

## **Record of Cabinet decisions**

**Tuesday, 27 October 2015**

**3.00pm to 3.30pm**

**Date of publication: 28 October 2015**

**Subject to call-in these decisions will be effective from 5 November 2015  
The record of decisions is subject to approval at the next meeting of the Cabinet**

<b>Present:</b>	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
<b>In Attendance:</b>	Neil Davies, Chief Executive	
	Dr Alison Barnett, Director of Public Health	
	Wayne Hemingway, Democratic Services Officer	
	Richard Hicks, Director of Regeneration, Community and Culture	
	Perry Holmes, Assistant Director, Legal and Corporate Services/Monitoring Officer	
	Julie Keith, Head of Democratic Services	
	Barbara Peacock, Director of Children and Adults Services	
	Phil Watts, Chief Finance Officer	

### **Apologies for absence**

Apologies for absence were received from Councillors Andrew Mackness (Corporate Services) and Rupert Turpin (Business Management)

### **Record of decisions**

The record of the meeting held on 29 September 2015 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.

## **Consultation on Changes to the Senior Management Structure**

### **Background:**

This report provided details of a proposal a change to the senior management of the Council, responding to unprecedented financial challenges over the next few years as detailed in the Medium Term Financial Plan and the recent appointment of a new Director of Regeneration, Community and Culture.

This report proposed a slimmer senior management structure that was considered more effective and fit for purpose, reflecting the priorities and shape of the organisation today but, more importantly, the demands of the future. It was noted that the recommended proposal for consultation estimating an annual revenue cost saving of approximately £300,000.

It was noted that the Chief Executive as Head of Paid Service must share proposals such as these with all Members of the Council and that a minimum of 30 days consultation with affected staff should take place.

### ***Decision number:***      ***Decision:***

**132/2015**

**The Cabinet agreed to commence consultation on the proposal to delete the following posts:**

- **Deputy Director, Regeneration, Community and Culture**
- **Assistant Director, Customer Contact, Democracy and Governance**
- **Assistant Director, Communications, Performance and Partnerships**
- **Assistant Director, Organisational Services**
- **Assistant Director ,Housing and Regeneration**
- **Head of Greenspaces, Heritage and Libraries**
- **Head of Safer Communities**
- **Head of Regeneration and Economic Development**
- **Head of LGF Projects.**

## Cabinet, 27 October 2015

**133/2015**     **The Cabinet agreed to commence consultation on the proposal to create a new Regeneration, Culture and Transformation directorate which includes the creation of the following posts:**

- **Assistant Director, Transformation**
- **Assistant Director, Physical and Cultural Regeneration**
- **Head of Transformation**
- **Head of Regeneration Delivery**
- **Head of Safer Communities and Greenspaces.**

**The Cabinet noted the transfer of the management responsibility for Elections and Members' Services and Democratic Services to the Monitoring Officer, as an interim proposal, as explained in paragraph 4.2.2 of the report.**

### **Reasons:**

To accord with our constitution and policies, where restructuring of this nature is proposed, it is necessary for Cabinet to approve commencement of the consultation process with a subsequent report back to Cabinet with the outcome of the consultation exercise and ultimately a report to Council for the final decision.

### **Gambling Act 2005 - Review of Council Statement of Gambling Policy**

#### **Background:**

This report provided details of proposed amendments to the current Council Statement of Gambling Policy, which was approved at Full Council on 24 January 2013 for a period of 3 years. It was noted that Medway's draft policy took into account the Gambling Commission's draft guidance to Licensing Authorities (5<sup>th</sup> Edition) consulted on earlier this year, but yet to be confirmed, that set out the principle guidance to local Councils on gambling related matters.

The report provided details of the consultation process which had been undertaken on the draft policy and that whilst a favourable response had been received from Coral, no responses had been received which required or requested any further amendments.

The draft policy had been considered by the Licensing and Safety Committee (2 September 2015) and the Business Support Overview and Scrutiny Committee (8 October 2015) in accordance with the policy framework rules, details of which were set out in paragraphs 6 and 7 of the report.

A Diversity Impact Assessment was set out in Appendix C to the report, this indicated that there were no actions required, alternatives proposed or adverse effects to be addressed.

