

# **COUNCIL**

**26 JANUARY 2017**

## **LEADER'S REPORT**

Councillor Alan Jarrett, Leader of the Council, will give a report on key developments since the last ordinary Council meeting on 13 October 2016.

He will include:

- The completion of landmark regenerative projects.
- Education that will deliver for young people.
- A Council that supports vulnerable people.
- Decisions made by the Cabinet on 25 October 2016, 22 November 2016, 20 December and 17 January 2017.



## **Record of Cabinet decisions**

**Tuesday, 25 October 2016**

**3.00pm to 3.33pm**

**Date of publication: 26 October 2016**

**Subject to call-in these decisions will be effective from 3 November 2016**

<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 Martin Potter	Portfolio Holder for Educational Attainment and Improvement

<b>In Attendance</b>	Neil Davies, Chief Executive
	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
	Teri Reynolds, Democratic Services Officer
	Ian Sutherland, Interim Director, Children and Adults Services

### **Apologies for absence**

Apologies for absence were received from Councillors Andrew Mackness (Children's Services – Lead Member) and Rupert Turpin (Business Management).

### **Record of decisions**

The record of the meeting held on 27 September 2016 was agreed and signed by the Leader as a correct record.

## Cabinet, 25 October 2016

### Declarations of disclosable pecuniary interests and other interests

#### Disclosable pecuniary interests

There were none.

#### Other interests

There were none.

### Leader's Announcements

The Leader announced that earlier in the day the Secretary of State for Transport had made a statement in Parliament about the Government's airport policy and expansion of airport capacity in the South East. The Secretary of State had announced that the Government had decided to accept the recommendation of the Airports Commission and to announce that its preferred scheme would be the expansion of Heathrow Airport and the proposed north-west runway. A National Policy Statement would be published in the New Year setting out in more detail why the Government think this is the best scheme and this would be the subject of consultation. The Leader, and other Cabinet Members, expressed support for the Government's rejection of an airport in the Thames Estuary which was the best outcome for Medway.

### Adult Social Care Fair and Affordable Cost of Care Policy

#### Background:

This report gave Cabinet an overview of the consultation response to the proposed Fair and Affordable Cost of Care Policy for Adult Social Care. This proposed policy would introduce a maximum expenditure limit for non-residential care and support and had been agreed by the Cabinet on 8 March 2016 for consultation.

In addition to this, the report highlighted that a Diversity Impact Assessment, attached at Appendix 2 to the report, had been carried out which indicated that the proposed policy was likely to have an adverse impact on a range of Service Users.

Following public consultation the report recommended that proceeding with the proposed policy would not be in the best interests of Medway Service Users or the Council.

**Decision  
number:**

**Decision**

**123/2016**

**The Cabinet agreed not to introduce the Fair and Affordable Cost of Care Policy for Adult Social Care.**

**Reasons:**

That while the response received from the user survey findings was mixed, on reflection, it had been recognised that the proposed policy may not result in the best possible outcomes for Service Users.

Other Local Authorities that had already introduced the policy had fed-back that they were not seeing the calculated savings due to the statutory requirement to meet eligible care needs.

**Development of a Regional Adoption Agency**

**Background:**

This report provided the Cabinet with an outline of a proposal to develop a Regional Adoption Agency (RAA) in line with Government expectations for adoption services.

This report had been considered by the Children and Young People Overview and Scrutiny Committee on 6 October 2016 and its comments were set out in section 8 of the report.

The report highlighted to the Cabinet that, as members of the South East Adoption Consortium, Medway Council, the London Borough of Bexley and Kent County Council already shared information about children needing adoption and adopters waiting for children. It was noted that, due to the strong relationship already established, the Council had been in dialogue with these local authorities regarding the formation of an RAA.

In addition, the Department of Education had expressed an interest in models that could deal with 200 children per year. The report explained that officers believed that Medway, Bexley and Kent authorities working together could achieve this.

**Decision  
Number:**

**Decision**

**The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee, as set out in section 8 of the report.**

**124/2016**

**The Cabinet agreed, in principle, to enter into formal dialogue with a view to the establishment of the Regional Adoption Agency with the local authority partners, London Borough of Bexley and Kent County Council subject to formal agreement from the Cabinet on the findings.**

## Cabinet, 25 October 2016

### Reasons:

There had been an expectation that local authorities would begin planning, developing and working with partners to shape their RAA. Central government's commitment to this approach was such that the Education & Adoption Act 2016 gave power to the government to direct a local authority to enter into a RAA if it had not done so by 2017.

Failure for Medway to enter into an agreed RAA could result in central government determining which RAA the Local Authority would have to become part of and as such would remove the Local Authorities decision making powers.

### Provisional Funding Formula for Mainstream Schools and Academies 2017-2018

#### Background:

This report advised the Cabinet that officers had formulated and consulted upon the 2017-18 schools' and academies' draft funding arrangements and set out the recommended changes to Medway's mainstream schools' and academies funding formula. The consultation had included four funding formula options which were presented to the Schools Forum.

The four funding formula options detailed in the report were:

- i) To keep the same Funding Formula as 2016-17.
- ii) To remove LAC and Mobility funding factors.
- iii) To keep the same funding factors but reduce the overall unit cost funding gap between the primary and secondary.
- iv) To remove the LAC and mobility funding factors and to reduce the primary and secondary overall unit cost funding gap.

The Cabinet noted that during the consultation the Schools Forum had provisionally agreed to the implementation of funding formula option 4, subject to consultation with schools, and that all schools and academies had been consulted between the 19 September to 7 October.

An addendum report set out the recommendations from the Schools Forum, which had met on 17 October 2016 to consider the proposals.

It was noted that the Cabinet would receive a further report on 17 January 2017 which would set out proposals for the final funding formula, which would be updated to reflect the 2016 school census data.

