

Record of Cabinet decisions

Tuesday, 10 July 2018

3.00pm to 4.30pm

Date of publication: 11 July 2018

Subject to call-in these decisions will be effective from 19 July 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 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
	Richard Hicks, Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive	
	Perry Holmes, Chief Legal Officer/Monitoring Officer	
	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

An apology for absence was received from Councillor Jane Chitty (Portfolio Holder for Planning, Economic Growth and Regulation).

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Record of decisions

The record of the meeting held on 12 June 2018 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

Councillor Brake referred to agenda item 10 (Land to the East of Northdane Way, Lordswood) and advised that although he had expressed previous views on the matter, he had re-examined the relevant issues with a clear and open mind.

Councillor Gulvin referred to agenda item 10 (Land to the East of Northdane Way, Lordswood) and advised that although he had expressed previous views on the matter, he had re-examined the relevant issues with a clear and open mind.

Councillor Jarrett referred to agenda item 10 (Land to the East of Northdane Way, Lordswood) and advised that although he had expressed previous views on the matter, he had re-examined the relevant issues with a clear and open mind.

Medway's School Place Planning Strategy 2018-22

Background:

This report provided detail of the School Place Planning Strategy 2018-22 which would replace the previous School Organisation Plan 2011-16. Although there was no longer a statutory requirement for local authorities to have a School Organisation Plan, it was decided by the Cabinet when approving the previous plan in November 2011, that having such a strategic plan would enable the Council to establish a framework for school organisation decisions. This would ensure an appropriate supply of school places linked to school improvement.

The purpose of this strategy was to take an overarching view of school place planning and school organisation and would be complemented with annual reviews highlighting action taken, emerging need and making recommendations to ensure a sufficient supply of good quality school places was maintained when and where needed. The first annual review would take place in the autumn of 2018.

The Children and Young People Overview and Scrutiny Committee considered this report on 5 June 2018 and its comments were set out at section 7 of the report.

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Diversity Impact Assessments would be carried out for individual proposals brought forward as a result of actions from the strategy.

Decision number: **Decision:**

The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee, as set out in paragraph 7 of the report.

88/2018 The Cabinet approved the School Place Planning Strategy 2018-22, as set out in Appendix 1 of the report.

Reasons:

Having such a strategy will provide a framework for decision making in ensuring that the Council maintains its duty to provide sufficient school places.

Shared Licensing Service Between Gravesham Borough Council and Medway Council

Background:

This report provided details of proposals for Gravesham Borough Council to assume responsibility for the discharge of Medway Council's executive and non-executive Licensing functions. This was permitted under Section 101(1) of the Local Government Act 1972, which allowed local authorities to delegate non-executive functions to other local authorities and under the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 which provided local authorities to delegate executive functions to other local authorities.

Medway Council had approached Gravesham Borough Council regarding the potential to share a service for Licensing due to the Licensing Manager at Medway Council choosing to take retirement at the end of April 2018 and as part of the digitalisation programme.

A Business Case had been prepared by officers from Gravesham and Medway to provide further information regarding the work of the two separate Licensing Services, including current costs, staff transfers, potential savings and other benefits from establishing a shared Licensing Service such as increased resilience, increased efficiencies, sharing of best practice, expansion of knowledge base and accelerated progress in digitalisation. This was attached at Appendix 1 to the report.

A report on the proposals had been submitted to Gravesham Borough Council's Cabinet on 25 June 2018 where progression of a fully shared Licensing Service with Medway Council was agreed and its Full Council was recommended to accept the delegation by Medway Council of its Licensing functions.

The Licensing and Safety Committee had considered this report on 26 June 2018 and its comments were set out at section 8 of the report. The Business Support

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Overview and Scrutiny Committee had considered this report on 5 July 2018 and its comments were set out in an addendum report, which was tabled at the meeting.

Decision number: **Decision:**

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

The Cabinet noted that the Licensing and Safety Committee had agreed to recommend Full Council that option one set out in paragraph 5.1 of the report is agreed whereby Medway Council shall delegate responsibility for the discharge of its Licensing Service non-executive functions to Gravesham Borough Council.

The Cabinet noted that the Licensing and Safety Committee recommended to Full Council that all non-executive licensing delegations currently with the Chief Legal Officer can also be exercised by Gravesham Borough Council's Assistant Director (Communities).

89/2018 The Cabinet agreed option one, as set out in paragraph 5.1 of the report, whereby Medway Council shall delegate responsibility for the discharge of its Licensing Service executive functions to Gravesham Borough Council.

90/2018 The Cabinet agreed that all executive licensing delegations currently with the Chief Legal Officer can also be exercised by Gravesham Borough Council's Assistant Director (Communities).

