

COUNCIL

21 JULY 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 28 April 2016.

He will include:

- Stability for the Local Community
- Supporting Young People
- Medway's Strategic Future
- Decisions made by the Cabinet on 10 May 2016, 7 June 2016 and 12 July 2016.

Record of Cabinet decisions

Tuesday, 10 May 2016

3.00pm to 3.40pm

Date of publication: 11 May 2016

**Subject to call-in these decisions will be effective from 19 May 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 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
Wayne Hemingway, Democratic Services Officer
Perry Holmes, Chief Legal Officer/Monitoring Officer
Richard Hicks, Director of Regeneration, Culture, Environment and
Transformation
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 Rodney Chambers OBE (Inward Investment, Strategic Regeneration and Partnerships), Mike O'Brien (Children's Services) and Rupert Turpin (Business Management).

Record of decisions

The record of the meeting held on 5 April 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.

Housing (Demand, Supply and Affordability) Task Group

Background:

This report provided details of the in-depth review into the demand, supply and affordability of housing in Medway. A copy of the Task Group's report was attached to the report which set out the findings and recommendations of the Task Group together with the comments from the Regeneration, Community and Culture (29 March 2016) and Business Support (14 April) Overview and Scrutiny Committees.

It was noted that the Task Group's terms of reference had been to review the demand, supply and affordability of housing in Medway in the context of the key social and economic role that housing plays, particularly for those who are struggling to access housing.

The Member Task Group had met with mhs Homes, Hyde Housing Association, Redrow and Berkeley as well as Medway Citizen's Advice Service and a Kent representative from the National Landlords Association. In addition, there were briefings from officers and desktop research was undertaken.

A Diversity Impact Assessment was included with the report from the Task Group review.

Decision number: ***Decision:***

66/2016 **Recognising that the Council, as a regeneration authority, will wish to continue to use its best endeavours to meet its objectively assessed housing needs, the Cabinet agreed to make representations to the Government that the Council should not be penalised as a result of developers failing to deliver housing, particularly where planning permission has been granted.**

Cabinet, 10 May 2016

- 67/2016** Given the importance of building enough homes to meet the increasing need for housing, the Cabinet agreed to lobby the Government to introduce measures to encourage developers and land owners to develop sites for housing which have the benefit of planning permission or are allocated for housing development, within the relevant timeframe, in the Development Plan or Neighbourhood Plan.
- 68/2016** In relation to sites identified in recommendation 2 above, Cabinet agreed to ask the Government to consider introducing a national scheme for a local tax on undeveloped (land banked) land in order to:
- incentivise developers and/or landowners not to sit on sites they have acquired and have either planning permission or are allocated for housing development, within the relevant timeframe, in the Development Plan or Neighbourhood Plan, and;
 - to build out more quickly where planning permission has been given.
- 69/2016** The Cabinet agreed with its partners to explore the use of more innovative construction methods and forms of housing in order to increase the supply of homes.
- The Cabinet noted that the Director of Director of Regeneration, Culture, Environment and Transformation is asked to agree that developers be offered at the pre-application stage, as a matter of course, the opportunity to commission services needed before development on sites can commence, for instance archaeology, ecology and contamination studies in order to allow schemes to start on site without further delay.
- 70/2016** The Cabinet agreed to work with partners to identify suitable funding sources and opportunities in order to develop additional homes, including securing external funding to help meet the costs involved in getting sites ready for development.
- 71/2016** The Cabinet agreed to ask Council officers to identify opportunities to improve working relationships with developers (including sub contractors) in order to improve the supply of skilled labour to the industry and, further, to identify achievable targets to help alleviate the shortages in the industry, including working with local education, skills and training providers, such as the Medway University Technical College and Mid Kent College.

Cabinet, 10 May 2016

- 72/2016** The Cabinet agreed to review the scope to extend the use of home bonds to help tenants find alternative accommodation and work with the private rented sector to encourage landlords to let properties to residents in housing need and to those in receipt of Housing Benefit.
- 73/2016** In order to free up much needed social housing, the Cabinet agreed to review, in relation to its housing stock, the incentives that are available to residents aimed at encouraging them to move into more suitable forms of affordable housing.
- The Cabinet noted that the Director of Regeneration, Culture, Environment and Transformation is asked to continue to promote shared ownership products and similar available products that will support home ownership in Medway.
- 74/2016** Given that 50% of supply is now concentrated in the eight largest private housebuilders, The Cabinet agreed, with the aim of helping increase the supply and type of housing available, to:
- a) identify and assist with overcoming the barriers for small and medium-sized enterprises (SME) builders entering the market in Medway and
 - b) consider what the Council can do to encourage SME builders to enter and remain in the market in Medway.
- 75/2016** The Cabinet agreed to ensure that there are appropriate resources in place to ensure that tenants in the private rented sector have sufficient protection with regard to minimum standards of accommodation, repair and good management.
- 76/2016** Subject to this being financially viable, the Cabinet agreed to consider the potential of options to generate extra finance, for example prudentially borrowing and use the funds to build and operate housing across all tenures either by working in partnership with a local housing provider or by alternative means.

