

COUNCIL

28 APRIL 2016

LEADER'S REPORT

Councillor Alan Jarrett, Leader of the Council, will give a report on key developments since the last ordinary Council meeting on 21 January 2016.

He will include:

- Protecting Medway's interests
- Medway's proactive regeneration and culture offer
- Decisions made by the Cabinet on 9 February 2016, 8 March 2016 and 5 April 2016.

Record of Cabinet decisions

Tuesday, 9 February 2016

4.30pm to 6.15pm

Date of publication: 10 February 2016

**Subject to call-in these decisions will be effective from 18 February 2016
The record of decisions is subject to approval at the next meeting of the Cabinet**

Present:	Councillor Howard Doe	Deputy Leader and Portfolio Holder for Housing and Community Services (in the chair)
	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 Andrew Mackness	Portfolio Holder for Corporate Services
	Councillor Rupert Turpin	Portfolio Holder for Business Management

In Attendance: Neil Davies, Chief Executive
Wayne Hemingway, Democratic Services Officer
Richard Hicks, Director of Regeneration, Community and Culture
Perry Holmes, Chief Legal Officer/Monitoring Officer
Julie Keith, Head of Democratic Services
Tricia Palmer, Assistant Director, Organisational Services
Ian Sutherland, Deputy Director, Children and Adults Services
Phil Watts, Chief Finance Officer

Apologies for absence

Apologies for absence were received from Councillors Alan Jarrett (Leader) and Mike O'Brien (Children's Services).

Record of decisions

The record of the meeting held on 12 January 2016 was agreed and signed by the Deputy Leader as a correct record.

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Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

Revenue Budget Monitoring 2015/2016

Background:

This report detailed the revenue budget forecasts as at the end of December 2015. Table 1 within the report contained a summary of the forecast position, which reflected the individual directorate monitoring summaries attached at Appendices 1 – 5 to the report.

It was noted that after agreed management action, the forecast overspend for 2015/2016 was estimated at £3.1m. This represented a more favourable position than the £5.9m reported to Cabinet on 24 November 2015.

The report explained that whilst the pressure on children's social care had continued to escalate, a review of treasury management budgets, together with a proposed change to the Council's policy in relation to the minimum revenue provision for repayment of debt, had significantly reduced the forecast overspend.

Decision number: ***Decision:***

11/2016 **The Cabinet noted the Round 3 revenue monitoring for 2015/16 and agreed the forecast position and proposed management action.**

Reasons:

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

Capital Budget Monitoring 2015/2016

Background:

This report detailed the capital monitoring forecasts as at the end of December 2015.

It was noted that the approved capital programme for 2015/16, and future years, was £125.9m, being £48.5m of brought forward schemes and £77.4m of new approvals.

The report included details of one new virement and three new additions since the second quarter period.

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The report consolidated the capital expenditure forecasts prepared by each directorate and more detailed information was provided in the appendix to the report. The accompanying narrative provided a brief description of each scheme, describing the progress of each and the outputs achieved.

Decision number: ***Decision:***

12/2016 **The Cabinet approved the budget virement proposal as set out in paragraph 4.1.1 of the report and noted the three new additions to the programme in paragraphs 4.1.2, 4.1.3 and 4.1.4 of the report, which are covered under the Chief Finance Officer's delegated authority on capital spending.**

The Cabinet noted the spending forecasts summarised at Table 1 in the report.

Reasons:

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

Final Funding Formula for Mainstream Schools and Academies 2016-2017

Background:

This report provided details of the final funding proposals for Medway's schools and academies for 2016/2017. Officers, working with the Schools Forum, had consulted with schools and academies on the 2016/2017 options and arrangements. It was noted that the Schools Forum had recommended these options and arrangements to Cabinet in October 2015, which were approved. Following this, the provisional funding formula was submitted to the Education Funding Agency (EFA) and was approved, subsequently, in December 2015. Final pupil numbers and the total funding available through the Dedicated Schools Grant (DSG) had been confirmed by government.

The Schools Forum met on 13 January 2016 and its final recommendations to Cabinet were set out in paragraph 3 of the report.

Decision number: ***Decision:***

13/2016 **The Cabinet instructed officers to implement the new funding formula for schools and academies and approve the Final Funding Formula 2016-2017, as set out in paragraph 3.5 of the report.**

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Reasons:

The Council is required to implement the funding formula changes from 2016-2017 in accordance with the School and Early Years Finance (England) Regulations 2014. This is a Cabinet function.

Housing Revenue Account Capital and Revenue Budgets 2016/2017

Background:

This report provided details of the proposed Housing Revenue Account (HRA) capital and revenue budgets for 2016/2017 including rent, garage rent and service charges levels. The report gave a breakdown of the factors taken into account in terms of formulating the budgets for 2016/2017 including the implications of Universal Credit being introduced in Medway on a cascade approach from October 2015.

The report also provided an update on the HRA Business Plan explaining that it would be reviewed in 2016 to take account of new regulations due in 2016.

It was noted that tenants had been informed of rent charge adjustments, as set out in section 13 of the report.

The Business Support Overview and Scrutiny Committee considered this report on 2 February 2016 and its comments were set out in an addendum report.

A Diversity Impact Assessment had been carried out on the proposed budgets as set out in Appendix D to the report.

Decision number: ***Decision:***

The Cabinet noted the recommendations from the Business Support Overview and Scrutiny Committee.

14/2016

The Cabinet recommended to Council:

- a) **That the rent cycle move from a 50 week rent payment year to a 52 week rent payment year for both the housing stock and garages.**
- b) **A proposed rent decrease of 1% for the housing stock as set out in Appendix A to the report (based upon 52 collection weeks).**
- c) **A rent increase of 2% for garages.**
- d) **That the service charges and increases as set out in Appendix B to the report for 2016/17 be approved.**

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- e) **That the revenue budget for the HRA Service for 2016/17 as per Appendix C to the report be approved.**
- f) **That the provision for the repayment debt continues to be based on a minimum revenue payment of 2% on the 2016/17 HRA opening outstanding debt.**
- g) **To increase the 2016/17 HRA housing building development programme amount by the available Right To Buy (RTB) 1-4-1 capital receipts and the funds remaining from 2015/16 Minimum Revenue Provision (MRP) payment as set out in paragraph 9.5 of the report.**

Reasons:

The Council is required to carry out a review of rents and notify tenants not less than 28 days prior to the proposed date of change. The Council is required under the Local Government and Housing Act 1989 to ensure that the Housing Revenue Account does not fall into a deficit position.

Council Plan 2016/17 - 2020/21

Background:

This report provided details of the proposals for the new Council Plan 2016/17 – 2020/21. This included the Plan's objectives, key performance indicators, programmes and ways of working.

The report noted the intention to develop a more focused Council Plan that concentrated on the Council's strategic 'transformational' activity. The intention was to deliver programmes over the life of the plan that would have a significant impact for local residents, whilst ensuring the services that matter most to local residents would be preserved.

The Business Support Overview and Scrutiny Committee considered the report on 2 February 2016 and its comments were set out in an addendum report. In addition, a revised Appendix 2 to the report was included in the addendum report, which included additional commentary explaining the rationale of the targets set for each indicator.

A Diversity Impact Assessment of the new Council Plan had been prepared with the report, in line with the Council's established procedure for new strategic documents, as set out in Appendix 3 to the report.

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Decision number:

Decision:

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee on the Council Plan priorities, outcomes, programmes and indicators.

15/2016

The Cabinet reviewed the component parts of the Council Plan 2016/17 – 2020/1 and recommended for approval to Full Council on 25 February 2016:

- **Priorities and outcomes (as shown in the diagram in paragraph 3.3 of the report and within Appendix 1 to the report)**
- **Programmes (Appendix 1 to the report)**
- **Indicators and associated year 1 targets (revised Appendix 2 to the report)**
- **Ways of working to underpin how the Council operates (paragraph 4 of the report).**

Reasons:

It is a requirement of the Council's policy framework rules that proposals are considered by Overview and Scrutiny and Cabinet prior to final consideration and approval by the Full Council.