#### Decision Number:

#### Decision

125/2016

**The Cabinet agreed to instruct officers to implement the 2017/18 schools funding formula on the basis set out in paragraph 2.1 of the addendum report.**

## Cabinet, 25 October 2016

### Reasons:

The local authority was required to implement the funding formula changes from 2017-18 in accordance with the regulations and to inform the Education Funding Agency.

### 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:**

**126/2016**

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

#### **Regeneration, Culture, Environment and Transformation**

**a) Processing Appeals Officer – Processing & Income (0.4 FTE);**

#### **Children and Adults**

**b) Financial Review Coordinator.**

### Reasons:

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

### **Gateway 1 Procurement Commencement: Medway Young Persons Wellbeing Service**

### Background:

The report sought approval from the Cabinet to commence the procurement of the Medway Young Persons Wellbeing Service. Both the Joint Commissioning Management Group (JCMG) and the Procurement Board had recommended this project be given approval. The final service model and high level service specification was attached at Appendix 2 to the report.

The report also highlighted to Cabinet that, if approved, the service would be procured as an NHS contract with NHS terms and conditions and Medway Council

## Cabinet, 25 October 2016

an Associate to that contract. This was in the light of the funding breakdown in section 1.4 of the report and the clinical nature of some aspects of the service.

The Health and Wellbeing Board and the Children and Young People Overview and Scrutiny Committee had both considered reports on this matter and their comments were set out in paragraph 6 of the report.

**Decision**            **Decision**  
**Number:**

**127/2016**            **The Cabinet approved the commencement of the procurement process for the provision of the Medway Young Persons Wellbeing Service on the basis set out in paragraphs 3.2 and 4.2 report.**

### **Reasons:**

To have made a commitment for Medway to pursue an integrated Young Person's Wellbeing Service on a Medway population footprint.

The expiry of the existing joint Kent and Medway contract for Tier 3 CAMHS provision on 31 August 2017 and agreement that Medway will not be participating in the joint re-procurement of this service.

That there was a clear mandate for change in line with the Draft Service Model and public consultation carried out between April and July 2016.

.....  
**Leader of the Council**

.....  
**Date**

**Teri Reynolds, Democratic Services Officer**

Telephone: 01634 332104

Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)



## **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**

<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 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
	<b>In Attendance:</b>	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).

## **Cabinet, 22 November 2016**

### **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

## Cabinet, 22 November 2016

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 number:**      **Decision:**

**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.

## Cabinet, 22 November 2016

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:***

- |                 |   |
|-----------------|---|
| <b>130/2016</b> | <b>The Cabinet agreed not to award a contract for the future delivery of Integrated Youth Support Services.</b>   |
| <b>131/2016</b> | <b>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.</b> |

**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.

## Cabinet, 22 November 2016

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.

## Cabinet, 22 November 2016

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.**

## Cabinet, 22 November 2016

- (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 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.

## Cabinet, 22 November 2016

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:***      ***Decision:***

**138/2016**      **The Cabinet noted and agreed the forecasts reported in the second round of revenue monitoring for 2016/2017.**

**139/2016**      **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:***      ***Decision:***

**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 number:***      ***Decision:***

**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.

## Cabinet, 22 November 2016

***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.

**Cabinet, 22 November 2016**

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 number:***      ***Decision:***

**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 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**

**Wayne Hemingway/Alex Saul, Democratic Services Officers**

Telephone: 01634 332509/332008  
Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)

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## **Record of Cabinet decisions**

**Tuesday, 20 December 2016**

**3.00pm to 5.08pm**

**Date of publication: 21 December 2016**

**Subject to call-in these decisions will be effective from 4 January 2017  
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 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
<b>In Attendance:</b>	Neil Davies, Chief Executive	
	Dr Andrew Burnett, Interim Director of Public Health	
	Wayne Hemingway, Democratic Services Officer	
	Perry Holmes, Chief Legal Officer/Monitoring Officer	
	Julie Keith, Head of Democratic Services	
	Tomasz Kozlowski, Assistant Director Physical and Cultural Regeneration	
	Ian Sutherland, Interim Director, Children and Adults Services	

### **Apologies for absence**

There were none.

## Cabinet, 20 December 2016

### Record of decisions

The record of the meeting held on 22 November 2016 was agreed and signed by the Leader as a correct record.

### Declarations of disclosable pecuniary interests and other interests

#### Disclosable pecuniary interests

Councillor Filmer declared interests in agenda items 8 (Pest Control: Future Delivery Model) and 14 (Update on Medway Norse) because he is a Director of Medway Norse. He left the room during consideration of these items.

#### Other interests

Councillor Mackness declared an interest in agenda item 13 (Medway Commercial Group (MCG) Limited – First Year Quarter 2 Report) because he is the Chairman of the MCG Board. He left the room during consideration of this item.

Councillor Turpin declared an interest in agenda item 5 (Home to School Transport Policy for Mainstream Children and Children with SEND) because he has a family member with disabilities who may need assistance with home to school transport in the future. He left the room during consideration of this item.

### Medway Local Plan

#### **Background:**

The Cabinet accepted this report as urgent to ensure that due consideration can be given to carrying out statutory consultation on the next stage of the Medway Local Plan from 16 January 2017 to 6 March 2017, as specified in the report.

This report provided information on the next stage of the formal process of preparing a new Local Plan for Medway. This included an update on preparing the plan and presented a revised Local Development Scheme which set out a timetable for production of the plan.

The report also detailed a Development Options document which had been prepared by the Planning Service as the basis for a further stage of consultation. This also set out the draft vision for Medway in 2035.

A Diversity Impact Assessment had been carried out for the Development Options consultation and was attached at Appendix 3 to the report.

#### **Decision Number:**

**144/2016**

#### **Decision:**

**The Cabinet approved the publication of the Development Options consultation document (set out at Appendix 1) for an eight week period of**

**statutory consultation for the purpose of preparing a new Local Plan for Medway.**

**145/2016**

**The Cabinet approved the Local Development Scheme, 2016 (set out at Appendix 2) as the Council's timetable for producing the new Local Plan.**

**Reasons:**

To progress the preparation of a new Medway Local Plan.