Reasons:

The Task Group has considered the issues around the demand, supply and affordability of housing in Medway. This has included evidence from a range of relevant partners and stakeholders. The decisions seek to try and improve the housing situation in Medway and to also raise awareness of the significant and complex issues involved.

Better Care Fund: Update and Section 75 Budget Arrangements

Background:

This report provided an update on the arrangements for the approval of the Better Care Fund (BCF), which the Council was required to establish in accordance with Section 75 of the Health and Social Care Act 2006. Section 75 of the Act allowed Local Authorities and NHS bodies to enter into partnership arrangements to provide a more streamlined service and to pool resources, if such arrangements were likely to lead to an improvement in the way their functions were exercised. For Medway, it was noted that the BCF for 2016/17 would have a value of £18.255m.

During discussion, clarification was sought on the references to differing financial years in paragraphs 6.2 and 7.4 of the report with a request that this be provided outside the meeting.

Decision number:* *Decision:

77/2016 The Cabinet agreed to delegate authority to the Director of Children and Adults Services, in consultation with the Chief Legal Officer and the Portfolio Holder for Adult Services, after it has been considered and endorsed by the Health and Wellbeing Board, to produce and finalise the Section 75 Pooled Fund for the Better Care Fund for 2016/17 with the Accountable Officer of the Medway Clinical Commissioning Group (CCG).

Reasons:

Delegating authority to the Director of Children and Adults Services, in consultation with the Chief Legal Officer and the Portfolio Holder for Adult Services, allows more time to establish the pooled fund agreement within the foreshortened timeframes within which NHS England operates.

Regular reports on the progress of the BCF programme will be provided but this arrangement will sit better with existing governance arrangements.

6 Monthly Review of the Council's Corporate Business Risk Register

Background:

This report provided details of the latest review of the Council's Business Risk Register. Details of the review process was set out in paragraph 3 of the report which specified proposed amendments to Risk SR30b (Finances) and Risk SR17 (Regeneration).

The Business Support Overview and Scrutiny Committee considered this report on 14 April 2016 and its comments were set out in paragraph 5 of the report.

Cabinet, 10 May 2016

Decision number: **Decision:**

78/2016 **The Cabinet approved the amendments to the Council's Risk Register, as detailed in Appendix A and B to this 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.

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 and an additional form was tabled at the meeting.

Decision number: **Decision:**

79/2016 **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) Democratic Services Officer

Regeneration, Culture, Environment and Transformation

b) Head of ICT

c) Customer Relations Team Leader

Children and Adults

d) Business Information Officer x 2

e) Support Services Assistant – Mental Health

f) Support Services Assistant – QA & Safeguarding

g) Admin Assistant

h) DOLS Administrator.

Reasons:

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

Gateway 3 Report: Provision of Fully Integrated Sexual Health Services

Background:

This report provided details of the procurement process for the award of contract for fully integrated sexual health services. The full details of the services to be provided under this contract were set out in paragraph 2 of the report and it was noted that a venue in Chatham town centre, 4 Clover Street, had been sourced and refurbished to act as an integrated Sexual Health services hub with increased opening hours which would improve accessibility for all and ensure a full range of services were available.

The Procurement Board considered this report on 13 April 2016 and supported the recommendation set out in the report.

An exempt appendix provided details of the financial analysis, tender evaluation stages and the results of the tender evaluation.

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:***

80/2016 **The Cabinet agreed to award the contract for the provision of Integrated Sexual Health Services to Kent Community Health NHS Trust.**

Reasons:

The proposed procurement will provide the opportunity to deliver improved sexual health services whilst performing against Council strategic objectives including local and national public health obligations.

Cabinet, 10 May 2016

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Leader of the Council

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Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

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Record of Cabinet decisions

Tuesday, 7 June 2016

3.00pm to 5.25pm

Date of publication: 8 June 2016

Subject to call-in these decisions will be effective from 16 June 2016.