Capital and Revenue Budgets - 2016/2017

Background:

The Cabinet agreed to accept this report as an urgent item to enable its recommendations to be forwarded to the Council Budget meeting on 25 February 2016. It was not possible to include this report in the main agenda as it was decided to wait for the anticipated announcement of the Final Settlement on 3 February 2016. In the event, this did not transpire.

This report presented proposals for the capital and revenue budgets for 2016/2017.

It was noted that the Cabinet had considered initial budget proposals on 24 November 2015, which had been developed in accordance with the principles set out in the Medium Term Financial Plan which had identified a potential revenue shortfall of some £13.8 million for 2016/2017.

It was noted that under new arrangements announced in the Spending Review 2015 upper tier local authorities would be able to increase council tax by up to 4.0%, providing that the additional 2.0% was ring-fenced for social care. The budget proposed by Cabinet would be based upon the Council availing itself of this additional flexibility and raising council tax by 3.994% in 2016/17.

The report provided details of the revenue budget proposals noting that that these would almost have balanced the 2016/17 budget. However, an issue created by the

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increase in the Non-Domestic Rates (NDR) appeals provision meant that there was still a need to identify further savings to close the residual £3.363 million gap in 2016/17. Options were being considered and it was anticipated that the budget presented to Council on 25 February 2016 would be balanced and be underpinned by a robust set of assumptions.

The proposed capital programme for 2016/2017, incorporating existing schemes and anticipated funding allocations, was £144.501 million. An overall summary and a summary by directorate of the proposed capital programme were attached at Appendix 4 to the report.

It was noted that budget proposals had been referred to all the Overview and Scrutiny Committees for consideration. The Overview and Scrutiny Committees' views were detailed in the report, with the recommendations of the Business Support Overview and Scrutiny Committee set out for Cabinet in Appendix 1 to the report.

The schedule of fees and charges was set out in Appendix 6 to the report.

The report set out the requirements under equality legislation and it was noted that Diversity Impact Assessments would be completed for the budget proposals in advance of Full Council on 25 February 2016.

Decision number:

Decision:

The Cabinet noted the recommendations from overview and scrutiny committees as summarised in Appendix 1 to the report.

- 16/2016** **The Cabinet recommended to Council the capital budget proposals, as set out in Appendix 4 to the report.**
- 17/2016** **The Cabinet recommended to Council that the net revenue budget summarised at Appendix 2 to the report, amounting to £319.620 million, should be adopted and that this be funded by a 3.994% increase in Council Tax for 2016/17 with the equivalent Band D figure at £1,234.89. Final proposals to address the £3.363 million gap would be reported to Council on 25 February 2016.**
- 18/2016** **The Cabinet recommended to Council the fees and charges set out at Appendix 6 to this report.**
- 19/2016** **The Cabinet requested the Chief Finance Officer to calculate the formal requirements under Sections 30 to 36 of the Local Government Finance Act 1992 for resolution by Special Council on 25 February 2016.**

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Reasons:

The Constitution requires that Cabinet's budget proposals must be forwarded to Council for consideration and approval.

The Council is required by statute to set a budget and council tax levels by 11 March each year.

Treasury Management Strategy 2016/2017

Background:

This report provided details of the Council's Treasury Management Strategy for 2016/2017. The report provided details of the Minimum Revenue Provision (MRP) and the Policy Statement for 2016/17 as set out in Appendix 1 to the report. A change to the MRP Policy was proposed for application in 2015/16 as well as for future years for the reasons set out in paragraph 14 of the report.

It was noted that the Treasury Management Strategy for 2016/17 covered the following issues:

- Capital plans and the prudential indicators
- The MRP strategy
- The current treasury position
- Treasury indicators which will limit the treasury risk and activities of the Council
- Prospects for interest rates
- The borrowing strategy
- Policy on borrowing in advance of need
- Debt rescheduling
- The investment strategy
- Creditworthiness policy
- Policy on use of external service providers.

Proposed amendments to Treasury Management Practices included the following:

- Approved Countries
- Treasury and Prudential Indicators.
- The Authorised Limit and Operational Boundary
- MRP Policy
- Reassignment of officer duties reflecting current departmental structure
- Removal of references to the use of external fund manager Investec.

These elements covered the requirements of the Local Government Act 2003, the CIPFA Prudential Code, Communities and Local Government Guidance on Minimum Revenue Position (CLG MRP Guidance), the CIPFA Treasury Management Code and CLG Investment Guidance.

The Audit Committee considered this report on 12 January 2016 and its comments were set out in paragraph 15 of the report.

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A Diversity Impact Assessment had been undertaken on the Treasury Management Strategy, as set out in Appendix 7 to the report.

Decision number:

Decision:

The Cabinet noted the comments of the Audit Committee.

- 20/2016** The Cabinet recommended to Full Council approval of the proposed changes in the Minimum Revenue Provision Policy (Appendix 1 to the report), to take effect from the 2015/16 financial year onwards.
- 21/2016** The Cabinet recommended to Full Council the Treasury Management Strategy as set out in the report and Appendices 1-6 to the report.
- 22/2016** The Cabinet approved the amendments to the Treasury Management Practices as set out in Appendix 8 to the report.

Reasons:

Cabinet has the responsibility to make recommendations to Full Council on the approval of the Council's Treasury Management, Investment Strategy and Minimum Revenue Provision Policy Statement and has responsibility for the implementation of the Treasury Management Practices and associated schedules.

Outcomes of Consultation for the Proposed Prescribed Alterations at Bligh Infant and Junior Schools

Background:

This report provided details of the outcome of the informal consultation period on the Council's proposals to enlarge the premises at Bligh Infant and Junior Schools, by way of statutory prescribed alterations. This followed the Cabinet's decision in January 2015 to approve proposals to consult.

The first stage in the statutory process required the Council to hold a period of informal public consultation, this took place over a four-week period between 2 and 29 November 2015, and the results of this were set out in sections 4 and 5 of the report. The report also provided details of a public meeting to discuss the proposals, which were set out in paragraph 7 and Appendix 4 to the report.

The Children and Young People Overview and Scrutiny Committee discussed this report on 19 January 2016 and its comments were set out in paragraph 8 of the report.

A Diversity Impact Assessment (DIA) screening form, as set out at Appendix 2 to the report, highlighted how the proposed changes could impact upon various groups. It

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showed that there could potentially be some impact upon certain groups, however, any impacts were expected to be positive.

Decision number: **Decision:**

- 23/2016** **The Cabinet noted the responses to the informal consultation together with the advice and analysis from officers and the comments of the Children and Young People Overview and Scrutiny Committee and agreed to instruct the Director of Children and Adults Services to commence the period of statutory representation for the proposed changes to Bligh Infant and Junior Schools, as set out in paragraph 11.1 of the report, when statutory notices and full proposals will be published.**
- 24/2016** **The Cabinet agreed to delegate authority to the Director of Children and Adults Services, in consultation with Portfolio Holder for Children's Services, to determine whether to approve the proposals at the end of the statutory consultation period if no objections are received. However, if any objections are received during that time then a report will be prepared and presented to Cabinet for determination.**

Reasons:

Approval to proceed to a period of statutory representation will ensure the Council complies with its duty to follow the full consultation process when proposing changes to school organisation.

Dementia Gap Analysis and Joint Commissioning Plan

Background:

This report provided details of progress achieved since the publication of the Dementia Strategy in 2015 and set out the main findings following a more detailed needs and supply analysis of the current provision in Medway.

This exercise analysed population, needs, activity and costs data, and conducted extensive discussions with people with dementia and their carers across Medway, as well as other key stakeholders across the system. The report also set out an action plan to take the work forward to the next stage of development.

The Health and Adult Social Care Overview and Scrutiny Committee considered this report on 26 January 2016 and its comments were set out in paragraph 6 of the report. The Health and Wellbeing Board was scheduled to consider the report on 15 March 2016.

The report noted that a Diversity Impact Assessment would be carried out when required to support the detailed implementation plan and redesigned care packages.

Decision number: **Decision:**

The Cabinet noted the progress achieved since the publication of the Medway Dementia Strategy and the Dementia Commissioning Action Plan as set out in Appendix A to the report.

