

## Record of Cabinet decisions

**Tuesday, 18 December 2018**

**3.00pm to 4.32pm**

**Date of publication: 19 December 2018**

**Subject to call-in these decisions will be effective from 2 January 2019  
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 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  
Wayne Hemingway, Principal Democratic Services Officer  
Richard Hicks, Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive  
Perry Holmes, Chief Legal Officer/Monitoring Officer  
Julie Keith, Head of Democratic Services  
Ian Sutherland, Director of People - 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 Phil Filmer (Front Line Services).

## **Cabinet, 18 December 2018**

### **Record of decisions**

The record of the meeting held on 20 November 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)

Councillor Doe declared an OSI in agenda item 8 (Additions to the Revenue Budget and Capital Programme) because he is a Director of Medway Commercial Group Ltd and he relied on a dispensation agreed by the Monitoring Officer under section 6.17 of Part 4 – Employee Delegation Scheme of the Council’s Constitution, to enable him to take part in the discussion and vote on this item.

Councillor Mackness declared an OSI in agenda item 8 (Additions to the Revenue Budget and Capital Programme) because he is the Chairman of Medway Commercial Group Ltd and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in the discussion and vote on this item.

Councillor Turpin declared an OSI in agenda item 13 (Medway Norse Update) because he is the Chairman of Medway Norse Ltd and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in the discussion and vote on this item.

#### Other interests

Councillor Potter referred to agenda item 10 (Land at Curtis Way, Rochester – Proposed Use for a Coach Park) and stated that, as a member of the Planning Committee, he would not take part in the discussion and vote on this item because the proposal was also subject to a planning application, as detailed in paragraph 5.4 of the report. He left the meeting during consideration of this item.

### **Kent and Medway Hyper Acute and Acute Stroke Services Review**

#### **Background:**

The Cabinet accepted this as an urgent item given that the final decision on the future configuration of Hyper Acute Stroke Services for Kent and Medway was originally scheduled to be made on 10 January 2019, which would have been before the next Cabinet meeting. Consideration and approval of this report would enable the Council to apply for a Judicial Review, if necessary, at the earliest opportunity.

This report provided details of the NHS in Kent and Medway’s proposals to establish three Hyper Acute Stroke Units (HASUs), the aim of which was to reorganise

## Cabinet, 18 December 2018

services so that specialist stroke staff could more consistently deliver high quality care around the clock, and in so doing reduce deaths and long-term disability from stroke for local people. The report stated that on 17 September 2018, the NHS in Kent and Medway published its preferred option for the three new units, with units in William Harvey Hospital (Ashford), Maidstone Hospital and Darent Valley Hospital.

The report provided details of the Council's position on the preferred options, specifically it was concerned that the decision on the preferred option was not in the best interests of the health service in Kent and Medway and it was concerned how the Joint Committee of Clinical Commissioning Groups (JCCCGs) were led to make the decision.

Therefore, the report provided details of how the Council could challenge the decision, as set out in section 6 of the report.

The report stated that the matter had been discussed in a number of meetings including the Joint Health Scrutiny Committee (comprising representatives from the four affected local authority areas – Kent, Medway, East Sussex and Bexley) on 14 December 2018 and the Kent and Medway Joint Health and Wellbeing Board, also on 14 December 2018.

It was noted that the Joint Committee of Clinical Commissioning Groups was originally due to make the final decision on the future configuration of Hyper Acute Stroke Services for Kent and Medway on 10 January 2019 although this had now been put back to the end of January 2019.

***Decision number:***

***Decision:***

**151/2018**

**The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader and the Portfolio Holder for Adults' Services, to apply for a Judicial Review of any decision by the Joint Committee of Clinical Commissioning Groups which excludes Medway Hospital as a site for a Kent and Medway Hyper Acute Stroke Unit.**

**Reasons:**

The Council on 11 October 2018 formally resolved to oppose any proposal which would not see Medway Maritime Hospital become a Hyper Acute Stroke Unit.

### **Local Plan Update Report**

**Background:**

This report provided details of an update on the preparation of the new Medway Local Plan that would set the ambitions and framework for the area's growth up to 2035.