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
	Councillor Rupert Turpin	Portfolio Holder for Business Management
	In Attendance:	Neil Davies, Chief Executive
	Stephanie Goad, Assistant Director Transformation	
	Wayne Hemingway, Democratic Services Officer	
	Richard Hicks, Director of Regeneration, Culture, Environment and Transformation	
	Perry Holmes, Chief Legal Officer/Monitoring Officer	
	Julie Keith, Head of Democratic Services	
	Carrie McKenzie, Head of HR and Organisational Change	
	Ian Sutherland, Deputy Director, Children and Adults Services	
	Phil Watts, Chief Finance Officer	

Apologies for absence

An apology for absence was received from Councillor Mike O'Brien (Children's Services).

Cabinet, 7 June 2016

Record of decisions

The record of the meeting held on 10 May 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

Councillor Turpin declared an interest in agenda item 7 (Short Breaks Provision for Children with Disabilities and the Local Offer) because he has a child with a disability, however, he had not previously used this service.

Community Safety Plan 2016/2020 (Policy Framework)

Background:

This report advised the Cabinet that Community Safety Partnerships (CSPs) were under a duty to produce a Community Safety Plan to formulate and implement a strategy to reduce crime and disorder, combat substance misuse, and reduce reoffending. This report provided information on the proposed plan to cover the period from 2016 to 2020.

Comments from the Regeneration, Community and Culture Overview and Scrutiny Committee, the Health and Wellbeing Board and the Children's Safeguarding Board were set out in paragraphs 4, 5 and 6 of the report.

A Diversity Impact Assessment was included with the report at Appendix 3.

Decision number: ***Decision:***

81/2016	The Cabinet agreed to recommend the proposed Community Safety Plan (CSP) for 2016 to 2020, containing new priorities for the CSP, to Full Council on 21 July 2016, for approval.
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Reasons:

The Community Safety Plan discharged the Council's statutory requirement to produce a plan for community safety.

Cabinet, 7 June 2016

16-19 Strategy 2016/2020

Background:

This report set out the draft Medway 16 -19 Strategy which was intended to bring together a plan to increase participation in learning for 16 and 17 year olds, improve the transition for young people into the labour market and reduce the levels of those not in education, employment and training (NEET) and in 'not known' destinations aged 16-19 years. The youth labour market had some unique differences to the general labour market. The case for action was very clear that the education and skills environment was not separate from the economy and the economy could not be detached from education and skills. The strategy was about long term sustainable development, balancing and building on the synergies between learning, economic growth and social inclusion.

The Children and Young People Overview and Scrutiny Committee considered this report on 26 May 2016 and its comments were set out in paragraph 7 of the report.

A Diversity Impact Assessment was included with the report at Appendix 4.

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

82/2016 **The Cabinet approved the 16-19 Strategy for the period 2016-20.**

Reasons:

Approval of this strategy would enable to Council to bring together a plan to increase participation in learning for 16 and 17 year olds, improve the transition for young people into the labour market and reduce the levels of those not in education, employment and training (NEET) and in 'not known' destinations aged 16-19 years

Approval of the strategy would also assist the Council in meeting the expectation of Ofsted for Medway to develop further the 16 -19 strategy to ensure that it met the needs of 18 year olds more effectively, to help them achieve well academically and to move successfully on to education, training and employment.

Sufficiency Report 2016/2017

Background:

This report set out how Medway Council would meet the needs of Looked After Children and Care Leavers in such a way as to ensure improved outcomes. This was an updated version of the 2015/16 Medway Sufficiency report.

The Children and Young People Overview and Scrutiny Committee considered the report on 26 May 2016 and its comments were set out in paragraph 7 of the report.

Cabinet, 7 June 2016

A Diversity Impact Assessment was included with the report at Appendix B.

Decision number: ***Decision:***

83/2016 **The Cabinet approved the Medway Sufficiency Report as set out at Appendix A to the report.**

Reasons:

Approval of the Sufficiency Report 2016-17 would enable the Council to fulfill its statutory requirement to take steps to secure, so far as was reasonably practicable, sufficient accommodation for Children in Care within the local area and would enable Medway to act strategically to address gaps in provision.

Short Breaks Provision for Children with Disabilities and the Local Offer

Background:

This report sought Cabinet approval to consult on proposals for how families would access community based Short Breaks Provision, the suggested eligibility criteria for Short Breaks and the proposal that Direct Payments be the main vehicle by which families purchase Short Breaks. The consultation exercise, with all interested parties, would run from June until September 2016.

The Children and Young People Overview and Scrutiny Committee considered the report on 26 May 2016 and its comments were set out in paragraph 7 of the report.

A Diversity Impact Assessment was included in the report at Appendix 1.

Decision number: ***Decision:***

84/2016 **The Cabinet agreed that officers commence consultation (running from June – September 2016) on the proposals for short breaks provision, as outlined in section 3 of the report.**

Reasons:

The proposals set out in this report would better ensure that Medway was able to target its resources at Medway children and those families in greatest need.

