

Record of Cabinet decisions

Tuesday, 22 November 2016 3.00pm to 4.35pm

Date of publication: 23 November 2016

Subject to call-in these decisions will be effective from 1 December 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

Partfelia Holder for Adult 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 Children's Services - Lead

Member (statutory responsibility, including

education)

Councillor Martin Potter Portfolio Holder for Educational Attainment and

Improvement

Councillor Rupert Turpin Portfolio Holder for Business Management

In Attendance: Neil Davies, Chief Executive

Dr Andrew Burnett, Interim Director of Public Health 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, Chief People Officer

Ian Sutherland, Interim Director, Children and Adults Services

Phil Watts, Chief Finance Officer

Apologies for absence

An apology for absence was received from Councillor Rodney Chambers OBE (Inward Investment, Strategic Regeneration and Partnerships).

Record of decisions

The record of the meeting held on 25 October 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.

Draft Capital and Revenue Budget 2017/2018

Background:

The Cabinet accepted this report as urgent to ensure that the initial budget proposals would be referred to Overview and Scrutiny in accordance with the process for developing the budget, as set out in the Budget and Policy Framework Rules in the Constitution.

This report provided an update on progress towards setting the Council's draft capital and revenue budgets for 2017/2018. It was noted that, with reference to Table 3 in the report, that the figure of £301,000, related to Member Priorities, rather than Public Health.

It was noted that the draft budget was based on the principles contained in the Medium Term Financial Plan (MTFP) 2016/2020, which had been approved by Cabinet on 27 September 2016 and reflected the latest formula grant assumptions. Draft budget requirements for the directorates in 2016/2017 were set out in Appendices 1-4 to the report.

It was reported that officers had been working with the Cabinet to formulate savings proposals to address the projected revenue budget deficit (£11.688m in 2017/2018) and the broad measures being considered were outlined in the report.

It was noted that the budget agreed by Council for 2017/2018 would have to balance to available resources.

The report noted that the resources available to the Council remained subject to some uncertainty until the Autumn Statement on 23 November 2016 and, in addition, confirmation was awaited from Department for Communities and Local Government regarding the Council's request for a four year settlement.

In relation to the capital programme it was reported that the existing programme, totalling £110.471m, for the next three years, reflected planned capital expenditure

over the medium term and incorporated everything currently known about capital grant allocations.

In accordance with the Constitution, this report was the first stage of the budget consultation process leading to further consideration by Cabinet on 7 February 2017 and formal budget and council tax setting by Council on 23 February 2017. Budget proposals would now be submitted to the Council's overview and scrutiny committees.

Decision

Decision:

number: 128/2016

The Cabinet instructed officers to continue to work with

Portfolio Holders in formulating robust proposals to

balance the budget for 2017/18 and beyond.

129/2016

The Cabinet agreed to refer the draft capital and revenue budgets to overview and scrutiny committees as work in

progress, inviting them to offer comments on the

proposals outlined.

Reasons:

It is the responsibility of Cabinet to develop draft budget proposals for consideration by overview and scrutiny committees. These draft proposals are the first stage of the budget consultation process leading to further consideration by Cabinet on 7 February 2017 and formal council tax setting by Council on 23 February 2017.

The timetable for consideration by overview and scrutiny is as follows:

Business Support: 1 December 2016

Children and Young People: 6 December 2016

Regeneration, Culture and Environment: 8 December 2016

Health and Adult Social Care: 15 December 2016

Business Support: 31 January 2017

Cabinet: 7 February 2017 Council: 23 February 2017.

Future Integrated Youth Support Services Delivery

Background:

The Cabinet accepted this report as urgent owing to the requirement to notify the bidders of the outcome of the tender process within 90 days of the submission deadline.

The Leader of the Labour Group, Councillor Maple, addressed the Cabinet on this item. He stated that the Labour Group were pleased, in principle, to see this report on the Cabinet agenda as the Group had not supported the original Cabinet decision to commence the tendering process.

He referred to the impact of the tendering exercise on the organisations involved and expressed the view that this may have been avoided if the Children and Young People Overview and Scrutiny Committee had agreed to refer the original decision back to Cabinet for reconsideration when the matter had been considered by the Committee under the call-in procedures earlier in the year.

This report provided details on the future delivery of Integrated Youth Support Services (IYSS), following previous reports to Cabinet in January 2016 and April 2016 where it had been agreed that a tender process be undertaken for these services.

The report stated that the tender process had been undertaken and the Council had received multiple respondents. A further piece of independent review work was undertaken since the tender process which suggested there were significant further savings and service benefits available by not awarding the contract.