## Cabinet, 18 December 2018

The report provided details of the timetable for submitting the plan for independent examination, and key issues relating to the housing target for the plan, the relationship with the Housing Infrastructure Fund bid and the emerging strategy for Medway's growth. It also provided details of work on the evidence base for the plan.

The report stated that the Council was updating its Statement of Community Involvement, to respond to new legal requirements. This was a statutory document that would set out how the Planning Service would consult and engage on planning policy and development management matters. A Diversity Impact Assessment had been undertaken on these proposals, as set out in Appendix 7 to the report.

The report also provided details of the proposal for the confirmation of the designation of a Neighbourhood Area covering the parish of Hoo St Werburgh for the purpose of preparing a Neighbourhood Plan.

Appendices 1-9 to the report were set out in Supplementary Agenda No.1.

**Decision  
number:**

**Decision:**

- |                 |   |
|-----------------|---|
| <b>152/2018</b> | <b>The Cabinet approved an updated Local Development Scheme as set out in Appendix 1 to the report.</b>   |
| <b>153/2018</b> | <b>The Cabinet approved the publication of the draft Medway Statement of Community Involvement as set out in Appendix 6 to the report for the purpose of consultation.</b>  |
| <b>154/2018</b> | <b>The Cabinet agreed to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Portfolio Holder for Planning, Economic Growth and Regulation, to approve the adoption of the Statement of Community Involvement, including any changes made following consideration of comments made during the consultation.</b> |

**The Cabinet noted the publication of a number of evidence base documents supporting the preparation of the Local Plan as follows:**

- i) Medway 2035 Regeneration Strategy as set out in Appendix 2 to the report;**
- ii) Medway Gypsy and Traveller Accommodation Assessment, 2018 as set out in Appendix 3 to the report;**
- iii) Medway Green Belt Assessment as set out in Appendix 4 to the report;**
- iv) Draft Medway Heritage Strategy as set out in**

**Appendix 5 to the report.**

**155/2018**      **The Cabinet approved the designation of a Neighbourhood Area for the parish of Hoo St Werburgh for the purpose of preparing a Neighbourhood Plan, as defined on the plan as set out in Appendix 8 to the report.**

**Reasons:**

To progress the preparation of the new Medway Local Plan.

**Advertising and Sponsorship Policy**

**Background:**

This report provided details of a draft policy on the carrying out of sponsorship and advertising activities by the Council, which would cover the Council as an advertiser or sponsor and the Council as an owner of an advertising platform or sponsorship opportunity which an external individual, group or organisation may wish to take up.

At the July 2018 meeting of the Business Support Overview and Scrutiny Committee, Members considered a Member's Item regarding the sponsorship agreement between the Council and Gillingham Football Club and asked for a report to be submitted to its November 2018 meeting detailing a draft corporate sponsorship protocol. The draft Policy was subsequently considered by the Business Support Overview and Scrutiny Committee on 29 November 2018 and its comments were set out in section 7 of the report.

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

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

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

**156/2018**      **The Cabinet approved the Advertising and Sponsorship Policy, as set out in Appendix 1 to the report.**

**Reasons:**

Introducing an advertising and sponsorship policy will allow the Council to take a consistent and corporate approach to undertaking these growing opportunities with established standards. It will provide a clear framework and control measures, ensure the Council complies with legislation, industry codes and other council policies and secures best value for money in all that the Council does.

## School Admission Arrangements 2020

### Background:

This report provided details of the outcome of the consultation on the coordinated admission schemes and arrangements for primary and secondary schools for September 2020.

The proposed changes to primary admissions were set out in paragraph 3 of the report. There were no proposed changes to secondary admissions. The Council had received one response to the consultation. This representation agreed with the proposals.

The Children and Young People Overview and Scrutiny Committee considered this report on 4 December 2018 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 3 to the report.

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

**The Cabinet noted the outcome of the consultation process as set out in section 6 to the report and the comments of the Children and Young People Overview and Scrutiny Committee, as set out in Section 7 to the report.**

**157/2018      The Cabinet approved the proposed 2020 admissions arrangements and schemes set out in Appendices 1 and 2 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.