Cabinet, 7 June 2016

Review of Shared Lives Client Living Expenses

Background:

On 7 July 2015, Cabinet approved The Care and Support (Charging and Assessment of Resources) Regulations 2014 policy, relating to charging for adult social care and support services.

This report provided an overview of a proposed addition to charging arrangements in Medway which would require amendment to the agreed policy and feedback from the public consultation relating to the proposal (following Cabinet's approval on 8 March 2016 for consultation to be undertaken on the proposal).

A Diversity Impact Assessment was included with the report at Appendix C.

Decision number:

85/2016 **The Cabinet agreed to the proposed charge being introduced, as set out in paragraph 2.8 of the report, from 1 July 2016.**

Reasons:

Whilst the response to the consultation was minimal; five out of the nine responses were positive, with two having no opinion.

Medway Council must ensure that charging for Adult Social Care is fair and equitable. Currently, our Shared Lives clients were not being charged for normal living expenses and this was not in line with other clients living in the community who paid their own living expenses or those in residential care whose charges were much higher to take cover these costs. The introduction of this charge would ensure all clients charged for Adult Social Care and Support Services were treated equally.

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

Revenue and Capital Outturn 2015/2016

Background:

This report detailed the final revenue and capital outturn position for the financial year ended 31 March 2016. These figures would form part of the Council's draft statement of accounts which would be seen by the Audit Committee on 30 June and be subject to the external audit during July and August.

Cabinet, 7 June 2016

The final outturn for the year was close to break even, representing a modest underspend of £125,000.

Decision number: **Decision:**

The Cabinet noted the outturn position and submission of the draft Statement of Accounts to the Audit Committee on 30 June 2016 and the final Statement of Accounts to the Audit Committee on 29 September 2016

Reasons:

The Cabinet was the body charged with the executive management of the council's budget. Therefore, it was important that the final outturn be reported to Cabinet.

Council Plan End of Year Q4 2015/16 Performance Monitoring Report

Background:

Medway's four priorities were set out in the Council Plan 2015/16. This report summarised how the Council had performed in 2015/16 against these priorities using 58 Key Measures of Success and 26 Key Projects. A range of awards and achievements was highlighted.

It was noted that 65.3% of key measures of success were on target, 8.2% were just below target and 26.6% were significantly below target.

The report focused on where the Council had achieved its targets and how under performance was being tackled.

Decision number: **Decision:**

The Cabinet noted the end of year Q4 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 was best practice and ensured achievement of corporate objectives.

Database and Virtual Server Infrastructure Licensing Model

Background:

This report presented a business proposal to change the ICT infrastructure which in turn would create long term savings in database licensing expenditure. The report sought approval to secure a budget of £226,000 by using prudential borrowing over a 5 year term. This would require approval by Full Council as an addition to the capital programme.

The proposed approach was essential in the short term to gain efficiencies and mitigate risk. It was consistent with the Council's IT strategy to rationalise estate. The Council was currently considering its approach to digital transformation, the recommendations in the report in no way limited options going forward.

Decision number:

86/2016

Decision:

The Cabinet recommended Option 2, as set out in paragraph 4.2 of the report, to Full Council as an addition to the Capital Programme.

Reasons:

There was a clear short window of opportunity to rationalise the existing Medway Oracle and SQL database environment. Option 2 met a number of key strategic digital aims, namely:

- Rationalisation of software and hardware
- Improved resilience and system availability
- Reduced operational costs
- Improved management of ongoing software licence provision
- Facilitates a future off premise (cloud) database delivery model.

In summary, option 2 was the most cost effective and achievable route to revenue savings over the next 5 years.

Various Land Disposals

Background:

This report requested that delegated authority be granted to the Chief Legal Officer, in consultation with the Portfolio Holder for Resources and the Leader to close, appropriate, declare surplus and dispose of various council owned properties, applying for planning permission and entering into any necessary agreements in relation to the re-provision of services and undertaking the procurement of development/alternative facilities where appropriate.

Cabinet, 7 June 2016

The Leader of the Labour Group, Councillor Maple, addressed the Cabinet on this item stating that whilst the Labour Group was not opposed, in principle, to the sale of land, that consultation should be undertaken prior to any decisions being made.

Cabinet Members discussed each of the individual proposals and it was stated that consultation would take place, as appropriate, before the Chief Legal Officer exercised his delegated authority, in consultation with the Portfolio Holder for Resources and the Leader.

