

Record of Cabinet decisions

Tuesday, 11 June 2019

3.00pm to 4.01pm

Date of publication: 12 June 2019

**Subject to call-in these decisions will be effective from 20 June 2019
The record of decisions is subject to approval at the next meeting of the Cabinet**

Present:	Councillor Alan Jarrett	Leader of the Council	
	Councillor David Brake	Portfolio Holder for Adults' 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 Mrs Josie Iles	Portfolio Holder for Children's Services – Lead Member (statutory responsibility)	
	Councillor Martin Potter	Portfolio Holder for Education and Schools	
	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

Apologies for absence were received from Councillors Rodney Chambers OBE (Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships) and Howard Doe (Deputy Leader and Portfolio Holder for Housing and Community Services).

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Record of decisions

The record of the meeting held on 9 April 2019 was agreed by the Cabinet 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 Turpin declared an OSI in agenda item 10 (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

There were none.

Revenue and Capital Outturn 2018/19

Background:

This report provided details of the final revenue and capital outturn position for the financial year ended 31 March 2019. The report stated that the final revenue outturn reflected an overspend of £1.991 million which was offset by increased income from local taxation, including the retention of additional business rates growth through the Kent and Medway 100% business rates pilot.

The report also provided details of the variance between the 2018/19 revenue budget and outturn position for Children and Adults, Regeneration, Culture, Environment and Transformation and Business Support directorates.

In conclusion, the report noted that the £1.991million overspend on services would be met from income received, and that it was now no longer necessary to draw down from reserves to fund the Housing Infrastructure Funding bid (£1.245 million). In addition, a contribution of £2.791million would be made to the Council's general reserves.

The capital programme year end position reflected a carry forward budget of £129.7 million which would be available for use within 2019/20 and beyond.

It was noted that the final audited Statement of Accounts would be presented to the Audit Committee on 29 July 2019 for consideration and approval.

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Decision number: **Decision:**

The Cabinet noted the 2018/19 outturn position.

Reasons:

The Cabinet is the body charged with the executive management of the Council's budget. Therefore, it is important that the final outturn is reported to Cabinet.

Innovation Park Medway Delivery and Investment Plan

Background:

This report provided details of the Innovation Park Medway (IPM) Delivery and Investment Plan (DIP) which formed the basis for investment in the IPM to ensure the site would come forward as a high quality, innovative development in the high-value technology, engineering, manufacturing and knowledge-intensive sectors.

The report stated that the DIP had been produced to consider and make recommendations for site development options, the procurement approach, capital interventions and revenue support over future phases and strategic investment through business rates income. The DIP made a number of recommendations to realise the vision for the IPM and to accelerate delivery of the site.

An Exempt Appendix provided detailed financial information in relation to the DIP.

Decision number: **Decision:**

58/2019 The Cabinet agreed the Delivery and Investment Plan (DIP) set out in Appendix C to the report.

59/2019 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 Inward Investment, Strategic Regeneration and Partnerships and Planning, Economic Growth and Regulation, to appropriate for planning purposes the land at Rochester Airport and dispose of the land on the best terms reasonably obtainable whilst securing development of the land.

60/2019 The Cabinet recommended to Full Council on 18 July 2019:

a) The approval of the capital, resourcing and revenue requirements as set out in section 8 and Appendix 5 of the Delivery and Investment Plan set out at Appendix C of the report.

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- b) The approval, in the first instance, of the addition of £14.5 million to the capital programme for the landmark building scheme as set out in paragraph 3.11 of the report.**
- c) To note that approval will be sought for further additions to the capital programme as the remaining two detailed schemes set out on section 7.1 of the Delivery and Investment Plan at Appendix C of the report are formulated.**

Reasons:

To ensure sufficient investment is made to deliver Innovation Park Medway as a high quality, innovative employment site.

To ensure the right occupants are selected to realise the quality ambitions for the IPM, and land or disposal arrangements do not pose a risk to delivery at pace.

To stimulate delivery at pace and accelerate business income receipts and sale of plots.

This will allow Medway to maintain control of the development of the IPM, allowing it to be transformed into an area of prime, high quality commercial development.

Cabinet and Council will be asked to approve further additions to the capital programme, as the detailed schemes are formulated.

