement Analyst**
- f) Resources Coordinator Adult Social Care.**

Reasons:

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

Gateway 3 Contract Award: Eastgate House Refurbishment Works

Background:

This report sought permission to award a contract that focused on conserving the important historic fabric of Eastgate House and adapting the building so that it can be used as a distinctive and vibrant community resource for Medway residents and visitors.

The project would conserve the building and heritage and address the urgent conservation requirements of the house. A new lift and the reinstatement of a demolished staircase would allow access for all to floors closed for decades.

A Conservation Management Plan would ensure that decisions throughout the project and beyond were taken with full consideration and understanding of the historical, social, aesthetic and communal significance of all areas of the house.

The report set out details of the procurement process and business case associated with this project, together with details of the potential risks and the plans to mitigate them. An exempt appendix contained key financial analysis and tender evaluation and award information.

It was noted that Cabinet had approved the commencement of this procurement at Gateway 1 on 29 October 2013 and that this Gateway 3 Report had been approved for submission to the Cabinet after review and discussion by the Regeneration Community and Culture Directorate Management Team and Procurement Board.

Decision number:

Decision:

207/2014

The Cabinet approved the contract award to carry out the conservation works at Eastgate House to Fairhurst Ward and Abbott Limited, as set out in paragraph 3.2 of the exempt appendix, and achieving the outputs and opportunities described in paragraph 3 of the report.

Reasons:

The project will conserve this wonderful building and heritage for generations to come opening it up as a distinctive, valued and vibrant community resource for Medway and our visitors.

Gateway 3 Contract Award: Homecare Services Framework - Refresh

Background:

This report sought permission to admit a number of suppliers onto the Homecare Services Framework.

It was noted that the council had let a Framework Agreement in 2012 for the provision of Homecare services. This framework had an aggregated value of £45,000,000 and was based on a Gold, Silver and Bronze rating which reflected the provider's value for money. Providers rated as Gold had the first opportunity to respond to referrals of care packages, which they would 'win' by being able to demonstrate their ability to best meet the preferences of the service user in terms of how the care is delivered. There were currently 15 providers on the framework: 8 in the gold band, 6 in the silver band and 1 in the bronze band.

All suppliers were subject to quality monitoring through a set of Key Performance Indicators on a six monthly basis. The outcome of the monitoring could alter their position within the framework. The category management strategy was to open the agreement up on an annual basis to allow new providers to gain a place on the framework and allow existing providers to alter their position.

The report set out details of the associated procurement process and business case, together with details of the potential risks and the plans to mitigate them. An exempt appendix contained key financial analysis and tender evaluation and award information.

It was noted that this Gateway 3 Report had been approved for submission to the Cabinet after review by the Children and Adults Directorate Management Team and Procurement Board.

It was noted that 28 clear days' notice of this item had not been provided, in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012. The Chairman of the Health and Adult Social Care Overview and Scrutiny Committee had however agreed, in accordance with the provisions of the 2012 Regulations, that this matter was both urgent and could not be reasonably deferred until the next Cabinet meeting on 13 January 2015 because of the need to provide continuity of service and reassurance to the public.

Decision number:

Decision:

208/2014

The Cabinet agreed to admit the following new providers, as set out in paragraph 3.2 'contract award recommendation' of the exempt appendix, to the Homecare Services Framework:

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- a) Agincare Group Ltd
- b) Ark Home Healthcare
- c) NV Care Ltd.

209/2014 **The Cabinet agreed to revise the banding for the following existing providers, as set out in paragraph 3.2 'contract award recommendation' of the exempt appendix, to the Homecare Services Framework:**

- a) Meritum Independent Living
- b) Anchor Support.

Reasons:

The successful tenderers were admitted onto the Homecare Services Framework because they had demonstrated the ability to deliver services at, or exceed, the minimum standard required for Homecare Services. They had also demonstrated the ability to deliver services at cost effective rates within the price envelopes published as part of the tender exercise.