Decision number: ***Decision:***

87/2016 **The Cabinet delegated authority to the Chief Legal Officer in consultation with the Portfolio Holder for Resources and the Leader:**

- (i) To close, declare surplus, appropriate and dispose of the Whiffens Avenue Car Park, Chatham, on the best terms reasonably obtainable. However, no action to be taken to dispose of the property until the piece of work referred to in paragraph 3.1 of the report was completed.**
- (ii) To close, declare surplus and dispose of the Kings Head Disabled Car Park, Rochester, on the best terms reasonably obtainable. However, no action to be taken to dispose of the property until the piece of work referred to in paragraph 3.2 of the report was completed.**
- (iii) To close the Hook Meadow Community Centre, Library and Changing Rooms, Chatham, and declare them surplus, appropriate them and dispose of them on the best terms reasonably obtainable and to enter into any necessary agreements concerning the re-provision of the community facilities at Hook Meadow as set out in paragraph 3.3 of the report.**
- (iv) To close the White Road Community Centre, Chatham, declare it surplus, appropriate it and dispose of it on the best terms reasonably obtainable and to enter into any necessary agreements concerning the re-provision of the community facilities on the White Road Community Centre site, as set out in paragraph 3.4 of the report.**
- (v) To declare surplus and dispose of the land at the Esplanade, Rochester on the best terms reasonably obtainable, as set out in paragraph 3.5 of the report.**

Cabinet, 7 June 2016

- (vi) **To close, declare surplus, appropriate and dispose of the Luton Shoppers Car Park, Magpie Hall Road, Chatham on the best terms reasonably obtainable and to enter into any necessary agreements concerning the development of the Luton Shoppers Car Park site including the provision of replacement parking, as set out in paragraph 3.6 of the report, which is to be retained on site.**
- (vii) **To declare surplus and dispose of the site of Aburound House, Gillingham, on the best terms reasonably obtainable, as set out in paragraph 3.7 of the report.**

Reasons:

To reduce revenue costs, obtain capital receipts and to bring forward land for much needed housing development.

Cabinet Advisory Groups

Background:

This report provided a review of the various Cabinet Advisory Groups and asked the Cabinet to agree to the re-establishment of the Groups for 2016/2017. The report noted that these Groups did not have any decision making powers and could consist of both executive and non-executive councillors.

Decision number:

88/2016 **The Cabinet agreed the re-establishment of the Cabinet Advisory Groups with the terms of reference set out in the report and appointment of Members to these bodies, as set out in Appendix 1 to the report, for 2016/2017.**

Reasons:

The re-establishment of these groups would support the Cabinet in decision-making and the development of policies.

Recruitment Freeze

Background:

This report presented information on vacancies that officers had requested approval to commence recruitment for, following the process agreed by the Cabinet on 7 January 2003 (decision number 9/2003).

Details of the posts were set out within Appendix 1 to the report and in an Addendum Report tabled at the meeting.

Decision number: **Decision:**

89/2016 **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report and in the addendum report tabled at the meeting:**

Business Support Department

- a) Paralegal – People
- b) Legal Support Assistant

Children and Adults

- c) Senior Commissioning Officer – Accommodation and Registered Services for Vulnerable Adults
- d) Apprentice Case Worker
- e) Finance Officer

Public Health

- f) PA to Director of Public Health

Regeneration, Culture, Environment and Transformation

- g) Data Entry Clerk
- h) Project Officer
- i) Processing Appeals Officer – Processing and Income Recovery
- j) Administration Support Officers x 3
- k) Administration Support Officer
- l) Senior Administration Officer.

Cabinet, 7 June 2016

Reasons:

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

Gateway 3 Contract Award: Framework Agreement for the Provision of Deprivation of Liberty Safeguard (DOLS) Assessments

Background:

This report sought permission to award a contract for the provision of DOLS assessments. The full details of the service to be provided under this contract were set out in paragraphs 1.1 and 1.2 of the report.

The Procurement Board considered this report on 11 May 2016 and supported the recommendation set out in the report.

An exempt appendix provided details of the financial analysis, tender evaluation stages and the results of the tender evaluation.

Decision number: ***Decision:***

90/2016 **The Cabinet agreed to award the contract for the provision of DOLS (Deprivation of Liberty Safeguards) assessments to SEMAS for a period of 1 year with an option to extend by 1 year.**

Reasons:

The recommended supplier met the minimum criteria in regard to quality and cost.