Reasons:

This report provides a summary of progress achieved since the development of the Medway Dementia Strategy and sets out some key actions going forward, with a view to full implementation of the Dementia Strategy. The Dementia Commissioning Action Plan takes this forward to the next stage of development, whilst taking account of the main findings following a more detailed needs and supply analysis of the current provision in Medway.

Proposal About Queen Street/Slicketts Hill Car Parks, The Brook, Chatham

Background:

This report provided details of a proposal to seek developer interest in developing a council owned car park whilst retaining car parking facilities and proposed that Cabinet delegate authority to appropriate the car park for planning purposes and to enter into any necessary agreements in relation to developing the car park. The report provided details of previous decisions made in respect of the site and why those decisions had not been implemented.

It was noted that the site could be appropriated for planning purposes, and the Council could undertake a procurement process to seek a developer for the site, who would be prepared to develop the site whilst retaining the existing level of Council parking spaces plus sharing the profit from the development. Development options would be subject to planning restrictions and ground conditions.

Decision number: **Decision:**

25/2016 The Cabinet agreed to delegate authority to the Chief Legal Officer in consultation with the Leader and the Portfolio Holder for Resources to:

- (i) Appropriate the site for planning purposes.**

- (ii) To carry out a procurement exercise to seek a developer to provide a mixed use development, with a retained Council car park on the best terms reasonably obtainable.**

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- (iii) **Enter into any necessary agreements to secure the development of the site and preserve the Council's ability to use the car park after the development has taken place.**

Reasons:

To bring forward the site for development, whilst retaining the car park and income.

Annual Public Health Report of the Director of Public Health - 2014/2015

Background:

This report provided details of the Annual Public Health Report of the Director of Public Health for 2014/15. The report focused on the health of Medway's infants and young children and made recommendations for Medway Council and partners.

The projected benefits of producing the report include the following:

- Contribute to improving the health and well-being of Medway's youngest children across their entire life course
- Giving all children the best start in life and thereby reducing health inequalities
- To inform the planning and monitoring of local programmes and services that impact on the health of young children in Medway.

The Children and Young People Overview and Scrutiny Committee considered this report on 19 January 2016 and its comments were set out in section 4 of the report. The Health and Wellbeing Board considered the report on 4 February 2016 and its comments were set out in an addendum report.

The Portfolio Holder for Adult Services reported that Dr Alison Barnett, Director of Public Health, would be leaving Medway in mid-February to take up a new job as Deputy Centre Director for Public Health England South East. He thanked Alison, on behalf of the Cabinet, for her work in Medway since 2008 and wished her well for the future.

The Portfolio Holder for Adult Services also undertook to look into the issue of stillbirths.

Decision number: **Decision:**

The Cabinet noted the Annual Public Health Report and the priorities identified for improving the health and wellbeing of children.

Reasons:

The production of the Annual Public Health Report is a statutory requirement.

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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.

Decision number: ***Decision:***

26/2016 **The Cabinet agreed to unfreeze the following post, as detailed in Appendix 1 to the report and tabled at the meeting:**

Business Support Department

- a) Administration Support Officer**
- b) Electoral Services Assistants x 5**
- c) Senior Press Officer**

Children & Adults

- d) Dynamic Project Lead**
- e) Senior Commissioning Officer**
- f) Casual Clerks x 6**
- g) SEN Manager**

Regeneration, Community and Culture

- h) Housing Finance Assistant**
- i) Housing Support Assstant.**

Reasons:

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

Chatham Waterfront

Background:

This report provided details of progress towards the regeneration of the Chatham Waterfront site, together with proposals to continue negotiations with third party landowners to acquire interests in the site and to agree/pay compensation. The

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report also set out proposals to pursue, in parallel with negotiations, the obtaining of statutory powers of compulsory purchase to acquire the land and appropriation of the Council's own land to ensure that all necessary land interests are acquired and to enable regeneration to take place.

It was noted that the site was an area located at a key gateway to Chatham Town Centre, facing onto the River Medway, Medway Street, the bus station and the Pentagon Shopping Centre. The acquisition and development of the site was a major regeneration focus enabled by funding from the Growing Places Fund.

An exempt appendix provided details of negotiations with the landowners and details of the risks as provided by the Council's legal external advisors.

Decision number: **Decision:**

27/2016 The Cabinet agreed to delegate authority to the Director of Regeneration Community and Culture, in consultation with the Chief Legal Officer, the Leader of the Council, the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships and the Portfolio Holder for Planning, Economic Growth and Regulation to:

- (a) Continue negotiations with landowners to acquire outstanding interests in the land hatched and cross hatched black on the attached plan ("the Plan").**
- (b) Continue to pursue developer interest in the land to secure its regeneration.**
- (c) Seek advice on the active marketing of the site for regeneration and advice on the prospects of such development proceeding in a reasonable time frame.**
- (d) Prepare a compulsory purchase order (CPO) for any or all of the remaining interests in the site within the area shown on the Plan pursuant to the Council's powers under S226 of the Town and Country Planning Act 1990.**
- (e) Make the CPO to secure any or all interests required for the regeneration of the site shown on the Plan.**
- (f) Submit the CPO to the Secretary of State requesting the confirmation of the CPO.**
- (g) Respond to objections and continue negotiations with landowners following making of the CPO.**
- (h) Give undertakings and assurances if advised to and to acquire by agreement any outstanding interests.**

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- (i) Confirm the CPO as an unopposed Order if the CPO is returned to the Council for confirmation.**
- (j) Instruct experts (including counsel) to represent the Council at any inquiry into the confirmation of the CPO or in any written representation process or process including a hearing.**
- (k) Attend any inquiry into the CPO and to pay the costs of the planning inspectorate for the inquiry.**
- (l) Advertise the confirmation of the CPO if it is confirmed by either the Council as an unopposed order or by the Secretary of State.**
- (m) Serve notices to treat and enter, make vesting declarations and/or deed polls to secure all remaining interests in the site.**
- (n) Seek to resolve issues of compensation by agreement or in default of agreement by reference to the Lands Chamber of the Upper Tribunal and/or by mediation.**
- (o) Declare those areas of land within the area shown on the Plan as surplus to the purposes for which it is currently held.**
- (p) Exercise the Council's powers of appropriation of the land within the area shown on the Plan already held by the Council to its planning purposes.**
- (q) Negotiate any compensation due to beneficiaries of rights held over any land appropriated by the Council within the area shown on the Plan.**

The Cabinet noted the human rights implications of proceeding with the powers of compulsory purchase and appropriation.

Reasons:

This will allow the Council's aspirations for the site to be realised within a reasonable timeframe as set out in the report.

South Thames Gateway Building Control Business Plan 2016/2019

Background:

This report provided details of the South Thames Gateway Building Control Partnership Business Plan for 2016/2019. The report set out the process for approval of the Business Plan including the necessary approvals required by each of the three partner Local Authorities with the South Thames Gateway Building Control Joint Committee having responsibility for final approval.

An executive summary of the Business Plan was set out in paragraph 3 of the report. The Business Plan and Delivery Plan were set out in an exempt appendix.

A Diversity Impact Assessment had been carried out on the proposals and was attached at Appendix A to the report.

Decision number: ***Decision:***

28/2016 **The Cabinet approved the proposed Business Plan for 2016/19 for the South Thames Gateway Building Control Partnership, as set out in the Exempt Appendix.**

Reasons:

The constitution of the Joint Committee requires approval of the Business Plan for the following year by the Cabinet of each Partner Authority.

Gateway 4 Procurement Post Project Completion Review: Housing Revenue Account (HRA) Development of Garage Sites for Additional Housing Stock

Background:

This report provided details of the performance of the contract awarded for the delivery of the first work stream for the construction of 23 affordable homes on a total of 10 locations in Medway, 9 of which were disused garage sites previously owned by the Housing Revenue Account (HRA).

An exempt appendix provided key information in respect of the financial analysis for the contract.

Decision number: ***Decision:***

The Cabinet noted the performance of the Housing Revenue Account (HRA) Development Garage Sites and achievement of the outputs described in sections 2 and 4 of the report.

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Reasons:

The contract, which started in July 2014, has successfully delivered the programme of works.