## Additions to the Revenue Budget and Capital Programme

### Background:

The Cabinet accepted this as an urgent item to enable it to consider the proposed additions to the Capital Programme at the earliest opportunity.

This report provided details of five new schemes proposed to be added to the Capital Programme and an additional sum to be added to the revenue budget in respect of the Housing Infrastructure Fund bid.

The report contained details, including a risk analysis, for each scheme.

## Cabinet, 18 December 2018

**Decision  
number:**

**Decision:**

**158/2018**

The Cabinet agreed to recommend to Full Council on 24 January 2019 the addition of the following sums to the Capital Programme:

- i) The sum of £24.7million be added in respect of the Independent ASD Special School at the Cornwallis Site as set out in paragraph 3.1 of the report.
- ii) The sum of £1.128million be added in respect of the Local Transport Capital Funding Allocation for 2018/19 as set out in paragraph 4.1 of the report
- iii) The sum of £505,393 be added in respect of the Market Hall Multi-storey Car Park infrastructure works as set out in section 5 of the report.
- iv) The sum of £50,000 be added in respect of the Family Hubs and Wellbeing Centre as set out in paragraph 6.1 of the report.
- v) The sum of £80,000 be added in respect of CCTV Hardware as set out in paragraph 7.1 of the report.

**159/2018**

The Cabinet agreed to delegate authority to the Chief Finance Officer, in consultation with the Leader, to release the funding for the Independent ASD Special School at the Cornwallis Site, subject to receipt and satisfactory review of a full business case.

**160/2018**

The Cabinet agreed to recommend to Full Council on 24 January 2019 the addition of the sum of £445,000 to the Council's Revenue Budget in respect of the Housing Infrastructure Fund Bid – Phase 2 as set out in section 8 of the report.

**Reasons:**

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

**Council Tax Reduction Scheme**

**Background:**

This report provided details of the Council Tax Reduction Scheme (CTRS) 2019/2020 for Cabinet's consideration ahead of final consideration and approval by Full Council on 24 January 2018. The report stated that other than the annual

## Cabinet, 18 December 2018

uprating (relating to the allowances to which claimants were entitled to), there were no proposed changes to the CTRS for 2019/2020.

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

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

**161/2018**      **The Cabinet agreed to recommend the current Council Tax Reduction Scheme (which will therefore be subject to annual uprating) to Council for adoption on 24 January 2019.**

### **Reasons:**

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

The Council's Council Tax Discretionary Relief scheme provides additional support in the case of hardship.

### **Land at Curtis Way, Rochester - Proposed Use for a Coach Park**

#### **Background:**

This report provided details of a proposal to appropriate an area of land at Curtis Way, Rochester for the purposes of relocating the coach park from its existing location within the Rochester Riverside development area.

The report stated that as the site was currently being used as informal open space, it would be necessary to appropriate the land before using it as a coach park. To achieve this, the Council would have to advertise the proposed appropriation of the land in the local press in accordance with section 122 (2A) of the Local Government Act 1972 and to consider any objections before proceeding with the appropriation.

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

**162/2018**      **The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Resources, to:**

- i) Advertise the proposed appropriation of an area of land at Curtis Way, Rochester, within the site edged black on the plan set out in Appendix 1 to the report, for use as a Coach Park.**



- ii) **Consider any objections to the proposal and determine whether or not to appropriate the land at Curtis Way, Rochester, within the site edged black on the plan set out in Appendix 1 to the report, so that the land can be used for a Coach Park, subject to planning permission being obtained for this purpose.**

**Reasons:**

The appropriation of the land will allow the Council to relocate the existing coach park within Rochester Riverside development area and meet Planning condition 15 of planning consent MC/17/2333 Rochester Riverside.

**Joint Targeted Area Inspection**

**Background:**

This report provided details of the key findings from the Joint Targeted Area Inspection (JTAI) and how partners, namely the Council, NHS Medway CCG, Kent Police, Kent Fire and Rescue Service, Kent, Surrey and Sussex Community Rehabilitation Company, National Probation Service (South East and Eastern) and Medway Local Safeguarding Children Board had responded to the report. The JTAI assessed how effectively agencies were working together in their local area to help and protect children.