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Leader of the Council

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Date

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Record of Cabinet decisions

Tuesday, 12 July 2016

3.00pm to 3.38pm

Date of publication: 13 July 2016

**Subject to call-in these decisions will be effective from 21 July 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
	Councillor Rupert Turpin	Portfolio Holder for Business Management
	In Attendance:	Neil Davies, Chief Executive
	Dr Andrew Burnett, Interim Director of Public Health	
	Stephanie Goad, Assistant Director Transformation	
	Richard Hicks, Director of Regeneration, Culture, Environment and Transformation	
	Perry Holmes, Chief Legal Officer/Monitoring Officer	
	Julie Keith, Head of Democratic Services	
	Carrie McKenzie, Head of HR and Organisational Change	
	Peter Savage, Democratic Services Officer	
	Ian Sutherland, Deputy Director, Children and Adults Services	

Apologies for Absence

An apology for absence was received from Councillor O'Brien.

Cabinet, 12 July 2016

Record of Decisions

The record of the meeting of the Cabinet held on 7 June 2016 was agreed and signed by the Leader as a correct record subject to amending the record in respect of "Various Land Disposals" by changing the position of the Labour Group to read, "...the Labour Group was not opposed, in principle, to the sale of land...".

Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

"Getting Better Together" - Medway Adult Social Care Strategy

Background

Medway Council's Portfolio Holder for Adult Social Care and Health had overseen the development of "Getting Better Together", the Adult Social Care Strategy for Medway. It articulated a vision for the development of adult social care in Medway over a four year period, based on six strategic priorities – Prevention, Personalisation, Partnership, Integration, Innovation and Safeguarding.

The primary aim of the strategy was to prevent and reduce social need by providing effective support so that citizens could maintain their independence. Wherever possible and appropriate Medway Council would support citizens with eligible social care needs to remain in, or return to, their own home, so that they could maintain important relationships with family and friends, and continue to actively be a part of their own community.

The report described the leadership and governance arrangements which would be overseen by the Adult Social Care Improvement Board. This included the development of an improvement programme which would deliver pathway and service re-design. The strategy would be underpinned by effective performance management, strengthened commissioning, and improved partnership working with all key stakeholders.

The draft Strategy had been considered by both the Health and Adult Care Overview and Scrutiny Committee and the Health and Wellbeing Board on 21 June 2016 and 29 June 2016 respectively. Both bodies broadly welcomed the Strategy and recommended that the Cabinet approve the Strategy. Concerns were raised over ensuring that the document was easily accessible to all stakeholders which the Portfolio Holder had committed to provide. Engagement was also a matter that both bodies had expressed concern over and they had both been reassured that there would be a significant programme of engagement on the Strategy and its delivery plan between July and September 2016.

Cabinet, 12 July 2016

A draft, interim Diversity Impact Assessment had been carried out on the Strategy, as set out in Appendix 4 to the report.

Decision number: **Decision:**

91/2016 **The Cabinet noted the comments of the Health and Adult Social Care Overview and Scrutiny Committee and the Health and Wellbeing Board and approved the Medway Adult Social Care Strategy as set out in Appendix 1 to the report.**

Reasons:

Approval of the Strategy would enable the Council to articulate its vision for social care and support in Medway and set the strategic direction which would underpin a programme of improvement for adult social care over the period 2016 – 2020.

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.

The report provided Cabinet with feedback from the public consultation relating to the proposed closure of the provision (following Cabinet's approval on 8 March 2016 for consultation to be undertaken on the proposal).

The Cabinet reviewed the notes of consultation meetings held at the Lordswood Community Hub in April and May 2016. The Cabinet considered a Diversity Impact Assessment, as set out in Appendix C to the report, which identified actions that would mitigate the impact of a closure.

Decision number: **Decision:**

92/2016 **The Cabinet agreed to the proposed closure of the Lordswood Community Hub and to support Service Users and their parents and carers in the smooth transition to a Group Direct Payment, as set out in paragraphs 2.6 and 2.7 of the report, or an alternative provision that met the Service User's eligible needs, with the aim, to minimise anxiety, that the closure takes effect from 1 November 2016.**

Cabinet, 12 July 2016

Reasons:

Whilst it was clearly recognised and strongly understood that the closure would cause much anxiety to Service Users and their parents/carers, it was apparent that this service is no longer financially viable.

The cost of the Lordswood Hub was not equal to the cost of alternative day care provisions and in financially challenging times, the authority was no longer able to fund this service.

New service users that started to receive care and support services from Adult Social Care were not typically receiving commissioned day care services through the council but were in receipt of a Direct Payment and were purchasing their own care and support, therefore, it was unlikely that there would be an increase in people using the provision if referrals to the unit were allowed.

Closing the provision from the 1 November 2016, provided sufficient time to support Service Users and their parents/carers through the transition to a new service. It would also allow time to fully support the staff at the service in finding alternative jobs.

