

## **Record of Cabinet decisions**

**Tuesday, 10 April 2018**

**3.00pm to 4.43pm**

**Date of publication: 11 April 2018**

**Subject to call-in these decisions will be effective from 19 April 2018  
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 Adults' 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	
	Jan Guylor, Head of Legal Services, Local Land Charges and Licensing/Deputy Monitoring Officer	
	Dave Harris, Head of Planning	
	Wayne Hemingway, Democratic Services Officer	
	Richard Hicks, Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive	
	Helen Jones, Assistant Director – Commissioning, Business and Intelligence	
	Julie Keith, Head of Democratic Services	
	Ian Sutherland, Director of Children and Adults Services	
	Phil Watts, Chief Finance Officer	

**Apologies for absence**

There were none.

**Record of decisions**

The record of the meeting held on 28 March was agreed and signed by the Leader as a correct record.

**Declarations of Disclosable Pecuniary Interests and Other Significant Interests**

Disclosable pecuniary interests

There were none.

Other significant interests

Councillor Doe declared a significant interest in agenda item 11 (Medway Development Company Ltd (MDCL) Update) because he is the Chairman of MDCL. He left the room during consideration of this item.

Councillor Gulvin declared a significant interest in agenda item 11 (Medway Development Company Ltd (MDCL) Update) because he is a Director of MDCL. He left the room during consideration of this item.

Councillor Mackness declared a significant interest in agenda item 9 (Fitted Rigging House – Addition to the Capital Programme) because he lives in the Historic Dockyard area and his wife has a business in the Historic Dockyard area. He left the room during consideration of this item.

Councillor Mackness declared a significant interest in agenda item 12 (Medway Commercial Group Ltd (MCG) Update) because he is the Chairman of the MCG Board. He left the room during consideration of this item.

Councillor Turpin declared a significant interest in agenda item 8 (Special Educational Needs (SEN) Home to School Transport Consultation and Policy Review) because he has a family member who is in receipt of Special Educational Needs (SEN) home to school transport support. He left the room during consideration of this item.

Other interests

Councillor Rodney Chambers (OBE) declared a non-pecuniary interest in agenda item 9 (Fitted Rigging House – Addition to the Capital Programme) because he is a Council appointed Trustee of the Chatham Historic Dockyard Trust. He remained in the meeting during consideration of this item.

**Referral from Health and Adult Social Care Overview and Scrutiny Committee -  
Member Item: Future of the RVS Older People's Centre**

**Background:**

This report provided details of the referral from the Health and Adult Social Care Overview and Scrutiny meeting held on 15 March 2018 in relation to the future of the RVS Older People's Centre.

The comments of the Health and Adult Social Care Overview and Scrutiny Committee were set out in paragraphs 2.6 to 2.25 of the report. The Committee recommended to the Cabinet to fund the Centre for another full year by providing the £17,500 required to make up the lost grant.

The Portfolio Holder for Adults' Services reported that following further contact between the Leader of the Council and the Chief Executive of RVS, an increased matching sum of £17,500 had been confirmed which would be made available from RVS central funding. This would cover the 12 months 2018-2019 giving the time needed to look for a sustainable outcome for RVS Medway.

The Portfolio Holder for Adults' Services also reported that he had received a petition presented to him by the RVS which requested the Council to provide funding in order to keep the centre open. He stated that the petition contained signatures from supporters across Medway and that it had been passed to the Council's Democratic Services team to be processed and actioned as appropriate.

**Decision number:**

**Decision:**

**The Cabinet noted the progress made with RVS in covering a matching grant to cover costs over the 12 month period 2018-2019.**

**50/2018 The Cabinet agreed that Medway Council officers and other interested parties work with RVS in the preparation of a sustainable programme for RVS Medway.**

**51/2018 The Cabinet agreed that a progress report be prepared and presented to Cabinet within 6 months.**

**Reasons:**

To provide an opportunity to develop a sustainable programme for RVS Medway.

## **Response to the Consultation 'Improving Urgent Stroke Services in Kent and Medway'**

### **Background:**

This report set out the Cabinet's proposed response to the consultation 'Improving urgent stroke services in Kent and Medway' which was being undertaken by the NHS Clinical Commissioning Groups of: Ashford, Bexley, Canterbury and Coastal, Dartford Gravesham and Swanley, High Weald Lewes Havens, Medway, South Kent Coast, Swale, Thanet, and West Kent.

The report evaluated the impact of the proposed changes to urgent stroke services on travel, access and equality and took into account the population demographics of Medway. The report provided details of impact analyses undertaken by Mott MacDonald and the Medway Public Health Intelligence Team respectively. These were set out at Appendix 2 to 4 of the report. It was concluded that option D (locating three hyper acute stroke units in Tunbridge Wells Hospital, Medway Maritime Hospital and William Harvey Hospital) was the preferred option.

