

Record of Cabinet decisions

Tuesday, 7 July 2015

3.00pm to 3.55pm

Date of publication: 8 July 2015

Subject to call-in these decisions will be effective from 16 July 2015
The record of decisions is subject to approval at the next meeting of the Cabinet

Present:	Councillor Alan Jarrett	Leader of the Council
	Councillor Howard Doe	Deputy Leader and Portfolio Holder for Housing and Community Services
	Councillor David Brake	Portfolio Holder for Adult Services
	Councillor Rodney Chambers, OBE	Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships
	Councillor Jane Chitty	Portfolio Holder for Planning, Economic Growth and Regulation
	Councillor Phil Filmer	Portfolio Holder for Front Line Services
	Councillor Adrian Gulvin	Portfolio Holder for Resources
	Councillor Mike O'Brien	Portfolio Holder for Children's Services
	Councillor Rupert Turpin	Portfolio Holder for Business Management
In Attendance:	Neil Davies, Chief Executive	
	Dr Alison Barnett, Director of Public Health	
	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	
	Ian Sutherland, Deputy Director, Children and Adult Services	
	Phil Watts, Chief Finance Officer	

Apologies for absence

An apology for absence was received from Councillor Andrew Mackness (Corporate Services).

Record of decisions

The record of the meeting held on 16 June 2015 was agreed and signed by the Leader as correct.

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Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

Councillor Filmer declared a disclosable pecuniary interest in agenda item 12 (Gateway 3 Contract Award: Housing Revenue Account (HRA) Estate Services (Caretaking)) because he is a Director of Medway Norse. He left the meeting during consideration of this item.

Other interests

Councillor Gulvin declared an interest in agenda items 4 (Statement of Accounts) and 8 (Business Rate Relief) in relation to references to Kent and Medway Fire and Rescue Authority, because he is the Vice-Chairman of this Authority.

Councillor O'Brien declared an interest in agenda item 9 (Council Plan Year End 2014/2015 Performance Monitoring Report) in relation to references to schools because members of his extended family work in Medway schools.

Statement of Accounts 2014/2015

Background:

This report provided details of the Council's draft Statement of Accounts for 2014/2015, as set out in Supplementary Agenda No.1. The Council is required to produce an annual Statement of Accounts that was subject to scrutiny by the external auditors. The auditor would subsequently give an opinion on the accounts, and additionally interested parties would have the right to inspect the accounts and make representations to the auditor.

The Cabinet agreed to consider this as an urgent report as the draft accounts were certified by the Chief Finance Officer on 30 June 2015, in accordance with the Accounts and Audit Regulations 2011 (as amended), and it was good practice to present the accounts to Members as soon as possible after 30 June; prior to the audit and ahead of the submission of the audited accounts in September 2015 and the statutory publication date of 30 September 2015.

It was reported that the revenue account showed a revenue surplus of £388,000. It was noted that the final position was a significant achievement and a reflection both of the successful efforts to maintain services at minimum cost and the robustness of the budgets that were originally set. Details of the more significant variations to agreed budgets were set out.

The final Housing Revenue Account for 2014/2015 showed a surplus of £1.561 million against a budgeted surplus of £821,000. Having taken account of the 2014/2015 surplus the Housing Revenue Account balance stood at £2.235m as at 31 March 2015.

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The final capital expenditure for 2014/2015 was £41.1 million with £9 million profiled to future years. The report provided an analysis of spend across directorates, together with details of sources of funding and major achievements during the year.

It was noted that the Audit Committee would consider the draft Statement of Accounts on 14 July 2015.

Decision number: **Decision:**

92/2015 **The Cabinet noted the revenue and capital outturns as reported and recommended to the Audit Committee that it approves the draft Statement of Accounts for 2014/15.**

Reasons:

Good practice recommends that Members approve the Statement of Accounts as soon after 30 June as practicable.

Treasury Management Outturn Annual Report

Background:

This report provided an overview of treasury management activity during 2014/2015. This report included the Council's treasury position as at 31 March 2015, performance measurement, the strategy for 2014/2015, borrowing and investment rates, the borrowing outturn, compliance with treasury limits and prudential indicators, investment outturn and debt rescheduling.

It was noted that, overall, the Interest and Financing budget made a surplus over its targeted budget by £0.998 million. In light of the continued historically low bank rate, which continued at 0.5% throughout 2014/2015, the overall rate achieved for investments averaged 0.92%.