Gateway 4 Procurement Post Project Completion Review: Housing Revenue Account (HRA) Repairs and Maintenance Contract

Background:

This report provided a review of progress of the Housing Revenue Account (HRA) Repairs and Maintenance Contract currently delivered by Mears Limited, which consisted of all the works, including responsive repairs, gas servicing, void property works, external decoration, and the majority of capital works and direct management of call handling.

An exempt appendix provided key information in respect of the financial analysis for the contract.

Decision number: **Decision:**

The Cabinet noted the performance of the HRA Repairs and Maintenance Contract and achievement of the outputs described in sections 4 and 6 of the report.

Reasons:

The report appraised the procurement outcomes/outputs identified as important at Gateway 1 to the delivery of this procurement requirement and identified as justification for awarding the contract at Gateway 3. The overall performance of the contract in the first year had been excellent, with many of the performance targets and key performance indicators being achieved.

Exclusion of the Press and Public

Decision number: **Decision:**

29/2016 The Cabinet agreed to exclude the press and public from the meeting during consideration of agenda item 21 (Legal Claim Against Medway Council) because consideration of this matter in public would disclose information falling within paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 20 (Exclusion of Press and Public) and, in all the circumstances of the case, the Cabinet considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

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Legal Claim Against Medway Council

Background:

This report provided details of a claim against the Council.

Decision number:

Decision:
The Cabinet noted the stage reached within these civil proceedings and Counsel's advice.

30/2016 The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Corporate Services, to settle the litigation as detailed in this report should mediation be successful on the terms set out in paragraph 3.6 of the report, as amended at the meeting.

Reasons:

This proposal is based upon legal advice. Any settlement requires to be authorised by Cabinet.

.....
Leader of the Council

.....
Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

Telephone: 01634 332509/332008
Email: democratic.services@medway.gov.uk

Record of Cabinet decisions

Tuesday, 8 March 2016

2.00pm to 3.40pm

Date of publication: 10 March 2015

**Subject to call-in these decisions will be effective from 18 March 2016
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 Andrew Mackness	Portfolio Holder for Corporate Services
	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 Andrew Burnett, Interim Director of Public Health
Jan Guyler, Head of Legal Services/Deputy Monitoring Officer
Richard Hicks, Director of Regeneration, Community and Culture
Julie Keith, Head of Democratic Services
Anthony Law, Democratic Services Officer
Barbara Peacock, Director of Children and Adults Services
Phil Watts, Chief Finance Officer

Leader's Announcements

The Leader advised that he had agreed to vary the order of business to take agenda item 15 (Gateway 3 Contract Award: Rochester Riverside Regeneration) after agenda item 17 (Gateway 4 Procurement Contract Review: Young People's Community Substance Misuse Service in Medway).

Apologies for absence

An apology for absence was received from Councillor Adrian Gulvin (Resources).

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Record of decisions

The record of the meeting held on 9 February 2016 was agreed and signed by the Leader as a correct record.

Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

Review of Shared Lives Client Living Expenses

Background:

This report provided Cabinet with an overview of proposed changes to the charging arrangements for Shared Lives Clients in Adults Social Care.

The report explained that the Shared Lives scheme provided care and support to adults with a learning disability that meet the Care Act 2014 eligibility criteria. Support was provided in the homes of approved Shared Lives carers and this provided an alternative choice to traditional residential care and enabled the individual to share in family and community life, promoting independent living.

The report explained the existing charging arrangements. It was noted that Shared Lives clients did not make any contribution for normal living expenses, which was inconsistent with other clients in receipt of Adult Social Care and Support Services. The implications of this and options were explored in the report.

The proposal was to introduce the normal living expenses charge for Shared Lives clients. This would represent a change to current practice and policy and therefore it was also proposed that consultation be undertaken. Details of the consultation process was set out in paragraph 6 of the report and it was noted that the outcome would be reported back to Cabinet.

Decision number: ***Decision:***

31/2016 **The Cabinet agreed to a public consultation being carried out which would propose the introduction of the normal living charge for clients in receipt of a Shared Lives Service.**

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32/2016 **The Cabinet agreed that the outcome of the consultation is returned to Cabinet to enable the consideration of consultation responses and decisions to be made in respect of:**

- a) the introduction of the proposed charge;**
- b) the amendment of the current charging policy to include this charge.**

Reasons:

The public consultation will provide feedback to Cabinet and enable an informed decision about the proposed charge and change to the policy to be made. This will, in turn, minimise risk of challenge and enable the authority to respond to potential complaints appropriately.

Furthermore, it is imperative that to enable care and support services to be provided to Medway's most vulnerable people that income is maximised and additional costs avoided. The proposed change in charging Shared Lives Clients will reduce the overall cost of the Shared Lives Service to Medway Council.

Review of the Lordswood Community Hub

Background:

This report provided information relating to the Community Day Activity Service for adults with a learning disability, known as the Lordswood Community Hub, and its sustainability in the current economic climate.

Details of the services provided were given and it was noted that the number of clients using the service had reduced from 26 to 12. At a total cost for 2015/16 of £192,344, this represented a daily rate of £97.34 per client. It was considered that the cost of the service, in relation to the number of clients, was no longer financially viable. The introduction of an alternative and appropriate service, such as a Group Direct Payment, was set out.

The report sought approval to consult on closing this provision and finding appropriate alternative care and support services for the clients using this service. Details of the proposed consultation process were set out in the report and the outcome would be reported back to Cabinet.

Decision number: ***Decision:***

33/2016 **The Cabinet agreed to a public consultation being carried out for a period of 8 weeks which will propose the closure of the Lordswood Community Hub.**

34/2016 **The Cabinet agreed that the outcome of the consultation is returned to Cabinet to enable the consideration of consultation responses and decisions to be made in respect of the proposed closure.**

Reasons:

The public consultation would provide feedback to Cabinet and enable an informed decision about the proposed closure of the Lordswood Community Hub. This will, in turn, minimise risk of challenge and enable the authority to respond to potential complaints appropriately.

Adult Social Care Fair and Affordable Cost of Care Policy

Background:

This report provided Cabinet with an overview of the proposed Fair and Affordable Cost of Care Policy for Adult Social Care, as attached at Appendix 1 to the report.

It was explained that the proposed policy would introduce a maximum expenditure limit for non-residential care and support, making sure that clients receive the best value care and support package, whilst ensuring that the funding available to the Council was sufficient to meet the needs of the entire local population.

The proposed policy sought to achieve:-

- Fairness in how Medway Council funds care packages.
- Improved safety and reduced risk to individuals and promotion of wellbeing.

Whilst maximum expenditure limits would be introduced for all clients, the report explained how it was proposed that there would be a different limit for specific groups of clients.

Details of the proposed consultation process were set out in the report and the outcome reported back to Cabinet.

Decision number: ***Decision:***

35/2016 **The Cabinet agreed to a 12 week public consultation being carried out, which would propose the introduction of the Fair and Affordable Cost of Care Policy for Adult Social Care and that the outcome of the consultation is reported back to Cabinet.**

Reasons:

The public consultation would provide feedback to Cabinet and enable Members to make an informed decision as to whether the policy should be implemented in Medway.

Fair Cost of Care Exercise: Cost of Delivering Residential and Nursing Care Home Services to Older People

Background:

This report provided information about a Fair Cost of Care exercise that was carried out by the Partnership Commissioning Team in 2015/2016 to establish the Council's price for residential and nursing care home placements for older people in 2016/2017. The report recommended prices to be paid to providers for existing older people care home placements and new older people care home placements in 2016/2017.

The report gave details of the exercise and findings. It was explained that there was an option to continue to pay for residential and nursing care home services at the current rates. This exercise had evidenced that these rates do not reflect a fair cost of care for these types of services within the local market and have remained fixed for a period of 3 years. Officers were recommending increases to the Council's rates for older people residential and nursing care homes placements.

It was noted that as part of the budget for 2016/2017 there was £1.3m allocated to cover the impact of the National Living Wage (NLW) on adult social care budgets. The recommendation to implement new prices for older people care home services would be met from a combination of existing adult social care budgets and the increased budget in respect of NLW.

It was noted that officers had considered the protected characteristics of this group of individuals, as set out in the Diversity Impact Assessment (Appendix 1 to the report). It was explained that the current picture in Medway reflected national averages and no negative impact was foreseen.