Decision number:	Decision:
130/2016	The Cabinet agreed not to award a contract for the future delivery of Integrated Youth Support Services.
131/2016	The Cabinet agreed that a detailed report be submitted for consideration at the Cabinet meeting 20 December 2016 which will provide full details of the service and financial benefits of an alternative delivery model compared to that of outsourcing.

Reasons:

The independent review and financial data suggests that there are significant further savings and service benefits available by further reviewing the IYSS service provision and not awarding the contract.

Referral from Business Support Overview and Scrutiny Committee - Member's Item: Council Land at Hall Wood and Hook Wood. Lordswood

Background:

This report provided details of a referral and recommendation from the Business Support Overview and Scrutiny Committee on 27 October 2016 in response to a Member's item submitted by Councillor Wildey requesting action regarding the protection of amenity land and ancient woodland, which was owned by the Council at Hall Wood and Hook Wood in his ward of Lordswood and Capstone, following the receipt of correspondence from concerned local residents.

The report provided details of the discussion and recommendation of the Business Support Overview and Scrutiny Committee, as set out in paragraph 4 of the report.

The report also provided details and analysis of the options available to the Cabinet in light of the recommendation from the Committee.

Decision number:

Decision:

132/2016

The Cabinet instructed officers to carry out a strategic review of all of its significant open spaces with the scope and priority of the review to be developed by the Chief Legal Officer, in consultation with the Portfolio Holder for Resources and the Deputy Leader and Portfolio Holder for Housing and Community Services, to consider their future designations and how these can be maintained into the future and to report back to Cabinet in due course.

133/2016

The Cabinet instructed the Director of Regeneration, Culture, Environment and Transformation to apply to designate the Hall Wood and Hook Wood areas as a Village Green, as set out in paragraph 8.2 of the report.

Reasons:

The Business Support Overview and Scrutiny Committee has recommended a review of all open spaces owned by the Council to enable consideration of their future designations and how these can be maintained into the future.

Hall Wood and Hook Wood areas are much loved and appreciated in the local area providing facilities for dog walking, exercising and picnics. The local community have written to the Council clearly stating that they want to continue to enjoy the local amenity and ancient wood for a considerable time and Cabinet wish to protect the area on behalf of the community.

Cabinet considers that an application for a Village Green is the most appropriate route to achieve the necessary protection of the ancient wood and amenity for local people.

6 Monthly Review of the Council's Corporate Business Risk Register and Annual Review of the Strategic Risk Framework

Background:

This report provided details of the six monthly review of the Council's Corporate Business Risk Register and the annual review of the Strategic Risk Framework. It was noted that the strategy was reviewed annually to ensure that it remained up-to-date and continued to reflect the Council's approach to risk management. In addition, the Corporate Risk Register, which accompanied the strategy, ensured that all relevant key risks were recorded and this was reviewed and managed every six months by both management and Members.

The report set out the comments of the Business Support Overview and Scrutiny Committee, as set out in paragraph 7 of the report, together with the Director of Regeneration, Culture, Environment and Transformation's comments in response to the key issues raised at the Committee in respect of children's social care, the shape of local government in Kent, finances, adult social care transformation and delivering regeneration.

Decision number:

Decision:

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee, as set out in section 7 of the report.

134/2016 The Cabinet approved the amendments to the Council's

Risk Register as detailed in Appendices A and B to the

report.

135/2016 The Cabinet approved the revised Strategic Risk

Framework, as set out in Appendix D to the report.

Reasons:

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

Land Adjacent to Golf Driving Range, Street End Road, Chatham

Background:

This report provided details of the proposed residential redevelopment of the existing golf driving range, Street End Road, Chatham. The report provided further details of the release/variation of restricted covenant and disposal of/or granting rights over the Council's frontage land to allow the completion of the proposed development.

Decision number:

Decision:

136/2016

The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Resources to:

(i) Vary or release the restrictive covenant which the golf driving range is subject to on the best terms reasonably obtainable.

(ii) Declare surplus the Council's frontage land as shown edged black on the plan at Appendix 1 to the report, and dispose of it and/or grant rights over it on the best terms reasonably obtainable.

Reasons:

In order to facilitate development and obtain a capital receipt.

Smokefree Advice Centre, Chatham

Background:

This report provided details to take a new lease of the Council's Smokefree Advice Centre at 2/2A Railway Street, Chatham or other alternative premises on the best terms reasonably obtainable. The report stated that sub lease of the above shop premises at 2/2A Railway Street had expired and the Council was now holding over and remained in occupation of the premises. The sub lease had been completed using the Chief Legal Officer's delegated authority. However, it was now necessary to finalise a new lease.