**Home to School Transport Policy for Mainstream Children and Children with SEND**

**Background:**

This report provided details of proposed changes to both the mainstream policy and that for children with Special Educational Needs and Disabilities (SEND.) Further to this, the report proposed to combine the two previously separate policies into a single policy document covering both areas.

The report noted details of options for changes to the current policy for consideration and progression to public consultation. The report also proposed the public consultation that would take place in January 2017.

It was noted that the consultation would inform a Diversity Impact Assessment which would be submitted to Cabinet in due course.

***Decision Number: Decision:***

**146/2016**

**The Cabinet approved the draft Home to School Transport Policy for Mainstream Children and Children with Special Educational Needs and Disabilities for consultation in January 2017.**

**Reasons:**

To provide greater financial sustainability as budget spend is reduced and directed to those in greatest financial need; those on low incomes and Medway Looked After Children.

**Future Integrated Youth Support Service (IYSS) Delivery**

**Background:**

The Cabinet accepted this report as urgent to enable the in-house delivery of these services to take effect from January 2017.

## Cabinet, 20 December 2016

This report provided details of the proposed in-house delivery of Integrated Youth Support Services (IYSS) within Medway Council and the continued commissioning of Medway Youth Trust to manage the Information, Advice and Guidance (IAG) programme, both on a reduced budget envelope and focusing on young people at risk. This report followed Cabinet's decision on 22 November 2016 not to award a contract for the future delivery of Integrated Youth Support Services.

The report highlighted the budget requirement of the proposed in-house service when compared to the original outsourcing proposal. It demonstrated that the new service could be delivered within the same cash envelope, whilst preserving the statutory Youth Offending Team provision and providing continuity in terms of the IAG provision.

**Decision number:**

**Decision:**

**147/2016**

**The Cabinet approved the retention of youth services and the Youth Offending Team (YOT) within Children's Services.**

**148/2016**

**The Cabinet agreed the extension of the contract with Medway Youth Trust to August 2019 on the basis set out in the report.**

**The Cabinet noted that the reconfiguration of services to effect delivery and savings reductions will be undertaken by the Interim Director of Children and Adults Services, in consultation with the Portfolio Holder for Children's Services (Lead Member).**

**Reasons:**

Greater long term savings and efficiencies can be achieved by the in house delivery of IYSS and the commissioning of IAG from Medway Youth Trust on a changed contract basis.

### **Future of Medway Duke of Edinburgh Award Scheme**

**Background:**

This report provided details of the options for the delivery of a sustainable and resilient Duke of Edinburgh (DofE) Award scheme in Medway. It was noted that since initial discussions which took place at the beginning of the year, further meetings had taken place with DofE South East (SE) Region, to explore the best arrangement that could be provided to DofE to ensure that schools get the right support package to secure the on-going success of DofE.

The report provided details of two specific options, namely, the DofE SE Region option (option 1) and the option of schools purchasing their own licences (option 2).



## Cabinet, 20 December 2016

A Diversity Impact Assessment had been carried out on the proposed change in delivery of the DofE Scheme, as set out in Appendix 3 to the report.

The Portfolio Holder for Children's Services (Lead Member) referred to a petition which had been submitted to the Council in respect of the proposals.

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

- 149/2016**      **The Cabinet agreed option 1 (the SE Regional option) and the two year associated funding for the future delivery of the Duke of Edinburgh Award Scheme.**
- 150/2016**      **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holders for Resources and Children's Services (Lead Member), to grant a lease of the Duke of Edinburgh premises at the Strand (The Summit) as part of the outsourcing of the Service.**
- 151/2016**      **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holders for Resources and Children's Services (Lead Member), to grant leases of the Duke of Edinburgh premises at the Strand (The Summit) after the outsourcing contract has ended.**

**Reasons:**

This option provides longer term savings for the Council, mitigates the risk of a drop in performance in the delivery of DofE awards and provides the greatest opportunity for sustainability.

**Pest Control: Future Delivery Model**

**Background:**

The report provided the Cabinet with a detailed assessment on a range of options for the future delivery of the Council's pest control service. Further to this the report recommended transferring the pest control service to the Council's joint venture company Medway Norse as the preferred option.

In addition to this, the report included a Business Case for the future delivery of the pest control service and a Diversity Impact Assessment as set out in Appendices 1 and 2 to the report.

***Decision Number:***      ***Decision:***

- 152/2016**      **The Cabinet agreed to transfer the pest control**

**service to its joint venture company, Medway Norse.**

**The Cabinet noted this would be subject to staff consultation on the TUPE transfer.**

**Reasons:**

Transferring the pest control service to Medway Norse provides a way of delivering a cost neutral service for the Council, whilst keeping prices below market rates. It gives the opportunity for trading the service to generate further income for the Council.

**Sub-National Transport Body**

**Background:**

This report provided details of progress towards the formation of a shadow Sub-National Transport Body for the South East of England including a proposal that Medway Council become a member of the shadow body and to appoint the Leader to the shadow body.

The report stated that the Cities and Local Government Devolution Act 2016 made provision for the establishment of a Sub-National Transport Body (SNTB) for any area in England (outside of Greater London). The establishment of an SNTB would provide an opportunity to develop a strong strategic partnership with all authorities in the area, and to devise a specific Transport Strategy for that region.

It was noted that prior to the formal establishment of an SNTB, it was proposed to establish the body in shadow form to help develop a strong strategic partnership. The aim of this was to demonstrate commitment from the constituent authorities to working collaboratively and provide reassurance to Government about the strength of the partnership.