Decision number: ***Decision:***

36/2016 **The Cabinet agreed the schedule of increases for care services as set out in paragraph 4.7 of the report for implementation from 1 April 2016.**

Reasons:

Medway Council is able to fulfil its obligations of consulting with the social care market and establishing usual costs for older people residential and nursing care home services. The prices should support local providers to be sustainable.

Placing Objects on Highways

Background:

This report set out proposals 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. The policy was originally considered by Cabinet in November 2015, when it had been approved for consultation.

Cabinet, 8 March 2016

It was explained that the key objectives of policy were to:

- promote parity and uniform standards, ensuring equity, across shop front traders, cafes and restaurants;
- present a solution that has minimal cost to businesses and is cost neutral in terms of resources needed to implement the policy;
- deliver an option that is acceptable and enforceable.

A copy of the proposed policy was attached at Appendix 2 to the report and the outcome of the consultation process was set out in the report and in detail within Appendix 4 to the report. This included the finding that 84.11% agreed that it would be safer for pedestrians to use the high street if there were guidelines setting out to help shops lay out their pieces of furniture.

The Regeneration, Community and Culture Overview and Scrutiny Committee had considered proposals for the policy on 28 January 2016 and their comments were set out in section 7 of the report. It was explained that the Committee's suggested changes to the policy document had been reflected in the draft policy.

It was noted that the findings from the Diversity Impact Assessment (attached at Appendix 3 to the report) suggested that the licensing would have a positive impact for all members of the public, which was reflected in the results from the public consultation.

The report considered the options available and, if agreed, explained the proposed licensing fees and a delegation relating to the function of processing and determining individual applications. It was also explained that implementation would be undertaken via a pilot in Chatham Town Centre commencing in June 2016. Over the course of the year the policy and criteria would be monitored and then a review undertaken. The policy could then be extended to other areas of Medway

Whilst approval of the Policy was a matter for Cabinet it was noted that the fees and charges and delegation of the function to process and determine individual applications to an officer was a matter for Full Council.

Decision number: ***Decision:***

- | | |
|----------------|---|
| 37/2016 | The Cabinet agreed the Placing Objects on Highways Policy attached at Appendix 2 to the report. |
| 38/2016 | The Cabinet agreed for a 12 month pilot to be run in Chatham High Street commencing in June 2016, following which a review is submitted to the Regeneration, Community and Culture Overview and Scrutiny Committee and Cabinet prior to a borough wide implementation. |

39/2016 The Cabinet recommended to Full Council to approve:

- (i) The licensing fee as set out in paragraph 2.5 of the report;**
- (ii) The amendment to the Employee Delegation Scheme as set out in paragraph 10.6 of the report.**

Reasons:

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

Lower Thames Crossing

Background:

This report set out the proposals by Highways England to establish a Lower Thames Crossing between East Tilbury and Gravesend linking either to the A2 or the M2. It was explained that the new crossing was needed to reduce congestion at the existing Dartford Crossing and to unlock economic growth, supporting the development of new homes and jobs in the region.

With the agreement of the Cabinet, Councillor Maple addressed the meeting. He advised that other options could have provided Medway with the improved road network needed but Option C (Tilbury to Gravesend) was the least worst option. He also raised concerns as to the funding available for improving the surrounding highways infrastructure.

The report explained the background to these proposals. This included details of the consultation undertaken in 2013 on the options for an additional road-based river crossing and the response agreed by Cabinet on 9 July 2013.

It was explained that the option now being consulted on had three potential route options north of the river in Essex and two south of the river in Kent. The proposal was a new road connection linking the key areas of Ebbsfleet, Swanscombe and Gravesend in the south with Tilbury and the wider areas of Thurrock in the north. In the South there were two options, with one to the west (Western Southern Link) and one to the east (Eastern Southern Link).

The likely impact on the strategic road network and a recommended response from Medway Council to the consultation was set out within the report and accompanying appendices. Members considered the importance of adding commentary to this response on the capacity of the existing traffic infrastructure to respond to the construction of Option C (Tilbury to Gravesend).

Cabinet, 8 March 2016

Councillor Jarrett left the meeting during the consideration of this item and Councillor Doe chaired the remainder of the meeting.

Decision number: **Decision:**

- 40/2016** **The Cabinet supported Highways England's choice of Option C (Tilbury to Gravesend) as the option which Highways England has described as having the potential to unlock significant wider regional economic growth and offering higher transport performance in terms of safety capacity and resilience.**
- 41/2016** **The Cabinet supported the Southern Westerly Link (A2) as this benefits Medway's strategic road network to a greater extent than the Southern Easterly Link (M2).**
- 42/2016** **The Cabinet supported a collaborative approach with partners to:**
- (a) press for a funded package of improvements to the A2/M2 and M20 including links between the M2 and M20 notably the A229 (Bluebell Hill) and the A249, A226 and the A289.**
 - (b) press for the routes from the channel ports to the M25 corridor to be considered holistically and not in isolation of the Lower Thames Crossing.**
- 43/2016** **The Cabinet agreed to delegate authority for the final response to the consultation on or before 24 March 2016 to the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships and that response should include commentary on the capacity of the existing traffic infrastructure.**

Reasons:

The timescales allowed by Highways England in which to analyse the proposals and respond require an intense piece of work through a collaborative approach between Medway and Kent County Council. This work will need to continue into March 2016 and will include drafting the actual response document based on Cabinet's support for the recommendations.

Council Plan 2015/16 Quarter 3 Performance Monitoring Report

Background:

This report summarised the performance of the Council's Key Measures of Success Quarter 3 in 2015/2016 as set out in the Council Plan.

It was explained that there were 58 Key Measures of Success in total for 2015/16 and this report and accompanying appendix included progress on performance against 43 of these. It was noted that:

- 69.8% (30 out of 43) were on target.
- 7% (3 out of 43) were just below target
- 23.2% (10 out of 43) were significantly below target

Members considered the performance results and associated service comments set out within the report.

It was noted that the report would be considered by the four Overview and Scrutiny Committees during March/April 2016.

Decision number: **Decision:**

The Cabinet noted the Q3 2015/16 performance against the Key Measures of Success used to monitor progress against the Council Plan 2015/16.

Reasons:

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

Business Rate Relief

Background:

This report reviewed the current procedures for granting discretionary relief from National Non-Domestic (Business) Rates for charities and other non-profit making organisations.

It was explained that the current policy for the determination of awards of relief and the guidelines that underpin such awards was agreed in 2013 and a copy was attached at Appendix 1 to the report. The report gave details of the relief provided.

Members were also advised of the notice period required before any revocation or variation could take effect. It was explained that by announcing before 31 March 2016 that the current guidelines for awarding relief were to be ended on 31 March 2017, Members and officers could pursue a more detailed review of the policy for awarding relief, which could be announced in the new financial year.

Cabinet, 8 March 2016

**Decision
number:**

Decision:

- 44/2016** **The Cabinet agreed to rescind the existing guidelines with effect from 31 March 2017 and instructed officers to notify relevant organisations by 31 March 2016.**
- 45/2016** **The Cabinet agreed to receive a further paper in the new financial year proposing a revised set of guidelines to be implemented from 1 April 2017.**

Reasons:

Relief from business rates where appropriate is a crucial factor in the survival of many voluntary organisations that support the educational, cultural and economic wellbeing of the Medway area.

By cancelling the existing guidelines, organisations will have sufficient notice of upcoming changes whilst delaying the new guidelines until the start of the new financial year will ensure sufficient time is available to create an equitable and affordable policy for the award of such relief from 1 April 2017.

Medway Annual Schools' Performance Report for 2015

Background:

This report presented the Annual Schools' Performance Report, which was attached at Appendix 1 to the report. The report was designed to give a wide overview of pupil progress in Medway schools and to show comparative performance with schools in other local authority areas.

The report provided the 2015 education results at each key stage for Medway's schools and academies. The report performance from teacher assessments, tests and examinations were also summarised and information on attendance and exclusions for 2013/2014 included.