Proposals for the Development of Additional School Capacity in the Western Peninsula

Background:

Councils had a statutory duty to ensure a sufficient supply of school places. This, coupled with the local and national policy of successful schools expanding, meant that when deciding which schools to expand consideration had to be given to the OFSTED rating of the school, its current known performance, as well as its popularity with parents.

Proposals such as this would usually be presented as part of the annual review of the School Organisation Plan, which would be brought to the Cabinet in the autumn 2016. This proposal was being brought to Cabinet in advance of the annual review due to the emerging need and demand in the area and the need to act speedily to ensure the places were available in good time.

Demand for school places in the peninsula area continued to rise, due in the main to a continued rise in birth rates as well as to the inward movement of families into the area. A number of recently completed, under development and proposed housing schemes would add to the ongoing demand for school places.

For the peninsula area, there were a number of good and outstanding primary schools; therefore, when deciding which sites to expand, the schools' popularity with parents becomes an important factor. It was anticipated that the additional capacity would need to be available from September 2018. This report outlined the options available in the area to increase primary capacity and made recommendations for the Cabinet's approval.

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A Diversity Impact Assessment had been carried out on the proposals, as set out in Appendix A to the report.

Decision number: **Decision:**

93/2016 **The Cabinet considered the report and the options outlined and approved the progression of the proposals to support the expansion of Cliffe Woods Primary Academy, as set out in paragraph 4.6 of the report, via the Council's procurement processes with funding from the Basic Need Capital programme.**

Reasons:

By approving the recommendations in section 9 of the report, the Cabinet was ensuring that the Council met its statutory duty to ensure sufficient good quality school places.

Treasury Management Outturn Annual Report

Background

The Council was required by regulations issued under the Local Government Act 2003 to produce an annual review of treasury management activities and the actual prudential and treasury indicators for 2015/16. This report met the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

The regulatory environment placed responsibility on Members for the review and scrutiny of treasury management policy and activities. This report was important in that respect, as it provided details of the outturn position for treasury activities and highlighted compliance with the Council's policies previously approved by Members. The Council also promoted prior scrutiny of the Treasury Strategy and midyear review by submission to Audit Committee before reporting to Cabinet and Full Council.

This annual treasury outturn report covered:

- The Council's treasury position as at 31 March 2016
- Borrowing activity 2015/16
- Performance measurement
- The strategy for 2015/16
- The economy and interest rates in 2015/16
- Borrowing rates in 2015/16
- The borrowing outturn for 2015/16
- Debt rescheduling
- Compliance with treasury limits and Prudential Indicators

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- Investment rates in 2015/16
- Investment outturn for 2015/16.

The Audit Committee considered the matter at its meeting on 30 June 2016 and gave in depth scrutiny to the issues. That Committee, in accordance with the CIPFA Code of Practice, noted the reports and recommended them to the Cabinet. The Committee also requested a briefing note on the use of temporary borrowing, including comparative data.

Decision number: **Decision:**

The Cabinet, in accordance with the CIPFA Code of Practice, noted the comments of the Audit Committee contained in paragraph 14 of the report and noted the report.

Reasons:

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

Proposals for the Inspiration Centre at Strood Academy

Background:

The original purpose of the Inspiration Centre (the Centre) was to deliver diploma learning in vocational skills. It was designed to sit within the envelope of the new Strood Academy building but to be separately accessible. Following a change of Government, funding for the original purpose had been withdrawn. Several abortive attempts were made to find a compatible alternative use.

The Academy subsequently indicated an interest in acquiring a 125 year lease of the Centre for a premium equivalent to the original build cost. Full Council, on 21 February 2013, agreed to declare the Centre surplus and delegated authority to the Assistant Director of Legal and Corporate Services in consultation with the Portfolio Holder for Finance to finalise the detailed negotiations and dispose of its interest in the Centre. Additionally, Cabinet agreed on 11 March 2014 to delegate authority to the Assistant Director of Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to take all necessary steps to enable the purchase of the Inspiration Centre (by Strood Academy) to proceed including, but not limited to, writing a suitable letter to the Charity Commission regarding the Deed of Gift and declaration of Trust and entering into a Deed of Variation of the Deed of Gift and Declaration of Trust if required.

The Academy is unable to obtain consent from the Department for Education to acquire the Centre for a price exceeding its current open market value. This exact figure is still to be agreed, but is likely to be around 25% of the original build cost. This report requested that the Cabinet delegate authority to the Chief Legal Officer,

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in consultation with the Leader and the Portfolio Holder for Resources to finalise negotiations and conclude any necessary agreements with the Academy to achieve the best consideration reasonably obtainable for the council's interest in the Inspiration Centre.