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

- |                 |  |
|-----------------|--|
| <b>153/2016</b> | <b>The Cabinet agreed Medway Council to join a shadow Sub National Transport Body (SNTB) for the South East, known as Transport for the South East (TfSE).</b>   |
| <b>154/2016</b> | <b>The Cabinet agreed to appoint the Leader of the Council to the shadow Sub National Transport Body.</b>  |
| <b>155/2016</b> | <b>The Cabinet agreed to receive a report following an appropriate period of time, to be agreed by shadow body Members, reviewing the operation of the shadow arrangements and seeking approval to joining the formal Sub National Transport Body.</b> |
| <b>156/2016</b> | <b>The Cabinet agreed to provide funding of £20,000 to develop the constitutional arrangements and the Transport</b>   |

**Strategy and to provide officer support to the shadow Sub National Transport Body.**

**Reasons:**

TfSE provides an opportunity to support and deliver growth plans across the region through the development of a long-term strategic programme to identify a comprehensive package of transport measures to make the South East more competitive. It would complement the work of the Local Enterprise Partnerships (LEPs) and support delivery of Local Plans.

It would specifically enable the Council to influence the prioritisation of investment by the major national transport agencies such as Highways England and Network Rail in a way that has not been possible in the past.

The SNTB would address some of the barriers to growth of the economy that have been held back by transport infrastructure shortcomings, notably strategic infrastructure, that is the responsibility of Network Rail and Highways England. The SNTB would enable the Council to more directly influence the priorities and programmes of these agencies, so helping to secure delivery of longstanding transport infrastructure ambitions.

**Council Tax Reduction Scheme**

**Background:**

This report detailed the current Council Tax Reduction Scheme and sought members' approval for the scheme to be re-adopted by Full Council for 2017/18. It was noted that there were no proposals to amend the Scheme, with the exception of annual uprating.

A Diversity Impact Assessment had been undertaken before the current Council Tax Reduction Scheme had been adopted in January 2016, as set out in Appendix B to the report. This had not been updated given that no changes to the scheme were proposed, although officers would continue to monitor the impact of the scheme on individuals.

***Decision  
Number:***

**157/2016**

***Decision:***

**The Cabinet recommended the current Council Tax Reduction Scheme (which will therefore be subject to annual uprating) to Council for adoption on 26 January 2017.**

## Cabinet, 20 December 2016

### Reasons:

The scheme continues to balance the need for supporting those currently in receipt of Council Tax Reductions and the ability of the Council to fund the scheme within the current budgetary constraints.

### Sufficiency Report 2016/2017

#### Background:

This report provided details of how the Council met the needs of Looked After Children and Care Leavers in such a way as to ensure improved outcomes. This report provided an update to the information provided to the Cabinet in June 2016.

The report provided details of the updated information, as highlighted in paragraph 2.4 of the report.

This report was also considered by the Children and Young People Overview and Scrutiny Committee on 6 December 2016, and its comments were set out in paragraph 7 of the report.

A Diversity Impact Assessment screening had been undertaken, as set out in Appendix B to the report.

#### **Decision number:**

#### **Decision:**

**The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee.**

**The Cabinet noted the updated Medway Sufficiency Report 2016/2017 as set out in Appendix A to the report.**

### Reasons:

Publication of the updated Sufficiency Report will enable the Council to fulfill its statutory requirement to take steps to secure, so far as is reasonably practicable, sufficient accommodation for Children in Care within the local area and will enable Medway to act strategically to address gaps in provision.

### Local Plan: Authority Monitoring Report

#### Background:

This report provided details of the annual Medway Authority Monitoring Report (MAMR) and included an assessment of development trends and wider social, economic and environmental indicators, together with progress on the preparation of a new Medway Local Plan.

## Cabinet, 20 December 2016

The report provided highlights of the MAMR, further details of which were set out in Volume 1 (Appendix 1 to the report).

***Decision Number:***    ***Decision:***

**158/2016**

**The Cabinet approved the 2016 Medway Authority Monitoring Report for publication.**

**Reasons:**

To comply with the duty to compile and publish a planning monitoring report.

### **Medway Commercial Group Limited - First Year Quarter 2 Report**

**Background:**

This report provided details of Medway Commercial Group Limited's (MCG) achievements and performance up to the second quarter in its first year of trading, and its plans for future growth and development.

The report provided details of key highlights in the second quarter (June 2016 – September 2016) and priorities for the third quarter (October 2016 – January 2017). In particular, the report stated that MCG was on target to achieve its agreed accumulated savings for the next two financial years (2016/17 and 2017/18).

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

**The Cabinet noted the achievements and performance of Medway Commercial Group Limited (MCG) for the second quarter of 2016, as detailed in the report.**

**Reasons:**

When Cabinet agreed to establish the Local Authority Trading Company (LATCO), it was also agreed that regular monitoring reports would be provided to Cabinet.

### **Update on Medway Norse**

**Background:**

This report outlined the achievements and performance of Medway Norse up to the second quarter in its fourth year of trading.

It was noted that Medway Norse now provided services to the Council in three main areas: facilities management, grounds maintenance and Special Educational Needs (SEN) transport. The report gave details of these areas of operation, together with information relating to governance, local business participation, the corporate client function and the rebate for the Council.

## Cabinet, 20 December 2016

The Business Support Overview and Scrutiny Committee considered monitoring reports on a quarterly basis and it was noted that the Committee had considered this report on 1 December 2016. Details of this discussion were set out in section 4 of the report.

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

**The Cabinet noted the report.**

### **Reasons:**

When Cabinet agreed to establish the joint venture company it was also agreed that regular monitoring reports would be provided to Cabinet.

### **The Corn Exchange, Rochester**

#### **Background:**

This report provided details of a proposal, to let the Corn Exchange, High Street, Rochester. The report stated that the Corn Exchange was not one of the Council's core operational buildings where the Council delivered statutory functions and, as such, it could be run by the private sector.

It was noted that consideration would be given as part of the tender process to reserving dates for Council events.