The Annual Schools' Performance Report noted that:

- a) Early Years Foundation Stage was 5% above national and the improvement rate was above national
- b) Phonics continued to improve with 75% passing the standard, so reducing the gap on national from 3% to 2%. This had been a fast rate of improvement as the gap in 2012 was 11%.
- c) At Key Stage 1, results had continued to improve so that Medway matched the national average for writing and maths and was 1% above national for reading.
- d) At Key Stage 2, on the main standard of Level 4 (including reading, writing and maths), Medway fell to 73% and was joint worst nationally (with Poole). The national average was 80%.

Cabinet, 8 March 2016

- e) At Key Stage 4, Medway continued to be above national at GSCE 5A*-C (including English and maths) at 57.8%, with the national at 57.3%. Like national, the results had fallen over the last four years but Medway's results had fallen more sharply.
- f) At Key Stage 5, Medway was below national on the higher achievement indicator and average point score per entry. Both Medway and national fell from the previous year but Medway at a sharper rate.
- g) Attendance improved by 0.5% but the rate of improvement was slower than the national which improved by 0.8%.
- h) Exclusions continue to rise, both permanent and fixed term. This reflected the national position. However, Medway's exclusions had increased more sharply and fixed term exclusions in the primary sector were the highest in the country.
- i) OFSTED inspection judgements had improved. More schools had been judged good or outstanding and 79% of children were in good or better schools by February this year.

The report explained that there had been a range of activities undertaken in an endeavour to improve results and maintain good progress. This included an accelerated learning programme and volunteer readers.

During the discussion on this item it was noted that the Children and Young People Overview and Scrutiny Committee had considered this report on 3 March 2016. It was also explained that the performance of Chatham Grammar School for Boys, as reported in Appendix C to the Annual Schools' Performance Report should be amended, to read:

- 5 A* - C inc English & Maths - 99%
- Expected Progress English - 93%
- Expected Progress Maths – 91%.

Decision number: **Decision:**

The Cabinet noted the Annual Schools' Achievement Report attached at Appendix 1 to the report.

Reasons:

Monitoring performance is best practice and this report gives Members a wide overview of pupil progress in Medway schools, as well as comparative performance data with schools in other local authority areas.

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, 8 March 2016

Decision number:

Decision:

46/2016

The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report and tabled at the meeting:

Business Support Department

- a) Childcare Lawyer x2
- b) Litigation & Employment Lawyer

Children & Adults

- c) Admin Support Officer – ASO x2
- d) Placement Officer (Adults)
- e) Placement Officer (Children) x2
- f) Quality Assurance Officer
- g) Head of Service - Provider Services (Interim)

Regeneration, Community and Culture

- h) Project Archivist (Adlib).

Reasons:

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

Gateway 3 Contract Award: Home Care and Flexi Care Services Framework

Background:

This report sought permission to appoint the suppliers to the Home Care & Flexi Care Services Framework and appoint a sole provider to the three extra care schemes across Medway.

It was noted that the Cabinet had approved the commencement of this requirement at Gateway 5 on 27 October 2015. Further reports providing details of this procurement exercise were submitted to the Children's and Adults Directorate Management Team on 13 October and 27 October 2015 addressing the following:

- a) Work undertaken with suppliers and key stakeholders to help inform the business case
- b) Analysis of statistical data in relation to commissioned packages of care
- c) Analysis of financial data in relation to current spend
- d) Changes in national minimum wage and impact on price
- e) Recommendations of most appropriate model for Home Care Services from April 2016, with consideration given to rural areas
- f) Recommendations of most appropriate model for Flexi Care Services from April 2016.

Cabinet, 8 March 2016

This report had been approved for submission to the Cabinet after review by the Children and Adults Directorate Management Team Meeting on 2 February 2016 and the Procurement Board on 17 February 2016.

An exempt appendix detailed the financial analysis of the Homecare & Flexi Care Services Framework, as well as information on the submissions received and evaluation outcome.

The Council's decision to award these contracts would be subject to observing the procurement standstill period of a minimum of 10 working days in accordance with the requirements of the Public Contracts Regulations 2015. The Council would be unable to enter into the contract or conclude the framework agreement before the end of the standstill period.

Decision number: **Decision:**

47/2016 **The Cabinet agreed to appoint the following suppliers, as outlined within section 3.4 of the Exempt Appendix, to the Home Care & Flexi Care Services Framework:**

Homecare Medway Wide	
1	Age UK Medway
2	Agincare Group Ltd
3	Anchor Support Services Ltd
4	Boldglen Ltd
5	Everycare (Medway/Swale) Ltd
6	Here2care Ltd
7	Independent Care and Support Ltd
8	KentSCP
9	London Care
10	Mears Care Ltd
11	Meritum Integrated Care
12	NV Care Ltd
13	Rapid Care Ltd
14	Scott Care Ltd
15	Sevacare (UK) Ltd
16	The People Care Team Ltd
17	Westminster Homecare Ltd
18	Wiicare Limited
19	Rosemont Care

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Homecare Rural	
1	Age UK Medway
2	Agincare Group Ltd
3	Here2care Ltd
4	Independent Care and Support Ltd
5	Rapid Care Ltd
6	Scott Care Ltd
7	The People Care Team Ltd
8	Wiicare Limited

Prospect Place	Montgomery Court	Bellerophon House
Everycare (Medway/Swale) Ltd	Everycare (Medway/Swale) Ltd	Everycare (Medway/Swale) Ltd

Suppliers eligible to bid for delivery of services in future flexi care schemes across Medway:

Future Flexi Care Schemes	
1	Anchor Support Services
2	Everycare (Medway/Swale) Ltd
3	London Care
4	Wii Care

Reasons:

The suppliers have demonstrated the ability to deliver services at, or exceed, the minimum standard required. They have also demonstrated the ability to deliver services at cost effective rates within the price cap published as part of the tender exercise.

Gateway 4 Procurement Contract Review: Family Group Conference Service

Background:

This report provided an update to the progress of the Family Group Conference contract currently delivered by Family Action.

It was explained that a Family Group Conference was a family led approach that enabled family members to reach decisions based on the best interests of a child or vulnerable adult who is at risk. Young people and vulnerable adults were normally involved in their own Family Group Conference, although often with support from an advocate.

Cabinet, 8 March 2016

After competitive tendering, the Family Group Conference contract was awarded in 2012 to Family Action. The contract duration was three years with the option to extend for a further two years.

This report was being submitted to the Cabinet in order to note the outcome of the Family Group Conference (FGC) review and approve continuation of the contract. The Gateway 4 report was presented to the Children and Adults Directorate Management Team on 19 January 2016 and Procurement Board on 17 February 2016.

An exempt appendix contained key information in respect of financial analysis and case studies.

Decision number: ***Decision:***

48/2016 **The Cabinet noted the results of the Gateway 4 evaluation and approved continuation of the contract to June 2017.**

Reasons:

The current contractor has performed to a satisfactory standard in accordance with the original procurement and specification.

Gateway 4 Procurement Contract Review: Young People's Community Substance Misuse Service in Medway

Background:

This report reviewed the progress of the Young People's Community Substance Misuse Service in Medway contract. This contract had been awarded to Open Road by Cabinet on 13 May 2014 on a 3 years + 2 years option to extend basis.

The service included:

- early intervention for vulnerable young people;
- named drug worker with the Youth Offending Team;
- one-to-one support and treatment;
- support for young people who require prescribing and needle exchange services provided by Medway's Adult Integrated Substance Misuse Service;
- Drug Use Screening Tool (DUST) training for the wider children's workforce and consultation for professionals and parents/carers;
- defined processes to ensure that the Child Assessment Framework (CAF) and Team around the Child (TAC) are followed;
- a robust transition policy for 19 year olds transferring to adult services;
- protocols for working with mental health services for those young people with dual diagnosis.

Cabinet, 8 March 2016

This report had been approved for submission to the Cabinet after review and discussion at the Children and Adults Directorate Management Team meeting on 22 December 2015 and the Procurement Board on 17 February 2016.

An exempt appendix contained key financial analysis information.

Decision number: **Decision:**

49/2016 **The Cabinet approved the continuation with the current contract, subject to a further review in 6 months' time.**

Reasons:

The client department is satisfied that the provider has met the outcomes/outputs from Gateway 1 and has delivered against a number of the objectives set out as part of the original tender specification and as part of the Gateway 3 contract award process, however progress against further improvements agreed with the provider should be reviewed in 6 months' time.