**Decision number:**      **Decision:**

The Cabinet noted the comments of the Licensing and Safety Committee and the Business Support Overview and Scrutiny Committee.

**134/2015**      The Cabinet endorsed the amendments made and recommended the amended policy, as set out in Appendix A to the report, to Council in accordance with the policy framework rules.

**Reasons:**

The proposed Gambling Policy sets out how the Council will regulate licensable activities, as required by the Gambling Act 2005.

**2015 Review and Update of the School Organisation Plan 2011 - 2016  
Incorporating Outcomes of the Options Appraisal for the Sufficient Supply of  
Secondary School Places**

**Background:**

This report provided details of an update on the progress made against the School Organisation Plan 2011-16 action plan, highlighting areas of emerging need and made recommendations to ensure that a sufficient supply of good quality school places would be maintained.

The report gave details of progress made on the action plan, as set out in Appendix 1 to the report and that as a consequence, for the reception intake in September 2015, there were 289 more places available than in September 2012.

The report provided a detailed analysis of where additional primary school places were required for the future in Medway with particular regard to Halling, Chatham/Rochester and Gillingham.

The report also provided a detailed analysis of the outcome of the options appraisal for the sufficient supply of Secondary School places and Special Educational Needs provision.

**Decision number:**      **Decision:**

The Cabinet noted the positive progress made against the action plan.

## Cabinet, 27 October 2015

- 135/2015** The Cabinet approved detailed feasibility studies of the options outlined in the report to provide sufficient additional primary accommodation in the area of Halling.
- 136/2015** The Cabinet approved the temporary expansion of a Chatham School to provide a reception bulge class within the current capacity, for September 2016, which will progress through the school and provide sufficient places in the Chatham and Rochester area to cater for the forecast spike in numbers, should the Delce Academy's request to expand be refused by the Regional Schools Commissioner, and that the Director of Children and Adults Services, in consultation with the Portfolio Holder for Children's Services, be granted delegated authority to finalise the arrangements for the temporary expansion of a Chatham School if necessary.

The Cabinet noted the temporary expansion initially of St Thomas of Canterbury to provide a reception bulge class within the current capacity, for September 2016, which will progress through the school and provide sufficient places in the Gillingham area to cater for a spike in numbers. The Cabinet further noted that it had formerly approved the expansion of St Thomas of Canterbury under decision 8/2015 and forecasts will be monitored to assess whether, and if so when, a permanent expansion here is required.

The Cabinet noted sections 5.7 and 5.8 of the report for the secondary sector and to approve the commencement of detailed design work to ascertain the extent of work and the indicative costings to ensure that sufficient places are available to meet demand, subject to the availability of sufficient funding.

### **Reasons:**

The Cabinet is ensuring that the Council meets its statutory duty to ensure sufficient good school places.

### **Placing Objects on Highways**

#### **Background:**

This report provided details of a proposal for an all-inclusive policy for dealing with shop front displays, tables and chairs and A-boards on the highway, to ensure parity amongst traders and the public, which responded to comments received from both the public and traders.

## Cabinet, 27 October 2015

The report provided details of the legislative background to the proposals and the draft policy, together with a review of current activity in Chatham High Street. It was noted that there would be a period of public consultation on the draft policy following which the outcome of public consultation would be reported to the Regeneration, Community and Culture Overview and Scrutiny Committee and Cabinet. Whilst the approval of the policy would be a matter for Cabinet, some ancillary matters would be reported to Full Council for consideration and decision.

A Diversity Impact Assessment (Appendix 3 to the report) had been carried out on the proposals and its findings suggested that the Policy would have a positive impact for all members of the public.

**Decision number:**      **Decision:**

**137/2015      The Cabinet agreed that the Placing Objects on Highways Policy attached at Appendix 2 to the report be approved for public consultation.**

### **Reasons:**

The introduction of a Placing Objects on Highways Policy would enhance the aesthetics of the public realm, promoting quality and reinforce necessary safety measures. In addition a clear policy would give traders certainty over what was acceptable or unacceptable; this should address the complaints and enquiries received from traders and the public. Public consultation will help inform the development of the policy.

### **Transport (Highways) Asset Management Policy and Plan**

#### **Background:**

This report provided details of the Transport (Highways) Asset Management Policy and Plan (TAMP) as required by the Department for Transport (DfT). The Policy and Plan indicated how officers would manage the highway assets and how they could demonstrate effective and efficient asset management, in what was the most expensive asset the Council owned (gross replacement costs of some £1.5bn).