The body of the report and the appendix outlined the significant financial implications and it was reported that any transactions undertaken on either investments or borrowings were governed by the London Code of Conduct, the Council's Treasury Policy Statement, and the CIPFA Code of Practice on Treasury Management in Local Authorities. The outturn for the Prudential Indicators was shown in Appendix 1 to the report.

This report would be referred to Audit Committee on 14 July 2015 for consideration and approval.

Decision number: **Decision:**

93/2015 **The Cabinet, in accordance with the CIPFA Code of Practice, noted the content and recommended this report to the Audit Committee.**

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Reasons:

In line with CIPFA's Code of Treasury Management Practice an annual report must be taken to Cabinet detailing the Council's treasury management outturn within six months of the close of each financial year.

The Care Act (Charging and Assessment of Resources) Regulations 2014

Background:

From 1 April 2015, Local Authorities were required to implement part 1 of the Care Act 2014. Whilst fundamental reforms in the way people pay for their care do not become law until April 2016, the Care Act provides the opportunity to implement changes to the way that charging for care and support operates from 2015.

This report provided an overview of the proposed changes to the charging arrangements for Adult Social Care in Medway, together with feedback from the four weeks' public consultation relating to the proposals. It was noted that a total of 88 people responded to the consultation and the report and appendices detailed the feedback as it related to the following proposals:

- to follow Care Act regulations and charge an administration cost to reclaim some of the cost incurred in setting up and monitoring a deferred payment scheme.
- to extend the current Deferred Payments Scheme to people moving to Flexicare Housing and Supported Living accommodation.
- to follow Care Act regulations and charge for all care from the date care starts, to ensure everyone is charged in a fair and consistent manner.
- to charge those who have been assessed to pay the full cost of their non-residential care fees and ask the Council to set up their care packages an administration fee.

It was noted that a Diversity Impact Assessment had been undertaken in conjunction with the consultation. This was attached at Appendix E to the report. The outcome of the assessment was that service users would be impacted by the proposals and details of the actions that would be implemented to mitigate adverse impacts were set out.

The report considered the feedback and comments received, setting out recommendations to each of the proposals. In relation to reviewing charging support for carers, it was recommended not to go ahead with this proposal at this time, as further work was needed in this area to determine the increase in support needed from the Local Authority for carers and the impact of support provided by carers should they be charged.

Decision number: **Decision:**

94/2015 The Cabinet agreed the proposals 1a, 1b, 2 & 3, as set out in paragraphs 6.3.1 – 6.3.4 of the report, and that these be implemented in Medway from 1 September 2015. This will

provide staff with sufficient time to implement the changes.

95/2015 **The Cabinet agreed that the proposal “Reviewing Charging Support for Carers”, as set out in paragraph 6.3.5 of the report be investigated further and not implemented at this time with a report submitted back to Cabinet in due course.**

Reasons:

The Care Act enables Local Authorities to apply charges to avoid additional costs arising as a result of some of the new requirements of the Care Act. It was imperative that to enable care and support services to be provided to Medway’s most vulnerable people that income was maximised and additional costs avoided.

Revenues and Benefits - Vulnerable Persons Recovery Policy

Background:

This report considered proposals for a newly created Vulnerable Persons Recovery Policy, a copy of which was attached at Appendix 1 to the report.

The aim of this policy was to act as a guide to the Council’s administration of Council Tax, National Non Domestic Rates, Housing Benefit overpayment and sundry debt recovery and to ensure that the individual needs of vulnerable customers were taken into account when dealing with their cases. The introduction of this policy, as recommended by the Local Government Ombudsman, therefore promoted equality since it would enable a consistent approach to identifying vulnerable persons.

A Diversity Impact Assessment was attached at Appendix 2 to the report, which reported that no adverse impacts had been identified.

Decision ***Decision:***
number:

96/2015 **The Cabinet agreed to adopt the Revenues & Benefits Vulnerable Persons Policy, as set out at Appendix 1 to the report.**

Reasons:

The introduction of the Revenues & Benefits Vulnerable Persons Policy, as recommended by the Local Government Ombudsman, promotes equality for vulnerable persons subject to recovery action.

Business Rate Relief

Background:

This report outlined suggestions from Central Government for local authorities to consider using their discretionary powers to award business rate relief in certain circumstances.

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In was noted that the 2014 Autumn statement had included a package of business rate measures, which included the extension of transitional relief scheme for two years for properties with a rateable value up to and including £50,000. Guidance issued by the Department for Communities and Local Government in January 2015 (Appendix A to the report) further advised that local authorities would be reimbursed by Central Government.