Exclusion of the Press and Public

Decision number: **Decision:**

50/2016 **The Cabinet agreed that the press and public be excluded from the meeting for consideration of the exempt appendix to agenda item 15 (Gateway 3 Contract Award: Rochester Riverside Regeneration) because consideration of this in public would disclose information falling within paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 18 (Exclusion of Press and Public) and, in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.**

Gateway 3 Contract Award: Rochester Riverside Regeneration

Background:

This report requested the Cabinet to approve the procurement of a sole development partner with a contract, or series of contracts to ensure sufficient time to deliver the regeneration of Rochester Riverside, which was anticipated to take between 10 to 15 years, as highlighted within 3.2 of the accompanying Exempt Appendix. This would involve a development agreement to ensure a quality development as well as the freehold transfer of the site in phases throughout the development period.

It was noted that this was based upon the previous legal advice which stated that the procurement should be for a sole development partner to be sourced via the EU Competitive Negotiated Procedure. This process that had included the Invitation to

Cabinet, 8 March 2016

Negotiate (ITN) Phase reduced the initial tenders from five to three, then the Invitation to Continue Negotiations (ITCN) Phase reduced the tenders from three to two and then the Best and Final Offers (BAFO) Phase which saw the receipt and evaluation of the final two tenders.

Cabinet approved the commencement and delivery of this procurement requirement at Gateway 1 on 2 December 2014 (decision number 195/2014).

This report had been approved for submission to the Cabinet after review and discussion at Regeneration, Community and Culture Directorate Management Team meeting on 7 January 2016, the Rochester Riverside Board on 12 January 2016 and the Procurement Board on 17 February 2016.

The Homes and Communities Agency, the Council's partner for this development, was also required to approve the procurement of a sole development partner with a contract, or series of contracts. A Board meeting of the Homes and Communities Agency was scheduled to take place on 10 March 2016.

An exempt appendix contained key financial analysis information.

The Council's decision to award this contract(s) would be subject to observing the procurement standstill period of a minimum of 10 working days in accordance with the requirements of the Public Contracts Regulations 2015. The Council would be unable to enter into the contract(s) before the end of the standstill period.

Decision number: ***Decision:***

51/2016 **The Cabinet approved the award of the contract, or series of contracts for Rochester Riverside Regeneration to Countryside subject to HCA approval on 10 March 2016, and achieving the outputs described in Section 3 of the report.**

The Cabinet noted that a report will be submitted to Full Council for information on 28 April 2016 detailing this land and property transaction over £500,000 in accordance with the Constitution.

Reasons:

This proposed project will deliver a high quality development to a much needed regeneration area within Rochester.

Cabinet, 8 March 2016

.....
Leader of the Council

.....
Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

Telephone: 01634 332509/332008

Email: democratic.services@medway.gov.uk

Record of Cabinet decisions

Tuesday, 5 April 2016

3.00pm to 4.05pm

Date of publication: 6 April 2016

**Subject to call-in these decisions will be effective from 14 April 2016
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 Andrew Mackness	Portfolio Holder for Corporate Services

In Attendance: Neil Davies, Chief Executive
Dr Andrew Burnett, Interim Director of Public Health
Stephanie Goad, Assistant Director Communications, Performance and Partnerships
Wayne Hemingway, Democratic Services Officer
Richard Hicks, Director of Regeneration, Community and Culture
Perry Holmes, Chief Legal Officer/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 Mike O'Brien (Children's Services) and Rupert Turpin (Business Management).

Record of decisions

The record of the meeting held on 8 March 2016 was agreed and signed by the Leader as a correct record.

Cabinet, 5 April 2016

Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

Councillor Adrian Gulvin (Resources) stated that whilst he had previously declared an interest in items relating to the Youth Service (agenda item 5 - Future Integrated Youth Support Services (IYSS) Delivery Specification refers), this was no longer necessary because his brother no longer worked for the Youth Service.

Review of Early Years and Sure Start Children's Centre Services

Background:

This report provided details of the outcome of informal consultation in respect of the proposed reconfiguration of Council services for very young children and their families, to reflect changing statutory duties, government policy, local priorities, and the financial position of the authority over the coming four years.

The Cabinet had agreed that informal consultation be undertaken on the proposals at its meeting on 12 January 2016. It was noted that the proposals would not involve closure of any centres, nor changing the range and nature of services currently provided for children and families. Rather, the proposal was for change to commissioning arrangements, management and administration, and back-office coordination.

Details of the informal consultation undertaken was set out in section 4 of the report with the outcome reported in section 5 of the report. It was noted that the very large majority of representations focused on giving views on how best the proposed reorganisation be implemented, in particular the prioritisation of services; targeting need and cluster organisation. Paragraph 5.11 of the report provided a response to comments from the informal consultation process.

A Diversity Impact Assessment was set out in Appendix 1 to the report, as summarised in paragraph 6.7 of the report.

Decision number: **Decision:**

The Cabinet noted the outcome of the informal consultation.

52/2016 The Cabinet agreed option 3, as set out in paragraph 3.1 of the report, for the future delivery of Medway's 19 Sure Start Children's Centres.

Cabinet, 5 April 2016

The Cabinet noted officers will undertake a reorganisation, in consultation with the Portfolio Holder for Children's Services, of the management and staffing of Medway's 19 Sure Start Children's Centres, and a reorganisation of the authority's Early Years services, to be implemented by 1 January 2017.

Reasons:

Compliance with statutory duties, whilst setting a balanced budget with very reduced resources, requires consideration of how to reorganise services within available means.

Future Integrated Youth Support Services (IYSS) Delivery Specification

Background:

This report provided details of the work undertaken to prepare Medway Integrated Youth Support Services (IYSS) for future outsourcing to reflect the changing financial position of the Council, following Cabinet's decision on 12 January 2016 that the three Medway young people's services, Youth Service, Youth Offending Service and YES IAG service be commissioned out in a package from January 2017.

It was noted that a consultation exercise about the outsourcing of these young people's services had been undertaken and information collected had been incorporated into this IYSS specification. Specific details on the outcome of consultation were set out in section 6 of the report.

The service specification (Exempt Appendix) was circulated to Members in Supplementary Agenda No.2 and a risk register on outsourcing the IYSS was also set out in an Exempt Appendix. It was noted that the priority areas of work to be delivered by the new provider would be:

- Youth Justice interventions
- Open access youth work provision (centre based, detached and outreach)
- Unbiased information advice and guidance support focusing on young people's participation in education, employment and training
- Young people's health and wellbeing
- Reducing permanent and fixed term school exclusions.

A Diversity Impact Assessment had been undertaken at the proposals, as set out in Appendix 2 to the report.

Decision number: Decision:

53/2016 The Cabinet approved the draft specification for Integrated Youth Support Services 2017-21, as set out in Appendix 1 to the report and agreed to delegate authority to the Director of Children and Adults Services, in consultation

Cabinet, 5 April 2016

with the Portfolio Holder for Children's Services, to finalise the specification prior to the commencement of the tendering process.

- 54/2016** **The Cabinet approved the commencement of a tendering process for Integrated Youth Support Services.**
- 55/2016** **The Cabinet agreed that the length of the contract offered to a new provider be for five years plus a two year optional extension, as set out in paragraph 3.5 of the report.**

Reasons:

The outsourcing will provide security and continuity for Integrated Youth Support Services for at least the next 5 years.

Proposed Service Model for Children and Young People's Mental Health and Wellbeing Services in Medway

Background:

This report provided details of the development of a Draft Service Model for Children and Young People's Mental Health and Wellbeing Services in Medway and plans for stakeholder and public consultation during April to June/July 2016.

It was noted that the proposed changes represented a substantial variation to healthcare. Regulation 23 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 required relevant NHS bodies and health service providers ("responsible persons") to consult a Local Authority, in this case the Children and Young People Overview and Scrutiny Committee, about any proposal which they had under consideration for a substantial development of or variation in the provision of health services in the local authority's area.