The Cabinet considered options of refusing to dispose of its interest in the Centre at this time or to dispose of its interest in the Centre for a premium.

Decision number: **Decision:**

94/2016 The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader and the Portfolio Holder for Resources, to conclude any necessary agreements with the Strood Academy to dispose of the Council's interest in the Inspiration Centre for the best consideration reasonably obtainable.

Reasons:

In order to facilitate the use of the Centre for continuing educational purposes and to realise a capital receipt.

Recruitment Freeze

Background:

The Cabinet agreed on 7 January 2003 to a process by which directors could request approval to fill posts that were not on the list of exempted posts previously agreed by the Cabinet on 10 December 2002. This process had been introduced at a time of high concern about overspending as one measure to assist budgetary control. The Cabinet had indicated it wished to retain this direct detailed control of recruitment decisions while budgets remained difficult to manage.

The posts requiring approval to fill were presented to the Cabinet with the following information: -

- Details of the post including directorate and section, post title, grade and location.
- Length of time post has been vacant.
- Impact on service if the post is not filled with particular reference to services to the public.
- Numbers of posts of this type within the function.
- Realisable savings including any proposals to provide the service in alternative ways, which could also lead to savings.
- Comments from the relevant portfolio holder.

An addendum report setting out two additional posts was tabled at the meeting.

**Decision
number:**

Decision:

95/2016

The Cabinet agreed to unfreeze the posts as set out below and detailed in the Appendix of the main report and as detailed in the addendum report to enable officers to commence the recruitment process.

Children and Adults

- a) Attendance Advisory Practitioner
- b) Attendance Advisory Practitioner
- c) Support Services Assistant
- d) Business Support/Administrative Officer
- e) Data Officer
- f) Business Information Officer
- g) LAC Health Coordinator

**Regeneration, Community, Environment and
Transformation**

- h) Customer Relations Team Leader
- i) Customer Relations Investigations Officer
- j) Programme Co-ordinator ESOL
- k) Senior Operations Officer
- l) Administration Support Officer
- m) Head of Communications and Marketing
- n) Communications Account Executive

Reasons:

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

**Gateway 3 Contract Award: Medway Intermediate Care and Reablement
Services - Supporting People at Home**

Background:

This report provided the outcome of the procurement for joint services across the Council and NHS Medway Clinical Commissioning Group (CCG) as part of the implementation programme contained in the joint Intermediate Care and Reablement Strategy. The strategy had been referred to the Health and Adult Social Care Overview and Scrutiny Committee for comment on 11 August 2015, prior to formal consideration and approval by Cabinet on 25 August 2015. It had also been approved by the CCG Governing Body on 26 August 2015. It was presented to the Health and Wellbeing Board on 15 September 2015. Progress on implementation and the proposed procurement was referred to the Health and Adult Social Care Overview and Scrutiny Committee on 17 December 2015. An assessment then concluded the service change was unlikely to lead to a substantial variation in health services.

The procurement would enable Medway Council and CCG to improve outcomes for patients/service users who had advised that they wish to be supported at home

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wherever possible. The emphasis of the service was to promote independence and reduce the need for long term reliance on health and social care. It was consistent with good practice and national models of integrated care.

An Invitation to Tender (ITT) was issued to four providers after a period of Competitive Dialogue – the first time Medway had used this process and the first time it has been used anywhere for this type of service. A Diversity Impact Assessment had been carried out following the evaluation of all tenders as part of the implementation process and this provided a positive analysis of equality issues and was attached as an Appendix to the report.

Officers were anticipating the implementation of this service would improve outcomes for vulnerable service users by supporting more people at home and less people in hospital beds/residential care homes/nursing homes. As the emphasis of this service was upon reablement, officers expected more people to become independent and less dependent upon Social Care and Health Services. Health and Social Care officers were therefore expecting this programme to realise benefits which would be measured through the work of the Better Care Fund.

The four suppliers' tenders were assessed according to evaluation criteria. The evaluation criteria used were 60% quality 40% price. Full subcriteria and individual performance were available to the Cabinet in the exempt appendix to the report.

This report was considered by the Procurement Board on 30 June 2016. The Board supported the recommendation set out in paragraph 8 the report – ie to award the contract to the supplier which achieved the highest score in the evaluation process.

The Council's decision to award this contract 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 before the end of the standstill period.

Decision number: **Decision:**

96/2016 **The Cabinet agreed to award the contract to Medway Community Healthcare based on the evaluation outcome contained within section 3.1 of the exempt appendix.**

Reasons:

The recommended supplier achieved the highest score in the evaluation process.

Cabinet, 12 July 2016

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Leader of the Council

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Date

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