The TAMP contained the overarching policy on asset management and then developed into the operational service delivery plan which set out how the specific details on how each individual set of assets would be managed and the regime associated with its maintenance.

It was noted that one of the Government's objectives was to move away from annualised budgets for such an important asset and that Councils should have a medium to long term financial commitment.

## Cabinet, 27 October 2015

A Diversity Impact Assessment had been undertaken on the proposals which highlighted that there was likely to be no adverse impact on any of the protected characteristic groups (Appendix 3 to the report).

**Decision number:**

**Decision:**

**138/2015**

**The Cabinet approved the Transport Asset Management Plan and the Transport Asset Management Policy, as set out in Appendices 1 and 2 to the report.**

### **Reasons:**

To document the way Medway manages its Highway assets and to ensure where possible the maximum level of funding is achieved from the DfT over the next 5 years.

### **Transfer of Delegation of Responsibilities for Adult Drug and Alcohol Treatment Services from KCC to Medway Council**

#### **Background:**

This report provided details of the delegation of the commissioning of adult drug and alcohol treatment services for Medway residents to Kent County Council (KCC) originally agreed by the Leader in July 2013 in accordance with Article 10 of the Constitution and the recently announced in year cut to the Public Health grant, following which it was proposed to remove these delegated powers and transfer the commissioning post to the Public Health Directorate.

The report noted that to end the delegation agreement and bring the commissioning responsibilities back into Medway Council would save approximately £50,000 a year whilst maintaining a commissioning post in Medway and giving a more dedicated focus to local performance and practice.

**Decision number:**

**Decision:**

**139/2015**

**The Cabinet recommended to the Leader to end the delegation agreement with Kent County Council for adult drug and alcohol services and to bring the commissioning responsibilities for this service back to Medway Council.**

**140/2015**

**The Leader agreed to end the delegation agreement with Kent County Council for adult drug and alcohol services and to bring the commissioning responsibilities for this service back to Medway Council.**

**Reasons:**

This will realise a saving of around £50,000 on commissioning costs.

**Annual Review of Risk Management Strategy and 6 Monthly Review of the Council's Corporate Business Risk Register**

**Background:**

This report provided details of the 6 monthly review of the Council's Corporate Business Risk Register and the annual review of the strategic risk framework.

It was noted that no significant changes were proposed for the Risk Management Strategy, whilst the Corporate Risk Register contained some amendments for consideration. The Risk Management Audit 2014/2015 identified two recommendations which had been addressed through Performance and Intelligence managers issuing service planning guidance.

The Audit Committee and Business Support Overview and Scrutiny Committee's consideration of risk management on 24 September 2015 and 8 October 2015 respectively was set out in paragraphs 5 and 6 of the report with specific recommendations for Cabinet set out in paragraph 6.7 (d-g) of the report.

**Decision number:**

**Decision:**

**141/2015**      **The Cabinet approved recommendations 6.7(d), 6.7(f) and 6.7(g) from the Business Support Overview and Scrutiny Committee of 8 October 2015 subject to 6.7(f) referring to 20,000 new homes instead of 17,000 new homes.**

**142/2015**      **The Cabinet approved the Risk Management Strategy, as set out in Appendix A to the report.**

**143/2015**      **The Cabinet approved Management Team's recommendations on amendments to the Council's Risk Register as detailed in section 3 of the report.**

**The Cabinet noted the progress of the recommendations from the Risk Management Audit 2014/2015 as detailed in paragraph 3.10 of the report.**

**Reasons:**

The establishment of a corporate framework for risk management is recommended by CIPFA and SOLACE and will complement and support the work already being carried out within each directorate to manage risks.



## **Provisional Funding Formula for Mainstream Schools and Academies 2016-2017**

### **Background:**

This report provided details of the formula used to distribute Dedicated Schools Grant (DSG) funds to Medway schools and academies which was a ring-fenced fund. It was noted that regulations prevented the DSG being spent on anything other than schools or academies.

The report set out the timetable for the development of the funding formula for 2016/2017, with a final decision scheduled to be taken by Cabinet in February 2016.