Gateway 1 Procurement Commencement: Short Breaks for Disabled Children and their Carers

Background:

This report sought permission to commence the procurement of short breaks contracts for disabled children.

Medway Council had a legal obligation to provide or commission short breaks for disabled children and their carers. Short breaks were enjoyable activities for children and young people with disabilities, which also provided a break for the parents and other adults with caring responsibilities. The Council procured 23 short break services from a range of providers (currently 20) to deliver the short breaks programme in Medway and the list of projects was set out in an exempt appendix.

It was noted that a review of short breaks services had recently concluded and a Short Break Policy for Disabled Children and Young People in Medway 2014-2019 had been developed. Recommendations to approve the policy and the delegation to officers to commence the Short Break implementation plan were agreed by Cabinet on 30 September 2014.

The report set out details of the associated procurement process, dependencies and obligations. The procurement project outputs/outcomes were also explored; together with details of the market conditions, proposed procurement process and details of the potential risks and the plans to mitigate them.

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This Gateway 1 report had been approved for submission to the Cabinet after review and discussion by the Children & Adults Directorate Management Team and Procurement Board.

An exempt appendix contained key financial analysis information and a Diversity Impact Assessment was tabled at the meeting (within Supplementary Agenda No. 3).

It was noted that 28 clear days' notice of this item had not been provided, in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012. The Chairman of the Children and Young People Overview and Scrutiny Committee had however agreed, in accordance with the provisions of the 2012 Regulations, that this matter was both urgent and could not be reasonably deferred until the next Cabinet meeting on 13 January 2015 because of the need to commence the procurement process as soon as possible in line with the procurement timeline.

Decision number: **Decision:**

210/2014 **The Cabinet approved this Gateway 1 High Risk Report for progression to Gateway 2 for the commencement of an open tender procedure for option (c) – a preferred provider framework / Dynamic Purchasing System, as set out in paragraph 4.2.3 (c) of the report.**

Reasons:

Medway Council has a legal obligation to provide or commission short breaks for disabled children and their carers. Short breaks are enjoyable activities for children and young people with disabilities, which also provide a break for the parents and other adults with caring responsibilities.

Gateway 1 Procurement Commencement: the Procurement of an Integrated Community Equipment Service (Phase 1) - Paediatric, Electrical and Bespoke Equipment and Technicians Service

Background:

This report explained that Medway Council and Medway CCG had agreed to jointly commission a single community equipment service. The aim of which, was to support carers and enable children and adults to regain and maintain independence within their homes and the community, placing less reliance on more costly care/health services.

It was explained that due to the complexity of the existing arrangements and contracts, it would take some time to fully understand both what currently existed and what was required to meet current and future needs in the most effective and efficient manner. This report therefore sought permission to procure the service in two phases, the first phase to begin delivery by April 2015 and to include the technician's service, paediatric and electrical and bespoke equipment. The second

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phase would begin delivery on April 2016 to include a re-tender of the services in the first phase and also to include the core equipment services currently provided by MCH.

It was stated that the intention was to have one complete joint service by April 2016.

The report set out details of the associated procurement process, dependencies and obligations. The procurement project outputs/outcomes were also explored; together with details of the market conditions, proposed procurement process and the potential risks and the plans to mitigate them.

This Gateway 1 report had been approved for submission to the Cabinet after review and discussion by Children and Adults Directorate Management Team and Procurement Board.

Budgetary information for this procurement exercise was set out in the Exempt Appendix.

**Decision
number:**

Decision:

211/2014

The Cabinet approved the commencement of this procurement process on the basis set out in paragraph 4.2.1 of the report (OJEU Open Procedure).

Reasons:

Medway Council will procure these joint services on behalf of Medway CCG and must therefore commence the new service on 1 April 2015. The timetable for this go-live date is achievable providing no slippages occur.

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Leader of the Council

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Date

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