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

**159/2016      The Cabinet agreed to delegate authority to 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 let the Corn Exchange, High Street, Rochester, excluding the part used by the Register Office, on the best terms reasonably obtainable.**

### **Reasons:**

To secure third-party investment in the facility, achieve budget savings and to reduce the Council's future liability for ongoing maintenance costs.

## Recruitment Freeze

### Background:

This report presented information on a number of 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 main report, the addendum report and a post tabled at the meeting.

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

**160/2016**

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

#### **Business Support**

- a) **Locum Child Care Lawyer**

#### **Children and Adults Services**

- b) **DOLS Assistant**
- c) **Engagement and Quality Lead Officer**
- d) **Engagement and Quality Officer**
- e) **Head of QA and Safeguarding**
- f) **Placement Officer – Adults**
- g) **Head of Adult Care x 2**
- h) **Senior Partnership Commissioner – Specialist Adults Services**

#### **Regeneration, Culture, Environment and Transformation**

- i) **Business Improvement Officer**
- j) **Senior Project Support Officer (Local Growth Fund)**
- k) **Processing Appeals Officer**
- l) **Examinations Manager.**

## Cabinet, 20 December 2016

### Reasons:

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

### Gateway 1 Procurement Commencement: Medway Domestic Abuse Service

#### Background:

The report sought approval from the Cabinet to commence the procurement of the Medway Domestic Abuse Service. The report had been approved for submission to the Cabinet after review and discussion at the Children and Adults Directorate Management Team Meeting and the Procurement Board.

The commissioning strategy had recommended that Medway Council exit the Kent and Medway contract and pool existing local spend to enable a holistic local single service to be commissioned to meet local need across the low, medium and high risk client groups.

A Diversity Impact Assessment had been undertaken on the proposals, as set out in Appendix 1 to the report.

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

#### **Decision number:**

**161/2016**

#### **Decision:**

**The Cabinet agreed that spend across the various domestic abuse services is pooled together and a holistic local service for Medway be commissioned to meet the needs of low, medium and high visit client groups.**

### Reasons:

A new holistic Domestic Abuse Service is expected to deliver a more integrated service across the Medway area. Additionally, most of the existing contracts are coming up for renewal or near their initial contract term. This is an opportunity to recommission these services and reconsider the service delivery and models to ensure that they are fit for purpose.

### Gateway 1 Procurement Commencement: Medway Integrated Child Health Service

#### Background:

The report sought approval from the Cabinet to commence the procurement process for the Medway Integrated Child Health Service. The report had been approved for submission to the Cabinet after review and discussion at the Public Health Directorate Management Team Meeting and the Procurement Board.



## Cabinet, 20 December 2016

The individual services to be included in the tender were set out in paragraph 1.2.3 of the report.

A Diversity Impact Assessment had been undertaken on the proposals, as set out in Appendix 1 to the report.

An Exempt Appendix contained key information in respect of the financial analysis and the draft outcomes framework

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

**162/2016**      **The Cabinet approved the commencement of the procurement of a new integrated Medway Child Health Service as set out in paragraph 1.2.3 of the report and on the basis set out in paragraph 4.2.1 of the report.**

### **Reasons:**

To ensure families in Medway are better served by a new integrated Child Health Service and to allow for financial efficiencies to be made by the Council and Medway Clinical Commissioning Group in 2018/19.

.....  
**Leader of the Council**

.....  
**Date**

**Wayne Hemingway/Alex Saul, Democratic Services Officers**

Telephone: 01634 332509/332008

Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)

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## **Record of Cabinet decisions**

**Tuesday, 17 January 2017**

**3.00pm to 4.28pm**

**Date of publication: 18 January 2017**

**Subject to call-in these decisions, with the exception of decision numbers 165-167/2017, will be effective from 26 January 2017**

**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 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
<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, Chief People Officer	
Teri Reynolds, Democratic Services Officer		
Ian Sutherland, Interim Director, Children and Adults Services		
Phil Watts, Chief Finance Officer		

## **Cabinet, 17 January 2017**

### **Apologies for absence**

There were none.

### **Record of decisions**

The record of the meeting held on 20 December 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 David Brake (Adult Services) declared an interest in agenda item 5 (Business Rate Relief) because he is the Chairman of the Medway Towns District Scouts Council which may be affected by the proposals in the report. He withdrew from the meeting for the discussion and voting thereon.

Councillor Rodney Chambers OBE (Inward Investment, Strategic Regeneration and Partnerships) declared an interest in agenda item 5 (Business Rate Relief) because he is a Trustee of the Chatham Historic Dockyard Trust which may be affected by the proposals in the report. He withdrew from the meeting for the discussion and voting thereon.

Councillor Andrew Mackness (Children's Services – Lead Member) declared an interest in agenda item 5 (Business Rate Relief) because he is the Chairman of the Chatham Maritime Trust which may be affected by the proposals in the report. He withdrew from the meeting for the discussion and voting thereon.

Councillor Mackness also declared an interest in the following agenda items because he is the Chair of the Medway Commercial Group:

- Agenda item 9 (Health and Wellbeing Traded Services)
- Agenda item 10 (Category Management Traded Services)
- Agenda item 11 (Staffing Agency Traded Services)

Councillor Mackness withdrew from the meeting for the discussion and voting thereon of these items.

### **Provisional Local Government Settlement 2017/2018**

#### **Background:**

This report provided details of the provisional local government settlement announced by Government on 15 December 2016 together with the impact on the

## Cabinet, 17 January 2017

Council's proposed budget for 2017/2018 as underpinned by the Core Spending Power calculation, as set out in table 1 of the report.

In terms of the Settlement Funding Assessment (SFA), the announcement did not change the four year Revenue Support Grant allocations announced in the 2016/17 settlement and the changes to the Non Domestic Rates (NDR) Baseline were negligible. The report also provided further details of the New Homes Bonus allocations and details of the extent to which Council Tax could be increased.

