

## **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**

<b>Present:</b>	Councillor Alan Jarrett	Leader of the Council
	Councillor Howard Doe	Deputy Leader and Portfolio Holder for Housing and Community Services
	Councillor David Brake	Portfolio Holder for Adult Services
	Councillor Rodney Chambers, OBE	Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships
	Councillor Jane Chitty	Portfolio Holder for Planning, Economic Growth and Regulation
	Councillor Phil Filmer	Portfolio Holder for Front Line Services
	Councillor Adrian Gulvin	Portfolio Holder for Resources
	Councillor Andrew Mackness	Portfolio Holder for Corporate Services
	Councillor Rupert Turpin	Portfolio Holder for Business Management
	<b>In Attendance:</b>	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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