It was noted that the consultation deadline had been extended from 13 April 2018 to 20 April 2018.

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

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|----------------|--|
| <b>52/2018</b> | <b>The Cabinet agreed option D (locating three hyper acute stroke units in Tunbridge Wells Hospital, Medway Maritime Hospital and William Harvey Hospital) as its response to the consultation "improving urgent stroke services in Kent and Medway" for the reasons set out in section 4 of the report.</b> |
| <b>53/2018</b> | <b>The Cabinet agreed to delegate authority to the Director of Children and Adults Services, in consultation with the Portfolio Holder for Adults' Services, to submit the Cabinet's response to the consultation.</b>   |
| <b>54/2018</b> | <b>The Cabinet agreed to advise the Joint Health Overview and Scrutiny Committee of Kent County Council, Medway Council, East Sussex County Council and Bexley Council of its support for option D.</b>  |

### **Reasons:**

Analysis from Mott MacDonald Group Ltd and Medway Public Health Intelligence Team indicates that option D would have the best outcomes for people requiring urgent stroke services.

The other factors for consideration set out in paragraphs 4.11 to 4.14 of the report set out further rationale for locating the hyper acute unit in Medway.

**Response to Ministry of Housing Communities and Local Government (MHCLG) Consultation on Proposed Revisions to the National Planning Policy Framework**

**Background:**

This report set out Medway Council's proposed response to the Ministry of Housing, Communities and Local Government (MHCLG) consultation on the proposed revisions to the National Planning Policy Framework (NPPF) 2012.

The report summarised the proposed changes to the NPPF and articulated the positive and negative features of the proposals. The report outlined the foreseeable implications to Medway and the Local Authority and in particular, the report reiterated the Council's strong concern regarding the proposed introduction of a new standard methodology for the calculation of Local Housing Need.

**Decision number:**

**Decision:**

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|----------------|--|
| <b>55/2018</b> | <b>The Cabinet agreed this report and draft response to the direct questions in the consultation, as set out in Appendix 1 to the report, including the strong opposition to the use of standard methodology for calculating housing need.</b>   |
| <b>56/2018</b> | <b>The Cabinet agreed to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Leader and Portfolio Holders for Planning, Economic Growth and Regulation &amp; Inward Investment, Strategic Regeneration and Partnerships to submit Medway Council's formal response to the Ministry of Housing Communities and Local Government (MCHLG) setting out concerns about the proposals contained in the consultation.</b> |
| <b>57/2018</b> | <b>The Cabinet agreed to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Leader and Portfolio Holders for Planning, Economic Growth and Regulation &amp; Inward Investment, Strategic Regeneration and Partnerships to submit the Council's response to the consultation on supporting housing delivery through developer contributions to the MHCLG as highlighted in paragraph 4.44 of the report.</b>       |

**Reasons:**

Medway Council is concerned about the recommendations contained within the consultation and specifically the standard methodology for calculating housing need.

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The consequences of the recommendations within the consultation are set out in the body of the report and in the responses to the questions in appendix 1 to the report.

The standard methodology recommended produces a housing target for Medway and other Kent Authorities that is not only unachievable, but would have serious and unacceptable implications for infrastructure and the valued and nationally and internationally protected landscape within Medway.

### **Outcome of Joint Local Area Special Educational Needs and Disabilities (SEND) Inspection**

#### **Background:**

This report provided details of the outcome of the joint local area Special Educational Needs and Disabilities (SEND) inspection undertaken by Ofsted and the Care Quality Commission (CQC) from 4 to 8 December 2017.

The report stated that the Inspection Framework emphasised that local area inspections evaluate the effectiveness of all relevant partners in the local area in fulfilling their responsibilities for SEND. The inspection therefore evaluated the contribution and impact of the Local Authority, the Clinical Commissioning Group (CCG), Public Health, specialist services, early years settings, schools and further education providers.

The report advised that the Local Authority and the CCG were required to submit a joint Written Statement of Action to the Department for Education (DfE) and that a SEND Improvement Board had been established to direct the development of the improvement action plan.

The comments of the Children and Young People Overview and Scrutiny Committee were set out in section 7 of the report.

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

**The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee set out in section 7 of the report.**

**The Cabinet noted the outcome of the Special Educational Needs and Disability (SEND) Local Area Inspection set out in Appendix A to the report.**

#### **Reasons:**

This report formally notifies the Cabinet of the outcome of the Ofsted inspection.