It was noted that the SFA was some £8.627 million less than the figure for 2016/2017. This represented a cut of 12.0% compared to the national figure of 10.6%, reflecting Medway's higher than average council tax base relative to SFA

The Revenue Support Grant, an important component of the SFA, was set to decrease in 2017/2018 by a further £9.527 million to £18.504 million, a 34.0% cut. The report also provided details of the impact on other grants.

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

**The Cabinet noted the implications of the provisional settlement in formulating its 2017/18 budget proposals.**

### **Reasons:**

These provisional levels of grant are a fundamental component of the 2017/18 budget, and their announcement is a further stage in the process of preparing a balanced budget.

### **Business Rate Relief**

#### **Background:**

This report provided details of the outcome of consultation on the options for a revised set of guidelines for the award of discretionary relief from National Non-Domestic (Business) Rates for charities and other non-profit making organisations. The report noted that Cabinet on 6 September 2016 had authorised officers to consult on three options, including the Cabinet's preferred option (option 2) (decision no. 107/2016).

The consultation took place for a period of 12 weeks between 15 September and 7 December 2016, details of which were set out in paragraph 7 and Appendix 4 to the report.

The Business Support Overview and Scrutiny Committee considered this matter on 5 January 2017 and its comments were set out in an addendum report. It was noted that representatives of charities, not for profit making organisations and community amateur sports clubs had been invited to attend the meeting to make representations about the options under consideration.

## Cabinet, 17 January 2017

During discussion the Portfolio Holder for Business Management highlighted that the Cabinet's preferred option (option 2) would secure the continued provision of £8 million of relief to organisations supporting vulnerable groups, whilst realising £200,000 savings. In addition, the Portfolio Holder highlighted the process that would be put in place to enable affected organisations to request a review of the determination of their Business Rate liability.

A Diversity Impact Assessment had been undertaken, as set out in Appendix 5 to the report, and as detailed in paragraph 7.4 of the report.

**Decision number:**

**Decision:**  
The Cabinet noted the outcomes of the consultation requested by Cabinet and the analysis of the consultation as set out in paragraph 7 of the report and Appendix 4 to the report.

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee and the additional information as set out in the Addendum Report.

**163/2017** The Cabinet agreed the implementation of Option 2, as set out in paragraph 4.1.2 of the report.

**164/2017** The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Business Management, to undertake a review of the relevant legislation and existing Council policies and processes for reviews of decisions on Discretionary Rate Relief taken by officers to ensure that suitable arrangements are in place from 1 April 2017 and, subject to the advice of the Chief Legal Officer following this piece of work, that the Discretionary Rate Relief (and other reliefs specified in paragraph 5.4 of the report) decision making arrangements should conclude with a final review by the Chief Finance Officer.

**Reasons:**

A new scheme must be implemented from 1 April 2017.

### **Final Funding Formula for Mainstream Schools and Academies 2017-2018**

**Background:**

This report provided details of the final funding proposals for Medway's schools and academies for 2017/2018. Officers, working with the Schools Forum, had consulted with schools and academies on the 2017/2018 options and arrangements. It was noted that the Schools Forum had recommended these options and arrangements to Cabinet in October 2016, which were approved.

## Cabinet, 17 January 2017

Final pupil numbers and the total funding available through the Dedicated Schools Grant (DSG) had been confirmed by government in December 2016.

The Schools Forum met on 9 January 2017 and its final recommendations to Cabinet were set out in an Addendum Report.

It was noted that in line with rule 15.11 of Chapter 4, Part 5 of the Constitution, call-in could be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. In this case, the deadline for the submission of the final funding formula to the Department for Education was 20 January 2017. The Chairman of the Children and Young People Overview and Scrutiny Committee had agreed that the decisions proposed were reasonable in all the circumstances and to them being treated as a matter of urgency and to waive call-in.

***Decision number:***

***Decision:***

- |                 |  |
|-----------------|--|
| <b>165/2017</b> | <b>The Cabinet agreed to add back the mobility funding factor into the Final Funding Formula for 2017-18 as outlined in section 2.4 of the addendum report.</b>                  |
| <b>166/2017</b> | <b>The Cabinet agreed to instruct officers to implement the Final Funding Formula for 2017-18.</b>   |
| <b>167/2017</b> | <b>The Cabinet agreed that the recommendations set out in decision numbers 165/2017 and 166/2017 above are considered urgent and therefore should not be subject to call in.</b> |

**Reasons:**

The local authority is required to implement the funding formula changes from 2017-18 in accordance with the School and Early Years Finance (England) Regulations 2014. This is a Cabinet function.

The deadline for the submission of the final funding formula to the Department for Education is 20 January 2017

### **School Admission Arrangements 2018**

**Background:**

This report provided details of the outcome of consultation on the co-ordinated admission schemes and arrangements for primary and secondary schools for September 2018.

The proposed changes to primary and secondary admissions were set out in paragraph 3 of the report. As at the closing date (18 November 2016), three

## Cabinet, 17 January 2017

responses had been received on the consultations all of which agreed with the proposed co-ordinated schemes.

The Children and Young People Overview and Scrutiny Committee considered this report on 6 December 2016 and its comments were set out in paragraph 7 of the report.

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

In addition, the report stated that it was intended that a further consultation would take place in early 2017 to ascertain views on proposals for the future administration and processing of in-year admissions.

**Decision number:**

**Decision:**

**The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee.**

**168/2017 The Cabinet approved the proposed 2018 schools admissions arrangements and schemes as set out in Appendix 1 to the report.**

### **Reasons:**

The Council is required to undertake a detailed consultation exercise prior to the determination of its school admission arrangements and schemes. The decisions take into account the responses from consultation.

### **Shared Legal Service Between Gravesham Borough Council and Medway Council**

#### **Background:**

This report provided details of proposals for Medway Council to assume responsibility for the discharge of Gravesham Borough Council's Legal Services functions. This was permitted under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 which provided for the Executive of one local authority to arrange for a function for which it was responsible to be discharged by the executive of another local authority.