Therefore, a 90 day consultation period on the proposals would be undertaken with the outcome of consultation scheduled to be reported back to the Health and Wellbeing Board, Children and Young People Overview and Scrutiny Committee and Cabinet in the Autumn.

The report provided details of the consideration of the proposals by the Health and Wellbeing Board and Children and Young People Overview and Scrutiny Committee, as set out sections 7 and 8 of the report respectively.

A Diversity Impact Assessment had been undertaken on the Local Transformation Plan, as set out in Appendix B to the report. It was noted that at this stage there was too much scope for flexibility within the final potential model and service specifications to finalise the Diversity Impact Assessment.

Cabinet, 5 April 2016

**Decision
number:**

Decision:

The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee and the Health and Wellbeing Board in relation to the Draft Service Model for Children and Young People's Mental Health and Wellbeing Services in Medway.

- 56/2016** The Cabinet approved the Draft Service Model, as set out in Appendix A to the report, for formal public and stakeholder consultation, commensurate with the requirements for a Substantial Variation to Local Healthcare.
- 57/2016** The Cabinet approved the proposed commissioning timeline and procurement approach as set out in paragraphs 3.3 and 3.4 of the report.
- 58/2016** The Cabinet approved the consultation, communication and engagement plans as set out in section 6 of the report.

Reasons:

It is necessary to consult on the proposals in accordance with the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.

Developing and Empowering Resources in Communities

Background:

This report provided details of a proposal for the Council to act a Guarantor for the Developing and Empowering Resources in Communities (DERiC) initiative. The DERiC projects would work to improve outcomes for vulnerable people of all ages by enhancing the quality of support through a focus on personalisation (direct payments), which should result in reduced demand on base budget funding and utilising social capital that would reduce latent demand on services.

It was noted that this was an innovative community development approach initiated by DERiC which worked in partnership with communities in Walderslade (WALT), the Hoo Peninsula (wHoo Cares), Medway Council and Medway Clinical Commissioning Group.

**Decision
number:**

Decision:

- 59/2016** The Cabinet agreed to delegate authority to the Deputy Director of Children and Adults Services, in consultation with the Portfolio Holder for Adult Services, to provide a guarantee to DERiC (Option 1), as set out in paragraph 3.1

of the report.

60/2016 **The Cabinet agreed to delegate authority to the Monitoring Officer to finalise the terms of the guarantee with DERiC and arrange the proper execution of the required legal documents.**

Reasons:

A guarantee from Medway Council will allow DERiC to invest in the communities of Walderslade and the Hoo Peninsula to build resilient communities.

Marina Development at Chatham Waterfront

Background:

This report provided details of a proposal for the Council to enter into agreements and grant leases together with any necessary rights in respect of the following Council owned assets: Riverside 4 building, part of the Chatham Riverside pay and display car park, part of Waterfront Park, Chatham and the council owned bed and soil of the river fronting Gun Wharf to facilitate the development of a marina.

The report stated that the Council had held detailed discussions with the Crown Estate, which owned the bed and shore adjacent at Chatham Waterfront on the proposal for a contractual Joint Venture agreement with the Crown Estate regarding the opportunity to take a long lease of the land/building and riverbed. It was noted that consultants and specialists acting for the Council and the Crown Estate were of the opinion that there would be interest from private sector developers and marina operators in this opportunity.

Decision number: ***Decision:***

61/2016 **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader and the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships, to enter into any arrangements as are necessary with the Crown Estate to take forward the letting of the Council's land and the Crown's bed and shore for a marina development at Chatham Waterfront as outlined in the site plan, as set out in Appendix 1 to the report.**

62/2016 **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader and the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships, to:**

- (i) consider any objections against any proposals to grant a lease of or rights over part of Waterfront Park;**

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- (ii) **to grant a lease or leases of the Riverside 4 building, part of Waterfront Park and part of the Riverside Pay and Display car park together with any necessary rights over parts of the Waterfront Park.**

Reasons:

The development of a marina in Chatham will enhance the regeneration and visual appearance of Chatham Waterfront and the tourist offer. This is a key to part of improving Chatham Town Centre, complementing the council's ongoing investment in the public realm through the Local Growth Fund and the Place making project. In addition the proposal will generate a rental income from any lease or leases granted.

Review of the Council's Constitution

Background:

This report provided details of proposed changes to the Council's Constitution, following completion of a review commissioned by the Portfolio Holder for Corporate Services. The report set out the scope of the review which, in summary, was to ensure it would be up to date and consistent with current legislation and established practice. Appendix A to the report set out a high level summary of the principal changes proposed to the Constitution. A copy of the Constitution which highlighted all the recommended revisions as set out in Appendix B to the report (Supplementary Agenda No.1).

It was noted that the Chief Executive, Directors and Deputy and Assistant Directors had been consulted on proposed changes to the Constitution and had assisted in identifying updates required, and that Group Leaders had been informally consulted on the proposed changes.

It was also noted that a recommendation from the Audit Committee concerning an annual report on all debt written off had been reflected within Appendix B to the report and the Planning Committee, on 6 April 2016, would be considering minor changes to the Planning Code of Good Practice and the procedures for escalation of planning applications to the Committee for determination.

The Business Support Overview and Scrutiny Committee would be reviewing the redrafted Overview and Scrutiny Committee rules at its meeting on 14 April 2016 so that the comments of the Committee can be reflected in the final report to Full Council.

Decision number:

62/2016

Decision:

The Cabinet noted the proposed revisions to the Constitution as summarised in Appendix A to the report and set out in full as tracked changes in the copy of the Constitution in Appendix B to the report and agreed to

Cabinet, 5 April 2016

recommend the changes to Full Council on 28 April 2016.

The Cabinet noted that the Leader will approve changes proposed to any of the executive delegations as set out in full in the Employee Scheme of Delegations.

63/2016

The Cabinet agreed that the Monitoring Officer should have authority to reflect in the report to Council any comments on proposed revisions to Article 6 and the Overview and Scrutiny Rules from the Business Support Overview and Scrutiny Committee at its meeting on 14 April 2016.

The Cabinet noted that proposed changes to the Terms of Reference of the Joint Kent and Medway Health Overview and Scrutiny Committee will be subject to approval by Kent County Council (KCC) as well and that Full Council will be asked to authorise the Monitoring Officer to finalise the wording in consultation with KCC and the Chairman and Opposition Spokespersons of the Council's Health and Adult Social Care Overview and Scrutiny Committee.

The Cabinet noted that any recommendations from the Planning Committee on the matters referred to in paragraph 3.7 of the report will be reported for approval by Full Council on 28 April as part of the report on the review of the Constitution.

Reasons:

The revisions to the Constitution proposed in this report demonstrate that the Council is actively keeping the Constitution under review and give effect to changes required to ensure it is compliant with legislation, coherent and consistent with best practice.

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.

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**Decision
number:**

Decision:

64/2016

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

Business Support Department

- a) Senior Electoral Officer x2**
- b) Electoral Officer x 2.5**
- c) Democratic Services Officer**

Children & Adults

- d) Graduate Business Information Officer x 2**
- e) Quality Assurance Officer.**

Reasons:

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

Gateway 3 Contract Award: Social Impact Bond

Background:

This report provided details of the contract award for the provision of the Social Impact Bond. The scope of the contract would include Family Functional Therapy (FFT) interventions to both prevent children going into care and support children to return home where it was safe to do so, ready investment, performance management and reporting and outcome and payment metrics.

The report noted that there was only one supplier in the market which could deliver the contract, Evidence Based Social Investments (EBSI) Ltd.

The report was considered by the Procurement Board on 16 March 2016, as set out in section 5 of the report.

**Decision
number:**

Decision:

65/2016

The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Children's Services, to publish a VEAT notice setting out the Council's intention to directly award a contract to

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Evidence Based Social Investments Ltd (EBSI) for the provision of the Social Impact Bond and to consider and determine any objections which may arise from the publication of the notice and following this process to award a contract for the provision of the Social Impact Bond to Evidence Based Social Investments Ltd (EBSI).

Reasons:

EBSI is the only provider to have secured funding for the Council from the Cabinet Office to part fund the Social Impact Bond, and as such the market the Council could use was reduced to a single supplier.

.....
Leader of the Council

.....
Date

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