## **Special Educational Needs (SEN) Home to School Transport Consultation and Policy Review**

### **Background:**

This report provided details of the seven proposed amendments to the Council's Home to School Transport Policy in relation to children and young people with Special Educational Needs and Disabilities (SEND). The report also set out minor consequential amendments and clarifications to the policy for mainstream pupils.

The report stated that the proposed Travel Assistance Policy, set out at Appendix 3 to the report, would replace the existing Home to School Transport Policy.

In order to inform the policy amendments service users, stakeholders and the wider public were consulted on the proposals in accordance with the Cabinet's agreement on 21 November 2017 to a 6 week consultation period commencing in December 2017 on changes to Special Educational Needs (SEN) Transport Policy, as set out in section 4 to that report (decision number 132/2017 refers). The outcome of the consultation was set out in sections 6 and 7 to the report.

The comments from the Children and Young People Overview and Scrutiny Committee were set out in section 8 to the report.

A Diversity Impact Assessment had been carried out on the proposals, as set out in Appendix 6 to the report.

### **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.**

**58/2018      The Cabinet approved the 'Education Travel Assistance Policy', as set out in Appendix 3 to the report.**

### **Reasons:**

The revised Policy will help to ensure that travel assistance support can continue to be provided to all eligible children and young people in line with increasing demand. It will also provide the opportunity to offer a more flexible range of options to families and improve the quality of the service provision.

## **Fitted Rigging House - Addition to the Capital Programme**

### **Background:**

This report provided details of the Growing Places Fund (GPF) bid for a loan of £800,000 to bring the Fitted Rigging House at Chatham Historic Dockyard into full use. The report stated that the total cost of the project to the Chatham Historic

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Dockyard was £8,400,000. It was noted that £7,600,000 had already been secured by the Dockyard and the remainder, £800,000, was sought from the South East Local Enterprise Partnership (SELEP).

The report explained that the SELEP would only enter into funding/loan agreement with a Local Authority. In consequence, the Council would need to enter into a loan agreement with the SELEP on behalf of Chatham Historic Dockyard and also enter into a legally binding back to back loan agreement with the Dockyard for the repayments and to give the Council protection.

The report advised that the SELEP would make a decision to award the GPF funding/loan on 27 April 2018 and if approved would require Full Council approval to be added to the Capital Programme.

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

**59/2018**      **The Cabinet agreed to recommend to Full Council on 26 April 2018 the addition of this project, as set out in section 2 of the report, to the Capital Programme, subject to approval from the South East Local Enterprise Partnership (SELEP) for the funding.**

**Reasons:**

Additions to the Capital Programme are a matter for Full Council.

**Joint Venture with Norse Property Services - Establishment of a Housing Company**

**Background:**

This report provided details of a proposal to establish a housing company jointly with Norse Property Services (NPS). This housing company would develop property within Medway and in the first instance enable the development of an under-utilised car park in Rainham, which was owned by the Council.

The report evaluated four options including:

- Option 1: Do nothing
- Option 2: To develop the site through the Medway Development Company Limited (MDC)
- Option 3: To sell the site on the open market to a developer
- Option 4: Joint Venture with Norse Property Services

The report stated that under the preferred option, option 4 (Joint Venture with Norse Property Services), the Council would be required to provide the land and lend the joint venture company £1.352 million. The funding would be met from borrowing and would require Full Council approval to be added to the Capital Programme.



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An Exempt Appendix to the report set out the Business Case for the preferred option, option 4 (Joint Venture with Norse Property Services).

<b><i>Decision number:</i></b>	<b><i>Decision:</i></b>
<b>60/2018</b>	<b>The Cabinet approved the setting up of a joint venture company (option 4) based on the proposal set out in the exempt appendix.</b>
<b>61/2018</b>	<b>The Cabinet agreed the company will be called Medway Growth.</b>
<b>62/2018</b>	<b>The Cabinet agreed to exercise the role of shareholder.</b>
<b>63/2018</b>	<b>The Cabinet agreed to delegate authority to the Chief Legal Officer in consultation with the Leader to agree the Memorandum of Association and the Articles of Association.</b>
<b>64/2018</b>	<b>The Cabinet noted the amounts required to be provided for in the Capital Programme and recommended to Full Council to approve the addition to the capital programme of £1.352 million, to be funded from borrowing, in order to make a loan to the joint venture company at the prevailing market interest rate.</b>
<b>65/2018</b>	<b>The Cabinet agreed to delegate authority to the Chief Finance Officer in consultation with the Leader to release funding to the Company for each agreed scheme in the Company's Business Plan subject to financial due diligence.</b>
<b>66/2018</b>	<b>The Cabinet agreed to delegate authority to the Chief Legal Officer in consultation with the Leader to identify, declare surplus and dispose of assets at commercial rates to the company in line with its Business Plan.</b>
<b>67/2018</b>	<b>The Cabinet agreed to delegate authority to the Chief Legal Officer in consultation with the Leader to execute the final legal agreements, contracts and all other ancillary documentation that may be needed prior to the setting up of a company setting out the arrangements between the Council and the Company.</b>
<b>68/2018</b>	<b>The Cabinet agreed to delegate authority to the Chief Executive to make the necessary appointments to the Executive Board of Directors, as set out in paragraph 4.3 of the report, in consultation with the Leader.</b>