The report stated that a project group had been established to implement the shared working arrangements, comprising officers from Legal Services, Finance, Human Resources and ICT.

A Business Case has been prepared by officers from Gravesham and Medway to provide further information regarding the work of the two separate Legal Services including current costs, staff transfers, potential savings and other benefits from establishing a shared Legal Service such as increased resilience and potential to



## Cabinet, 17 January 2017

provide Legal Services to external bodies and bring in an income for Medway Council.

Reports on the proposals had been submitted to Gravesham Borough Council's Cabinet on 6 June 2016 and 9 January 2017.

The Business Support Overview and Scrutiny Committee had considered this report on 5 January 2017 and its comments were set out in an addendum report.

**Decision number:**

**Decision:**

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

- 169/2017** The Cabinet recommended to the Leader of the Council that option two set out in paragraph 4.2 of the report be agreed whereby Medway Council shall assume responsibility for the discharge of Gravesham Borough Council's Legal Services functions as permitted under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 which provide for the executive of one local authority to arrange for a function for which it is responsible to be discharged by the Executive of another local authority.
- 170/2017** The Cabinet recommended to Full Council to accept the delegation by Gravesham Borough Council of its Legal Services functions to Medway Council.
- 171/2017** The Cabinet agreed to delegate authority to the Chief Legal Officer of Medway Council to enter into a legally binding contract between both local authorities setting out the detail of the arrangements for a fully shared Legal Services.
- 172/2017** The Cabinet agreed to delegate authority to Medway's Chief Legal Officer to assume responsibility for the management and delivery of legal services for Gravesham Borough Council jointly with the services provided for Medway Council and for this to be reflected in the Council's Scheme of Delegation.
- 173/2017** The Leader of the Council agreed to assume responsibility for the discharge of Gravesham Borough Council's Legal Services functions as permitted under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 which provide for the executive of one local authority to arrange for a function for which it is responsible to be discharged by the

**executive of another local authority.**

**Reasons:**

It is anticipated that option two will bring the following benefits:

- Cashable savings for both Authorities.
- Added resilience across the two authorities. There will be a larger pool of officers covering both authorities providing additional resilience to cover sickness absence/vacancies or increased workload should this be required.
- Availability of specialist skills across both authorities leading to increased efficiency; potential for a reduced requirement for external support from contractors, etc.
- Sharing of best practice in the delivery of Legal Services.
- Expansion of knowledge base of individuals.

**Health and Wellbeing Traded Services**

**Background:**

This report provided details of proposals to create a traded service for the delivery of health and wellbeing services. The report gave details of six potential models and recommended the establishment of a Local Authority Trading Company, specifically as a subsidiary of Medway Commercial Group (MCG), enabling the combined team to bid for upcoming health and wellbeing commissioning opportunities in Thurrock, Kent and East Sussex.

The report stated that this company would be a subsidiary of MCG and would be 100% owned by Medway Council, which provided a number of safeguards and mitigated key risks.

The report stated that given the service delivery model for Medway residents was not changing, it was not considered necessary to undertake a Diversity Impact Assessment on the proposals.

An exempt appendix set out the outline business case, options appraisal and detailed business case.

**Decision number:**

**174/2017**      **The Cabinet approved the establishment of a subsidiary of Medway Commercial Group to be called MCG Health and Wellbeing, or a suitable alternative, to commission and deliver public health services as set out in this report, from 1 April 2017.**

**175/2017**      **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader, the relevant Portfolio Holder(s) and Chair of the MCG Ltd Board to**

## Cabinet, 17 January 2017

**finalise the governance arrangements for the new company and complete any necessary legal requirements and any other arrangements as necessary.**

**The Cabinet noted that the Chief Executive will make the necessary appointments to the new subsidiary board for Health and Wellbeing Services and any other MCG Subsidiary Boards subsequently established under his delegation from Full Council in consultation with Group Whips and having taken into account the views of the Leader and the Chair of MCG Ltd Board.**

### **Reasons:**

With local government funding restrictions continuing to reduce overall budgets and the ring fence coming off the Public Health Grant in 2020, trading services provides an opportunity to generate income and deliver more efficient services in Medway.

Medway Commercial Group is an established Medway Council owned trading company that will provide the most efficient way of delivering traded public health services.

### **Category Management Traded Services**

#### **Background:**

This report provided details of proposals to create a traded service for the delivery of category management services. The report gave details of six potential models and recommended the establishment of a Local Authority Trading Company as a subsidiary of Medway Commercial Group (MCG).

This would enable the combined team to attract external customers across the region. It was stated that MCG already had financial accounts, governance arrangements, policies, procedures and systems to meet commissioners' requirements for compliance, governance and deliverability.

The report stated that a Diversity Impact Assessment (DIA) screening would not be undertaken as part of the implementation process as the service did not affect front line services.

An exempt appendix set out the outline business case, options appraisal and detailed business case.

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

**176/2017**      **The Cabinet approved the creation of a new subsidiary for Category Management under the MCG parent/holding company.**

**177/2017**     **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the, Leader, the relevant Portfolio Holder(s) and Chair of the MCG Ltd Board to finalise the governance arrangements for the new company and complete any necessary legal requirements and any other arrangements as necessary.**

**The Cabinet noted that the Chief Executive will make the necessary appointments to this and any MCG Subsidiary Boards subsequently established under his delegation from full Council in consultation with Group Whips and having taken into account the views of the Leader and the Chair of MCG Ltd Board.**

**Reasons:**

As the council moves into future years, the budgets for services are becoming increasingly difficult to maintain for statutory services. The opportunity to allow the Category Management team to trade externally and deliver its primary pipeline internally, will allow for the team costs to become neutral over time, and an income being brought back to the council that it did not have before.

Medway Commercial Group is an established Medway Council owned trading company that will provide the most efficient way of delivering traded procurement services.