The report stated that the inspection had taken place shortly after the Multi-Agency Safeguarding Hub (MASH) which had been established to ensure that key partner agencies would be able to work even closer together to make sure vulnerable children and young people would receive the right support at the right time.

The report stated that the inspection had highlighted key strengths of the partnership as well as areas for improvement and that a written statement of action and a response action plan had been produced in response to the inspection, as set out in Appendices 2 to 3 to the report.

The Children and Young People Overview and Scrutiny Committee considered this report on 4 December 2018 and its comments were set out in section 6 of 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 6 of the report.**

**The Cabinet noted this report on the Joint Targeted Area Inspection, the action undertaken so far in Medway in relation to the findings of the inspection and the next steps for Medway Council and partners as set out in section 4 of the report.**

**Reasons:**

To formally notify the Cabinet of the outcome of the inspection together with the Council's Action Plan in response to the inspection's findings.

**Local Plan: Authority Monitoring Report**

**Background:**

This report provided details of the annual Authority Monitoring Report (AMR) 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.

The report provided highlights of the AMR, as set out in section 4 of the report. Further details were set out in the appendices to the report, namely Volume 1: Medway Authority Monitoring Report 2018 which was set out in Appendix 1 to the report and Volume 3: Medway Local Aggregate Assessment 2017 was set out in Appendix 2 to the report. These appendices were set out in Appendices 1-2 to the report.

**Decision number:**

**Decision:**

**163/2018**

**The Cabinet approved the 2018 Authority Monitoring Report for publication.**

**Reasons:**

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

**Medway Norse Update**

**Background:**

This report provided details of a review of the performance of the Medway Norse Joint Venture from the perspective of the Council client for the first six months of the 2018/19 financial year. The report was accompanied by an update on the Joint Venture's achievements and financial performance, prepared by the Partnership Director, as set out in Appendix 1 to the report.

The report provided details of a review of performance for the facilities core contract, greenspaces, transport and waste and street cleansing.

## Cabinet, 18 December 2018

The Medway Nurse Update Report, as set out in Appendix 1 to the report, provided details of the ongoing service developments, improvements, efficiencies and projects, operational and financial performance as well as confirmation of health and safety, quality and environmental systems to maintain statutory compliance.

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

**The Cabinet noted the contents of this report and its appendix.**

### Reasons:

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

### Recruitment Freeze

#### Background:

This report presented information on vacancies that officers had requested approval to commence recruitment for, following the process agreed by the 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:**

**164/2018**      **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report.**

#### Children and Adults

- a) **Partnership Commissioning Programme Lead – Residential and Nursing Care**
- b) **Partnership Commissioning Programme Lead – Home Care**
- c) **Data Quality and Claims Monitoring Officers x 2.**

### Reasons:

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

**Gateway 3 Contract Award: Medway Integrated Domestic Abuse Service**

**Background:**

This report provided details of the tender and evaluation process for the provision of an Integrated Domestic Abuse Service.

The report had been considered by the Procurement Board on 6 November 2018, details of which were set out in section 5 of the report.

The Council's decision to award this contract would be subject to observing the procurement standstill period of a minimum of 10 days in accordance with the requirements of the Public Contracts Regulations 2015. The Council would be unable to enter into the contract before the end of the standstill period.

**Decision number:**

**165/2018**      **The Cabinet approved the award of contract to Choices for the provision of the Medway Integrated Domestic Abuse Service for a period of 3 years with an option to continue for a further 2 years unless terminated in accordance with the Conditions of Contract.**

**Reasons:**

Tenders have been evaluated and moderated, and the successful bidder has submitted the most economically advantageous tender.

Additionally, representatives of the contracting authorities are confident that the integrated service model proposed by the successful provider is well structured to meet the outcomes of the service through a whole family approach. The preventative strategies and programs of the provider's model is expected to facilitate a reduction in the number of incidences of domestic abuse over the life of the contract.

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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