The report also provided detailed information relating to the effectiveness and future plans for the Smokefree Advice Centre, as set out in paragraphs 3-5 of the report.

Decision	Decision:
number:	

137/2016 The Cabinet agreed to delegate authority to the Chief Legal

Officer, in consultation with the Portfolio Holder for Resources, to take a new lease of 2/2a Railway Street, Chatham, or other alternative premises (if necessary), which the Council can end no later than 31 March 2020 on

the best terms reasonably obtainable.

Reasons:

To ensure that the Council's Stop Smoking Service continues to be fully effective and successful by maintaining this service which supports the important work of improving public health in Medway.

Revenue Budget Monitoring 2016/2017 - Quarter 2

Background

This report detailed the revenue budget forecasts as at the end of September 2016. The report noted that after management action, the forecast outturn for 2016/17 was a potential overspend of £1.4m.

It was noted that further action plans were being formulated by directorate management teams and managers continued to be challenged to ensure adherence to the moratorium principles. Through this scrutiny and challenge, it was anticipated that the forecast overspend would reduce further as the year progressed.

Decision
number:

The Cabinet noted and agreed the forecasts reported in the second round of revenue monitoring for 2016/2017.

The Cabinet instructed officers to identify further management action to ensure a breakeven position is achieved by year end.

Reasons

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

Capital Budget Monitoring 2016/2017 - Quarter 2

Background

This report presented the capital monitoring information for the second quarter of the financial year, including outturn forecasts. The approved capital programme for 2016/17, and future years, stood at £110.5m, with £86 m in respect of brought forward schemes and £24.5m of new approvals. It was noted that, with reference to Table 2 in the report, that the figure of £301,000 related to Member Priorities, rather than Public Health

The report also provided details of an addition to the Capital Programme in respect of Rochester Riverside as well as detailed information regarding the overspend on the Rochester Multi Storey Car Park.

Decision number:

140/2016 The Cabinet noted the spending forecasts summarised in Table 1 of the report and agreed to recommend to Council the addition to the Capital Programme outlined at paragraph 4.4 of the report.

Reasons

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

Council Plan Quarter 2 2016/17 Performance Monitoring Report

Background:

This report summarised the performance of the Council's Key Measures of Success for the second quarter of 2016/17 as set out in the Council Plan.

The report and accompanying appendix included progress reports on performance in Quarter 1 2016/17 against these priorities using 31 Key measures of success, however, this report was only including information on 21 as 10 of these were either data only, or data was not expected until after the report was published. In summary:

- 80.96% (17 out of 21) were on target
- 9.52% (2 out of 21) were just below target
- 9.52% (2 out of 21) were significantly below target
- 57.14% (12 out of 21) have improved over the long term (compared with the average of the previous four quarters).

It was noted that just over 80% of measurable indicators were on target, this represented the highest percentage on target for over 3.5 years.

It was noted that the report would be considered by the Overview and Scrutiny Committees during December.

Cabinet Members highlighted a number of key issues during discussion.

Decision Decision: number:

The Cabinet noted the quarter 2 2016/17 performance against the Key measures of success used to monitor progress against the Council Plan 2016/17.

Reasons:

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

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, with two additional posts tabled at the meeting in an addendum report.

Decision number:

Decision

141/2016

The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 of the main report and as detailed in the addendum report to enable officers to commence the recruitment process:

Business Support

- a) Trainee Accountants x 2
- b) Democratic Services Officer

Children and Adults

- c) Partnership Commissioning Programme Lead
- d) Adults Improvement Team Posts
- e) Head of Safeguarding

Regeneration, Culture, Environment and Transformation

f) Head of Strategic Housing.

Reasons:

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

Exclusion of Press and Public

Decision number:

Decision:

142/2016

The Cabinet agreed to exclude the press and public from the meeting during consideration of agenda item 15 (Medway Crematorium and Cremators) because consideration of this matter in public would disclose information falling within paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 14 (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.

Medway Crematorium and Cremators

Background:

The Cabinet accepted this exempt report as urgent because there was concern that if the matter was not agreed immediately, the contractor may withdraw from the agreement.

This exempt report provided details of a proposal to agree a negotiated settlement with a contractor in respect of the enabling works at the Crematorium.

Decision Decision: number:

143/2016 The Cabinet agreed to delegate authority to the Chief Legal

Officer, in consultation with the Portfolio Holder for Business Management, to agree a negotiated settlement, on the torms and out in paragraph 2.2 of the report

on the terms set out in paragraph 3.3 of the report.

Reasons:

This course of action represents the best possible outcome for the Council.

Leader of the Council

Date

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