This ownership model allows for any surplus or dividend arising from its success to be paid back to a Council for further investment in services or to facilitate savings. This dual element of control (through contract and through governance) allows flexibility, but lowers risk in terms of strategic alignment.

**Staffing Agency Traded Services**

**Background:**

This report provided details of proposals to create a traded service for the delivery of a staffing agency. The report gave details of six potential models and recommended the establishment of a Local Authority Trading Company as a subsidiary of Medway Commercial Group (MCG) as the sole arm for recruiting temporary staff within the Council. In addition to this it would be beneficial for this company to be in a position to provide a recruitment service to other organisations such as Employ Medway, Schools, Academies and the NHS at a cost.

An exempt appendix set out the outline business case, options appraisal and detailed business case.

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

**178/2017**     **The Cabinet approved the establishment of a subsidiary of**

## Cabinet, 17 January 2017

**Medway Commercial Group to be called Medway Staffing Agency or an appropriate alternative.**

**179/2017** The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader, the relevant Portfolio Holder(s) and Chair of the MCG Ltd Board to finalise the governance arrangements for the new company and complete any necessary legal requirements and any other arrangements as necessary.

The Cabinet noted that the Chief Executive will make the necessary appointments to this and any MCG Subsidiary Boards subsequently established, under his delegation from Full Council in consultation with Group Whips and having taken into account the views of the Leader and the Chair of the MCG Ltd Board.

### **Reasons:**

The cost of recruiting staff through external agencies is placing a huge burden on the Council's budget. Establishing an agency will significantly reduce these costs.

Medway Commercial Group is an established Medway Council owned trading company that will provide the most efficient way of employing agency staff whilst maintaining quality standards and driving down costs

### **A289 Four Elms to Medway Tunnel Highway Project: Acquisition of Land and CPO**

#### **Background:**

This report provided details of proposals for the acquisition of the required land and for preparatory works to be carried out with a view to the use of Compulsory Purchase Order (CPO) powers should acquisition by agreement not be possible, for the A289 Four Elms to Medway Tunnel Highway Project.

The report stated that the specific proposals related to three roundabouts on the A289 which presently experienced queuing and delays resulting in unreliable journey times and operational delays to businesses on the Medway City Estate. Without intervention, strategic transport modelling demonstrated this link will become more congested in future years which would have a further negative impact on existing and planned housing and employment sites.

An exempt appendix provided details of land ownership which indicated that the land required was held under 8 freeholds and 2 leaseholds.

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

**180/2017**      **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holders for Front**

## Cabinet, 17 January 2017

**Line Services and Inward Investment, Strategic Regeneration and Partnerships, to acquire interests in land needed for the A289 Four Elms to Medway Tunnel scheme by agreement and to pay any subsequent compensation.**

- 181/2017** The Cabinet agreed to delegate authority to the Chief Legal officer, in consultation with the Portfolio Holders for Front Line Services and Inward Investment, Strategic Regeneration and Partnerships, to carry out preparatory works for use of Compulsory Purchase Order (CPO) powers to include land referencing (including service of formal requisitions for information), and preparation of drafts of the Statement of Reasons, Order Map and Schedule.
- 182/2017** The Cabinet agreed to delegate to the Chief Legal Officer, in principle, the decision to use its CPO powers to facilitate delivery of the scheme in the event that acquisition by agreement is not reasonably practicable.
- 183/2017** The Cabinet agreed that officers be instructed to submit a report back to Cabinet to report on the use of any formal CPO powers delegated to the Chief Legal Officer in the event that all the land cannot be secured by agreement.

### **Reasons:**

To facilitate the delivery of this important highways scheme to meet the objective outlined in the approved business case.

### **Referrals from Health and Adult Social Care Overview and Scrutiny Committee**

#### **Background:**

This report provided details of a referral from the Health and Adult Social Care Overview and Scrutiny (O&S) Committee with regard to two of the agenda items considered at the Committee meeting held on 15 November 2016, namely the Development of GP Services in Medway and the KMPT Mental Health update.

Specific details of the referrals were set out in the report and the original reports to the Health and Adult Social Care Overview and Scrutiny Committee were provided at Appendices A and B to the report.

#### **Decision number:**

#### **Decision:**

**The Cabinet noted the recommendations from the Health and Adult Social Care Overview and Scrutiny Committee, as outlined in the report.**

## Cabinet, 17 January 2017

**The Cabinet noted the risks that falling GP numbers will present to Medway residents and the implications for Adult Social Care**

**184/2017 The Cabinet agreed to emphasise to the Kent Police and Crime Commissioner the importance of street triage.**

**185/2017 The Cabinet agreed to refer both these matters to the Health and Wellbeing Board for further consideration.**

### **Reasons:**

The Health and Adult Social Care Overview and Scrutiny Committee has made these recommendations to Cabinet in accordance with its entitlement, under the Council's Constitution, to make recommendations to Cabinet arising from the outcome of the scrutiny process (Constitution – Articles of the Constitution - Chapter 2, Article 6, Paragraph 6.4). Cabinet is, therefore, required to consider its response.

### **Recruitment Freeze**

#### **Background:**

This report presented information on a number of 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:***

**186/2016 The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report:**

#### **Business Support**

**a) Civic and Ceremonial Officer**

#### **Children and Adults Services**

**b) Housekeeper**

**c) Partnership Commissioning Programme Lead – Access to Resources**

**d) Partnership Commissioner**

**e) Partnership Commissioner**

**f) Business and Systems Information Officer**

**g) Admin Support Officer**

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**h) Head of Service – Integrated SEN and Disability**

**Regeneration, Culture, Environment and Transformation**

**i) Guardians of the Deep – Project Officer.**

**Reasons:**

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

.....  
**Leader of the Council**

.....  
**Date**

**Wayne Hemingway, Democratic Services Officer**

Telephone: 01634 332509104

Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)