The report also explained that Ministers had urged authorities to consider using their discretionary powers to aid access to free to use cash machines, where there was a clear community benefit and to support access to local high quality childcare provision. In these cases, however, the Government would not reimburse the local share and so the Council would have to fund 49% of the cost of relief.

The current position, including the potential impact of these proposals was considered. It was also noted that Cabinet in 2013 had adopted guidelines for the award of hardship relief that could be applied to struggling individual businesses.

Decision number:

Decision:

- | | |
|----------------|--|
| 97/2015 | The Cabinet agreed to adopt an extended transitional relief scheme in accordance with the Government guidelines limited to that funded by central government. |
| 98/2015 | The Cabinet agreed not to create a local discretionary rate relief system at this time for Automated Teller Machines and childcare provision. |

Reasons:

The extended transitional relief scheme has been promoted by and will be funded by central government to assist small business ratepayers. Given the lack of cost to the local taxpayer it was appropriate for the Council to operate such a scheme.

Creating discounts for Automated Teller Machines (ATMs) and nurseries will incur additional expenditure for the Council for businesses that may well be able to afford to contribute. Noting that the Council already has the ability to award hardship relief to struggling businesses, which is a more focussed way of providing support, is it not considered necessary to create a local discretionary rate relief system at this time for ATMs and childcare provision.

Council Plan Year End 2014/15 Performance Monitoring Report

Background:

This report summarised the performance of the Council's Key Measures of Success for 2014/2015, as set out in the refreshed Council Plan 2013/2015.

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Performance was measured using 62 Key Measures of Success and 24 Key Projects. Appendix 1 to the report provided a detailed report on the Key Measures of Success and Appendix 2 reported on performance against Equality Objectives.

It was noted that 49% of the Key Measures of Success were on target and 59% of Key Measures of Success had improved since last year. Achievements included the “Medway 100 Apprenticeship” Campaign, six Customer Service Excellence awards, the opening of Strood Community Hub and Positive about Disabled People (two ticks) accreditation.

The report also summarised the feedback from service users, as recorded within the quarterly tracker phone survey and the Customer satisfaction measurement at point of contact (GovMetric).

It was noted that the annual report on Adult Social Care complaints and compliments had been considered by the Health and Adult Social Care Overview and Scrutiny Committee on 23 June 2015. The report gave details of the discussion and a recommendation that the target response period for Adult Social Care complaints was 20 working days, which recognised the complexity involved with the majority of social care complaints.

Members discussed the performance report in detail and it was noted that for 2015/2016 the challenge was achieving excellence in performance within increasing financial constraints.

It was noted that there was a typographical error in the narrative for the Key Project: Weekly Kerbside Recycling and Composting Service (page 153 of the agenda), in that the second sentence should read “Provisional figures indicate that in 2014/15, 45.1% of household waste has been sent for reuse, recycling and composting, 2 percentage points over the target of 43%.”

Decision number:

Decision:

The Cabinet noted the 2014/15 performance against the Key Measures of Success used to monitor progress against the Council Plan 2013/15.

99/2015 The Cabinet agreed that the target response period for Adult Social Care complaints is 20 working days.

Reasons:

Regular monitoring of performance by management and Members is best practice and ensures the achievement of corporate objectives.

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Philip William Farrow Trust

Background:

This report considered the Council's position as corporate Trustee of the Philip William Farrow Trust, which was established to provide relief for residents at Nelson Court, Shaws Wood and Robert Bean Lodge. It was noted that relief constituted the promotion of health and/or relieving the ill health or infirmity of the residents of these specified homes. The funds were used to provide social activities for the residents.

The report gave details of the fund and potential alternative Trustee(s). It was reported that as the Philip William Farrow Trust did not form part of the Council's revenue or capital budget, it could not be used to fund core service delivery. It therefore must sit outside of the Council's budget and policy framework. The Council's trustee function was however a Cabinet function and therefore Cabinet approval to the retirement and appointment was required.

Decision number: **Decision:**

The Cabinet noted the contents of the report.

