

Record of Cabinet decisions

Tuesday, 8 May 2018

3.00pm to 3.27pm

Date of publication: 9 May 2018

Subject to call-in these decisions will be effective from 17 May 2018
The record of decisions is subject to approval at the next meeting of the Cabinet

Present:	Councillor Alan Jarrett	Leader of the Council
	Councillor Howard Doe	Deputy Leader and Portfolio Holder for Housing and Community Services
	Councillor David Brake	Portfolio Holder for 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
In Attendance:	Neil Davies, Chief Executive	
	Perry Holmes, Chief Legal Officer/Monitoring Officer	
	Julie Keith, Head of Democratic Services	
	Tomasz Kozlowski, Assistant Director, Physical and Cultural Regeneration	
	Jade Milnes, Democratic Services Officer	
	Ian Sutherland, Director of Children and Adults Services	
	Phil Watts, Chief Finance Officer	
	James Williams, Director of Public Health	

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 10 April 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 (OSIs)

There were none.

Other interests

There were none.

Expression of Interest in Relation to Deangate Ridge Golf Course

Background:

This report provided an assessment of the expression of interest, submitted to the Council by the Deangate Community Partnership, to deliver community sport, wellbeing and leisure activities at the Deangate Ridge Golf and Sports Complex.

The report noted that the Council had received a letter dated 16 April 2018 from Mytime Active which stated that the expression of interest had been submitted without their authority or agreement. This letter was set out at Appendix 2 to the report.

The report explained that the expression of interest had met the requirements of Section 81(1)(a) of the Localism Act 2011 and therefore the Council was required to consider whether the expression of interest met the requirements set out in Section 81(1)(b) of the Act. Paragraphs 5.5.3 to 5.5.5 of the report provided an analysis of the details of the financial resources provided by the Deangate Community Partnership.

The report also explained ten grounds on which the expression of interest may be rejected and concluded that the expression of interest be rejected on six grounds for the reasons set out in paragraphs 5.6.3 to 5.6.6 to the report.

Exempt Appendix 1 to the report set out the commercially sensitive budget projections from the Deangate Community Partnership and Exempt Appendix 2 to the report set out the officer analysis of the projected budget information.

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Decision number:

Decision:

74/2018

The Cabinet agreed to reject the expression of interest submitted by Deangate Community Partnership.

Note: In accordance with Council Rule 12.6, Councillor Filmer requested that his vote against decision 74/2018 be recorded in the record of decisions.

Reasons:

The expression of interest is rejected on the following grounds:

- The Council has made a decision to close Deangate Ridge Golf Course (Ground 4).
- The Council considers that the financial information provided in respect of the expression of interest application is incomplete and inadequate (Grounds 1, 2 and 3), particularly since the letter dated 16 April 2018 from Mytime Active confirms what is said in the expression of interest overstates matters and that there is no agreement to work with the Partnership.
- The Council considers that the expression of interest could, in the circumstances, be considered as a way of frustrating the Council's Local Plan process which is currently going through consultation (Ground 9).
- The Council considers accepting no rent or nominal rent in respect of the site will be in breach of its duty under section 123 of the Local Government Act 1972 (Ground 10).

Medway Guide to Developer Contributions and Obligations (2018)

Background:

This report presented the updated Medway Guide to Developer Contributions and Obligations, set out at Appendix A to the report, which had been prepared following a six week consultation period. The consultation was undertaken in accordance with the Medway Statement of Community Involvement and Cabinet's agreement to undertake consultation on the draft Guide (decision no. 4/2018 refers).

The report stated that 21 representations to the consultation had been received. A table of the responses and the evaluation of the issues was set out at Appendix B to the report. It was explained that common responses to the consultation included queries concerning the proposed increase in charges, the derivation of the occupation figure of 2.43 persons per dwelling and the absence of the section on environmental mitigation.

The report explained that the Council would undertake a further review of the Guide to align with the new Local Plan and to take account of impending updated government policy and guidance on developer contributions towards the funding of infrastructure. The report noted that the Cabinet had previously agreed to update the existing Guide to Developer Contributions 2014, to provide a more robust policy

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basis, pending the further progress of the Local Plan and government reforms to the Planning system (decision no. 2/2018 refers).

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

Decision number:

Decision:

- 75/2018** **The Cabinet approved the Medway Guide to Developer Contributions and Obligations, as set out at Appendix A to the report for adoption as a Supplementary Planning Document.**
- 76/2018** **The Cabinet agreed to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Portfolio Holder for Planning, Economic Growth and Regulation, to approve minor changes to the Medway Guide to Developer Contributions and Obligations, if required to address minor presentational matters.**
- 77/2018** **The Cabinet agreed to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Portfolio Holder for Planning, Economic Growth and Regulation to undertake the annual review of indexation of S106 contributions using the all items retail prices index (RPI) and update the Medway Guide to Developer Contributions and Obligations Supplementary Planning Document accordingly to come into effect on 1 April each year.**

Reasons:

The Medway Guide to Developer Contributions and Obligations will provide an effective basis for the collection of contributions from development to appropriately mitigate the impacts through the provision of services and infrastructure.

Six Monthly Review of the Corporate Risk Register

Background:

This report provided details of the six monthly review of the Council's Corporate Risk Register. The report also articulated the outcome of the Risk Management Audit undertaken in August 2017.

The comments of the Business Support Overview and Scrutiny Committee were set out in section 6 to the report, together with the Chief Finance Officer's comments in

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response to the key issues raised at the Committee in respect of Risk SR09b (Keeping Vulnerable Young People Safe and on Track).

Decision number: **Decision:**

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee set out at section 6 of this report

78/2018 The Cabinet approved the amendments proposed to the Corporate Risk Register as detailed in Appendices A and B 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.

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:**

79/2018 The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report:

Business Support Department

a) Finance Assistant

Children and Adults

b) Complex Care Co-ordinator, Transforming Care project

Regeneration, Culture, Environment and Transformation

c) Parking Support Officer

d) Processing Appeals Officer - Processing & Income Recovery x2

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Reasons:

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

Gateway 1 Procurement Commencement: Temporary Accommodation Dynamic Purchasing System (DPS)

Background:

This report sought approval to commence the procurement of a Temporary Accommodation Dynamic Purchasing System (DPS) following review and discussion at Procurement Board on 28 March 2018.

The report noted that the contract would cover a period of 4 years with the option to extend for a further 2+2+2 (total 10 years).

An Exempt Appendix provided details of the financial analysis in respect of procurement of this service.

Decision number: ***Decision:***

80/2018 **The Cabinet agreed to proceed with the tendering of a Dynamic Purchasing System for the provision of Temporary Accommodation.**

Reasons:

Pursuing this course of action would ensure that there is an adequate number of competitive suppliers who are accessible by the Council to immediately meet the ongoing needs.

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Leader of the Council

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Date

Wayne Hemingway/Jade Milnes, Democratic Services Officers

Telephone: 01634 332509/332008
Email: democratic.services@medway.gov.uk