**Reasons:**

To enable the generation of new and alternative revenue income streams for the Council and to deliver housing units principally in Medway.

**Medway Development Company Ltd Update**

**Background:**

This report provided details of a proposal to amend the Articles of Association and governance arrangements for Medway Development Company (MDC) Ltd. to reflect the Teckal test. This would take advantage of tax efficiencies in the development of property.

The report stated that under the new arrangements MDC Ltd. would act as the Council's managing agent in developing its owned sites and would provide the following services:

- Potential site identified and high level appraisal and viability test;
- Feasibility/ business case budget established and approved by MDC board;
- Complete site surveys and develop planning drawings / tender documents;
- Submit planning and tender the construction works; and
- Tenders reviewed and approved by MDC board.

The report also set out the investment required to fund a five year programme. The report advised that the sum of £120 million would be met from borrowing and would require Full Council approval to be added to the Capital Programme. The report set out the consequential amendments to the Employee Delegation scheme, as set out in paragraph 8.3.1 and 9.2.2 of the report.

An Exempt Appendix to the report provided the proposed the project approval process and new governance structure and the Business Plan for MDC Ltd.

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

**69/2018**      **The Cabinet recommended to Full Council the addition to the capital programme of a facility for £120 million over the next 5 years to enable development.**

**70/2018**      **The Cabinet approved the amendments to the Medway Development Company Ltd (MDC) governance structure, as outlined in option 1 of the report and Exempt Appendix 1, to reflect the Teckal test and noted that Cabinet previously delegated authority to the Chief Legal Officer, in consultation with the Leader, to finalise the Articles of Association (decision no. 92/2017) and that Cabinet now approved the form of Articles of Association similar to that of MCG Ltd, as set out in Appendix 1 to the report.**

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- 71/2018**      **The Cabinet noted the draft Business Plan as set out in Exempt Appendix 2 to the report and agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader, to approve the final version of the Business Plan.**
- 72/2018**      **The Cabinet approved the amendments to the Employee Delegation Scheme as set out in paragraphs 8.3.1 and 9.2.2 of the report.**

### **Reasons:**

To enhance the generation of new and alternative investment returns for the Council and to deliver housing units principally in Medway.

### **Medway Commercial Group Ltd Six Monthly Report**

#### **Background:**

This report provided details of Medway Commercial Group Limited's (MCG) achievements and performance over the preceding six months (1 October 2017 – 31 March 2018) and its plans for future growth and development.

In particular, the report stated that MCG was on target to achieve its agreed accumulated savings for the next two financial years and was predicting a surplus of £254,000 for this financial year (2017/18). It was added that MCG had also provided Medway Council with circa. 7/12ths of £254k annualised savings on transferring revenue streams which were extra over savings to the rebate. In addition there had been key successes in relation to Telecare Services, CCTV and the use of Automatic Number Plate Recognition (ANPR).

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

**The Cabinet noted the achievements and performance of Medway Commercial Group Limited (MCG) for the six month period 1 October 2017 to 31 March 2018.**

### **Reasons:**

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

### **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).

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Details of the posts were set out within Appendix 1 to the report.

**Decision  
number:**

**Decision:**

**73/2018**

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

**Business Support Department**

- a) **Lawyer, Contracts, Place Team, Legal Services (Permanent)**
- b) **Category Manager (x4)**
- c) **Lawyer, Contracts, Place Team, Legal Services (Locum)**

**Children & Adults**

- d) **Head of School Services**
- e) **Programme Lead – Targeted Services**
- f) **Support Services Assistant (S.S.A.)**
- g) **SEN Travel Assistance Manager**
- h) **SEN Travel Assistance Officer (x2)**

**Regeneration, Culture, Environment & Transformation**

- i) **Part-time Social Media Marketing Executive**
- j) **Project Officer**
- k) **Skills and Employment Programme Manager**
- l) **HR Consultant.**

**Reasons:**

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

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**Leader of the Council**

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**Date**

**Wayne Hemingway/Jade Milnes, Democratic Services Officers**

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