100/2015 **The Cabinet agreed to delegate authority to the Deputy Director of Children & Adults Services, in consultation with the Assistant Director Legal and Corporate Services, to:**

- (a) pursue formal discussions with Agincare and Kent Community Foundation and to assess their suitability either separately or jointly to become appointed Trustees for the Philip William Farrow Trust.**
- (b) produce draft documentation for Medway Council to appoint new trustees for the Philip William Farrow Trust.**
- (c) produce draft documentation for Medway Council to retire as the trustees for the Philip William Farrow Trust.**
- (d) liaise as necessary with the Charity Commission to fully consider the obligations under the Trust document and implement decisions 100/2015 (a) to (c) above.**

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101/2015 **The Cabinet agreed to delegate authority to the Deputy Director of Children & Adults Services, in consultation with the Assistant Director Legal and Corporate Services and the Portfolio Holder for Adult Services to proceed with appointment of a new Trustee (or Trustees as appropriate) for the Trust and to proceed with the retirement of the Council from that role.**

Reasons:

Appropriate arrangements need to be in place to effectively operate the Trust fund.

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:***

102/2015 **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report:**

Business Support Directorate

- a) Category Manager x2**
- b) Administration Support Officer**
- c) Principal Lawyer (People)**
- d) Locum Paralegal (People)**

Regeneration, Community and Culture

- e) Processing Appeals Officer – Processing & Income Recovery**
- f) Maintenance Coordinator.**

Reasons:

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

Gateway 3 Contract Award: Housing Revenue Account (HRA) Estate Services (Caretaking)

Background:

This report sought permission to award a contract to the service provider to deliver the Housing Landlord Service Estate Services function (Caretakers).

It was explained that one of the key priorities of the housing service in Medway was to provide high quality, cost effective services and, as a landlord, Medway Council had a duty to ensure the communal areas of its housing stock were kept tidy and safe.

The estate service function (caretakers) was subject to charges that were applied via tenant rent accounts and leaseholder service charge accounts. It was noted that all leaseholders were notified in August 2014 of Medway's intention to start this procurement process. Further notices would be issued following receipt of the final tenders in May 2015 and leaseholders would ultimately be advised which supplier had been awarded the contract. Tenants and Leaseholders were also involved in the development of the specification and represented on the interview panel.

It was noted that Cabinet had approved the decision to proceed with this procurement on 28 October 2014 (decision 185/2014).

This Gateway 3 Report has been approved for submission to Cabinet after review and discussion at the Regeneration, Community and Culture Directorate Management Team Meeting on 14 May 2015 and the Procurement Board on 17 June 2015.

An exempt appendix contained key information relating to the financial analysis of the scheme, evaluation and award.

Decision number: ***Decision:***

103/2015 **The Cabinet approved the contract award for the HRA Estate Services Contract to Medway Norse, in accordance with paragraph 4.2 of the exempt appendix, and achieving the outputs and opportunities described in Section 3 of the report.**

Reasons:

Approval of the contract will ensure the Council meets its obligations as a landlord to ensure the communal areas of its housing stock are kept tidy and safe. The contractor has suggested improvements to the service, which will contribute to increasing the overall customer satisfaction for the housing landlord service in Medway.

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Gateway 3 Contract Award: Rochester Riverside Station Multi Storey Car Park - Construction

Background:

This report sets out the decision of the Monitoring Officer, in consultation with the Procurement Board, to award a contract (medium risk rating) to CS Spencer Ltd for the construction of the Rochester Riverside Multi Storey Car Park.

The report requested that Cabinet recommend to Full Council that an additional £982,000 be allocated to the capital budget for professional fees and costed risks associated with the project. The Cabinet therefore agreed to consider this as an urgent matter so to provide certainty on the funding for the project by referring the matter to Council on 12 August 2015.

It was noted that at the Rochester Riverside Board Meeting of 16 March 2015 approval was given to commence the procurement of a contractor to deliver the design and construction of a new multi storey car park adjacent to the new Rochester Rail Station on the Rochester Riverside Development site.

An exempt appendix contained key information in relation to the financial analysis of the scheme.

Decision number:

Decision:

104/2015

The Cabinet noted the contents of the report and agreed that any spend against the Risk Allowance is approved by the Assistant Director, Legal and Corporate Services in consultation with the Portfolio Holder for Front Line Services.

105/2015

The Cabinet recommended to Full Council that an additional sum of £982,000 is added to the Capital Programme, funded by prudential borrowing.

Reasons:

This proposed project will deliver a high quality multi storey car park to coincide with the opening of the new railway station at Rochester in December 2015.

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Leader of the Council

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Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

Telephone: 01634 332509/332008

Email: democratic.services@medway.gov.uk