### **Decision number:**

### **Decision:**

**144/2015**

**The Cabinet instructed officers to implement the 2016-17 funding formula for schools and academies as follows:**

- a) **To continue to cap the gains from the funding formula at 1.5% per pupil, as set out in paragraph 2.9 of the report.**
- b) **To use the funding factors listed to balance the total allocated through the funding formula back to the funding actually received from government via the Dedicated Schools Grant (DSG), as set out in paragraphs 3.4 and 3.5 of the report.**

### **Reasons:**

The Local Authority is required to implement the funding formula changes from 2016-17 in accordance with the regulations and to inform the Education Funding Agency of the formula by 30 October 2015.

### **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).

Details of the posts were set out within Appendix 1 to the report.

**Cabinet, 27 October 2015**

***Decision  
number:***

***Decision:***

**145/2015**

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

**Business Support Directorate**

- a) PA to the Mayor**
- b) Legal Support Assistant**

**Children and Adults**

- c) Admin Support Officer (Post 12172) x 3**
- d) Admin Support Officer (Post 12169) x 3**
- e) Admin Support Officer (Post 12173)**
- f) Team Leader x 2**
- g) Performance and Improvement Analyst x 3**

**Regeneration, Community and Culture**

- h) Strood Regeneration Project Manager.**

**Reasons:**

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

**Gateway 3 Contract Award Report: Housing Revenue Account 3 Year Capital Programme**

**Background:**

This report provided details of the recent decision made by the Monitoring Officer on 9 September 2015, in consultation with the Procurement Board, to award a series of contracts to the service providers to deliver the various elements of the HRA Housing Capital Programme.

An exempt appendix contained key information in respect of the financial analysis, evaluation and award.

***Decision  
number:***

***Decision:***

**The Cabinet noted the contents of the report.**

## Cabinet, 27 October 2015

### Reasons:

To ensure that Cabinet is informed of the outcome of the tender process for these works.

### Gateway 5 Report: Home Care and Flexi Care Services in Medway

#### Background:

This report provided details of the proposal to extend the current contract to 31 March 2016, whilst a procurement exercise for the re-provision of home care and flexi care services with effect from 1 April 2016 was undertaken.

The report provided details of the current provision and service providers for home care services and flexi care services together with details of the procurement process to be undertaken for the new contracts.

The Procurement Board considered this report on 9 September 2015 and supported the recommendations as set out in paragraph 12 of the report.

The Portfolio Holder for Adult Services referred to paragraph 4.1.1 of the report (risk management) and provided clarification on the equalities risk category. He noted that this particular risk took into account the need to provide reassurances that packages of care were delivered in a timely manner by home care providers. Currently, there were issues of sufficiency in the home care market in certain areas due to staff shortages and staff retention although officers were putting packages of care in place.

An exempt appendix contained key information in respect of the financial analysis.

#### ***Decision number:***

#### ***Decision:***

- |                 |   |
|-----------------|---|
| <b>146/2015</b> | <b>The Cabinet agreed to the proposed four month contract extension from 1 December 2015 for home care services delivered within the community and flexi-care services delivered within Bellerophon House and Montgomery Court.</b>                         |
| <b>147/2015</b> | <b>The Cabinet agreed to the commencement of a procurement exercise to re-commission home care services as set out in paragraph 7 of the report.</b>  |
| <b>148/2015</b> | <b>The Cabinet agreed to the commencement of a procurement exercise to re-commission flexi-care services within three flexi-care schemes across Medway: Bellerophon House, Montgomery Court and Prospect Place as set out in paragraph 7 of the report.</b> |

**Cabinet, 27 October 2015**

**Reasons:**

A four month contract extension will allow the Council to continue to allocate referrals to home care providers. However, the Authority has immediate issues to address in terms of capacity within the home care sector across Medway. Changing the way in which home care is modelled and commissioned should help address this in the long term. A four month extension to the contracts will give the Partnership Commissioning Team sufficient time to consider external factors which impact on the Council's budgets; complete financial modelling and tender services for the future.

A four month extension to the contract for flexi-care provision will allow the Council sufficient time to establish a new framework with effect from 1 April 2016 and undertake a tender exercise to establish new contracts.

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**Leader of the Council**

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**Date**

**Wayne Hemingway/Anthony Law, Democratic Services Officers**

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