91/2018 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 Licensing Service.

Reasons:

It is anticipated that option 1 will bring the following benefits:

- 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 Licensing Services.

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- Expansion of knowledge base of individuals.
- Accelerated progress in digitalisation which will bring further efficiencies.

Gambling Act 2005 - Review of Statement of Gambling Policy (Policy Framework)

Background:

This report provided details of proposed amendments to the current Council Statement of Gambling Policy, which was approved at Full Council on 21 January 2016 for a period of three years. It was noted that Medway's draft Policy sought to:

- Provide the Licensing Authority with a secure foundation on which to determine applications in a way that clearly promotes licensing objectives, protects residents and allows the vision for the Council to be achieved through a clear, fair and robust licensing process;
- Reflect legislative changes and the Licensing Authority's approach to new initiatives; and
- Help ensure that applicants have a clear understanding of the Council's expectations and of the impacts of their licensed business or proposed activities could have on others and what they must do to enhance the positive impacts and mitigate any detrimental impacts.

The report provided details of the consultation process which had been undertaken on the draft Policy. Three responses had been received with some suggested amendments. The suggestions and proposed action was outlined in Appendix 3 to the report and the draft policy had been amended to incorporate the recommendations, following agreement by the Licensing and Safety Committee.

The draft Policy had been considered by the Licensing and Safety Committee (26 June 2018) and the Business Support Overview and Scrutiny Committee (5 July 2018) in accordance with the policy framework rules, details of which were set out in paragraph 8 of the report and an addendum report, which was tabled at the meeting.

Decision number: ***Decision:***

The Cabinet noted the minor administrative change to Appendix C of the Policy as outlined in Section 7 of the report.

The Cabinet noted the comments of the Licensing and Safety Committee, outlined in section 8 of the report and the comments of the Business Support Overview and Scrutiny Committee, outlined in the addendum report.

92/2018 The Cabinet recommended the draft Statement of Gambling Licensing Policy 2019-22, as set out in Appendix 4 to the report, to Council for approval in accordance with the policy framework rules.

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Reasons:

The Statement of Gambling Policy sets out how the Council will regulate licensable activities, as required by the Gambling Act 2005.

Update to Contract Procedure Rules

Background:

This report provided details of proposed changes to the Contract Procedure Rules (CPRs). In particular, the proposed changes would provide greater efficiencies on procurement activities within the authority by establishing a uniform means to award lower value (under £25,000) contracts. It was also proposed to introduce a requirement to use internal resources first such as Property and Capital Projects and the Category Management Teams before approaching the open market.

This report had been considered by the Audit Committee on 27 June 2018 and its comments were set out in paragraph 7 of the report.

An addendum report was tabled at the meeting which provided details of a further proposed revision to the Contract Procedure Rules. These minor changes to the text would provide assurance that any procurement which was caught by the statutory definition of a key decision would be classified as high risk and referred to Cabinet for determination.

Decision number: **Decision:**

The Cabinet noted the comments made by the Audit Committee on 27 June 2018, detailed in Section 7 of the main report.

93/2018 The Cabinet considered the proposed changes to the Contract Procedure Rules as set out in Appendix 1 to the main report, and the minor changes in revised page 4.99 as set out in Appendix 1 to the addendum report and recommended them to Full Council for approval.

Reasons:

These proposed changes will implement a more robust suite of Contract Procedure Rules.

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Treasury Management Outturn Annual Report 2017/18

Background:

This report provided an overview of treasury management activity during 2017/18.

Overall the Interest and Financing budget made a deficit over its targeted budget of £112k. The shortfall in interest earned was due to the low interest rates available and the squeeze on cash resources from spending of past receipts and reserves for capital expenditure.

In terms of borrowing for 2017/18, there were no new long term loans taken out and no repayments of long term loans except for annuity payments. The approach during the year had been to use cash balances to finance new capital expenditure so as to run down cash balances and minimise counterparty risk incurred on investments, which also maximised treasury management budget savings. In relation to investment, the bank rate had been duly raised from 0.25% to 0.50% on 2 November 2017 and remained at that level for the rest of the year with further increases expected over the next few years.

The report had also been considered by the Audit Committee on 27 June 2018, and comments from this Committee were set out in section 13 of the report.

Decision number: ***Decision:***

The Cabinet noted this treasury management outturn annual report and the comments made by the Audit Committee on 27 June 2018, detailed in Section 13 of the main report.

Reasons for decision:

Section 7.1(e) of the Council's Financial Rules state that the Chief Finance Officer shall report to Cabinet and the Audit Committee not later than September on treasury management activities in the previous year.

New Routes to Growth - Housing Infrastructure Bid

Background:

This report provided details of Medway's Housing Infrastructure Funding (HIF) Bid – New Routes to Growth, which planned for much needed infrastructure to enable growth in and around the Hoo Peninsula and waterfront regeneration sites.

The allocation of an investment of £750,000 was proposed which would create a budget that was capable of developing and submitting a comprehensive and informed HIF bid capable of supporting a robust Green Book Appraisal. It would ensure that all the key technical details of road, rail and community infrastructure

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were fully developed and costed and that delivery, as well as financial risks, were minimised.

Decision number: ***Decision:***

94/2018 **The Cabinet recommended to Full Council on 19 July 2018 the addition of up to £750,000 to the revenue budget to enable the submission of the Housing Infrastructure Funding (HIF) Bid – New Routes to Growth, to be initially funded from reserves.**

Reasons for decision:

Additions to the revenue budget are a matter for Full Council.

Land to the East of Northdane Way, Lordswood

Background:

This report provided details of the proposed residential development of land at Gibraltar Farm and sought the Cabinet's decision on options to delegate authority for officers to dispose of or grant rights over the Council owned land to allow the completion of the proposed development.

Planning permission had been granted on appeal for residential development of the land shown edged black on the plan attached as Appendix 1 to the report.

Decision number: ***Decision:***

95/2018 **The Cabinet agreed to defer consideration of this item to the Cabinet meeting on 7 August 2018 so that officers may present further financial information.**

Reasons for decision:

It was considered appropriate to defer any decision on the matter until further financial information was available.

The Long Term Future of the Corn Exchange, Enhancement of the Guildhall Museum - Sale of the Former Conservancy Building, 17 High Street, Rochester

Background:

This report provided details of how the long term future of the Corn Exchange building and the Guildhall Museum would be enhanced by the proposed sale of the Conservancy Building.

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It was considered that the exhibits and facilities which were currently located in the premises, could be relocated to the Guildhall Museum and Eastgate House and that the building could therefore be considered surplus to operational requirements and could be sold. Both the Guildhall Museum and the Corn Exchange building on Rochester High Street were considered to be high priority for maintenance and capital investment and it was proposed that some of the capital receipt realised from the sale of the Conservancy Building could be used to fund those and other maintenance works identified, subject to stringent governance arrangements and Member oversight.

Decision number: ***Decision:***

96/2018 **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Resources to declare surplus and dispose of the Conservancy Building as shown edged black on the plan, as set out in Appendix 1 to the report, on the best terms reasonably obtainable.**

Reasons for decision:

In order to secure the long term future of the Corn Exchange and to enhance the Guildhall Museum.

Mixed Use Development at Queen Street/Slicketts Hill Car Parks, The Brook, Chatham

Background:

This report updated the Cabinet on the progress to reach agreement to bring forward a mixed use development scheme at Queen Street and Slicketts Hill Council owned car parks, whilst retaining public car parking facilities.

Outline planning consent was granted on 21 April 2012 for a mixed use scheme comprising of residential and commercial space with ancillary parking. A decision to delegate authority to officers to dispose of the car park site was made by the Cabinet on 13 May 2014 but disposal was not pursued at that time, for the reasons set out in section 2 of the report.

A partner had since made an offer to the Council, details of which were in exempt appendix 1 to the report, and officers had been negotiating Heads of Terms, details of which were provided at exempt appendix 2 to the report.

Decision number: ***Decision:***

97/2018 **The Cabinet noted the updated position and approved the draft Heads of Terms, as set out in exempt appendix 2 to the report.**

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98/2018 **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader and the Portfolio Holder for Resources, to complete the necessary agreement in a form that sufficiently protects the Council's position, whilst enabling the development to proceed, subject to planning permission being granted for the site.**

Reasons for decision:

To bring forward the site for development, whilst retaining the car park and income. The proposal would provide a significant profit share after completion of the development with Creval, continued parking provision, delivery of urban housing units close to the centre of Chatham and some complimentary commercial provision.

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 and the addendum report which was tabled at the meeting.

Decision number: ***Decision:***

99/2018 **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report:**

Business Support Department

- a) **Information Governance Officer, Information Governance Team, Place Team, Legal Services**
- b) **Locum SEN Lawyer – People Team, Legal Services**
- c) **Locum Para-legal – People Team x2**
- d) **Capital Project Manager (Heritage, Conservation, Housing, Education)**
- e) **Audit and Counter Fraud Officer**

Children and Adults

- f) **Early Help and Targeted Services Team Leader – Wayfield Hub**
- g) **Early Help and Targeted Services Team Leader x3**

Regeneration, Culture, Environment and Transformation

- h) **Rough Sleep Coordinator**
- i) **Receptionist x2**

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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

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