Medway Joint Carers' Strategy

Background:

This report provided details of the Medway Joint Carers' Strategy, which had been coproduced with carers and in consultation with stakeholders. The Strategy set out how health and social care services, provider organisations and the voluntary sector would work together over the next five years to respond and meet the needs of carers in Medway.

The report stated that the success of implementing this Strategy would lie firmly in a collaborative and joined up approach. In addition, it was noted that a clear governance and performance framework would help to drive the Strategy forward through the development of a joint delivery plan which would measure whole system benefit.

The report had been considered by the Health and Adult Social Care Overview and Scrutiny Committee and the Health and Wellbeing Board and their comments were set out in sections 4 and 5 of the report respectively.

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

Decision number: **Decision:**

61/2019 **The Cabinet noted the comments and recommendations of the Health and Adult Social Care Overview and Scrutiny Committee and the Health and Wellbeing Board set out at sections 4 and 5 of the report respectively, together with the comments of the Director of People – Children and Adults Services set out at section 6 of the report.**

62/2019 **The Cabinet agreed to delegate authority to the Director People – Children and Adults Services, in consultation with the Portfolio Holder for Adults’ Services, to finalise and approve the content of the Medway Joint Carers’ Strategy 2019-2024, taking into account the recommendations of the Health and Adult Social Care Overview and Scrutiny Committee, the Health and Wellbeing Board and the Medway CCG Governing Board.**

Reasons:

Approval of the Strategy will reconfirm the Council’s commitment to support carers, meeting the Council’s legal duty to assess and identify the eligible needs of carers.

Council Response to LGO Complaint Re Mainstream Home to School Transport Decision and Policy

Background:

This report provided details of the proposed action to be taken in relation to a Local Government Ombudsman (LGO) complaint regarding mainstream home to school transport. The LGO advised that the Council’s Policy was not compliant with the statutory guidance issued by the Department for Education (DfE) and they had published a report of findings against the Council on 16 May 2019. The LGO also advised that they had found evidence of fault causing injustice to the relevant family, which must be remedied.

The report stated that in response, officers, having reviewed the case in line with the LGO’s comments and having taken external legal advice, were clear that the Policy was compliant with the statutory guidance. External Counsel advice and clarification from the DfE supported this view that the Medway Council Education Travel Assistance Policy (the formal name for the Council’s home to school transport policy) was in line with the statutory guidance. In addition, the report provided details of the Council’s proposal to resolve the individual case in relation to the LGO complaint.

The report provided a number of options for consideration by the Cabinet to take this matter forward.

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**Decision
number:**

Decision:

- 63/2019** **The Cabinet confirmed that they approve the continued use and application of the current Education Travel Assistance Policy in the event of the issues raised by the LGO (option C).**
- 64/2019** **The Cabinet agreed to authorise the Director of People - Children and Adults Services to write to the Local Government Association (LGA) to take on this matter as a sector wide issue (due to the differing manner in which each Local Authority interprets the Department for Education Statutory Guidance).**

Reasons:

The reason for this decision is that officers are of the view that the Medway Council's Education Travel Assistance Policy is compliant with the DfE statutory guidance. All independent advice received from the DfE and external Counsel supports this view.

Outcomes of Consultation for the Proposals to Amalgamate Luton Infant and Junior Schools

Background:

This report provided details of the outcomes of the informal consultation period on the Council's proposal to amalgamate Luton Infant and Junior Schools by way of statutory prescribed alterations.

The report stated that the Cabinet had agreed to informally consult on the proposals in January 2019 and, consequently, a six week informal public consultation took place between 4 February and 24 March 2019, details of which were set out in the report. The report stated that 88.6% of respondents supported the proposals, therefore, it was recommended to commence the period of statutory representation for the proposed changes to Luton Infant and Junior Schools.

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

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Decision number:

Decision:

- 65/2019** The Cabinet noted the responses to the informal consultation together with the advice and analysis from officers and agreed to instruct the Director of People – Children and Adults Services to commence the period of statutory representation for the proposed changes to Luton Infant and Junior Schools, as set out in paragraphs 10.1 and 10.2 of the report, when statutory notices and full proposals will be published.
- 66/2019** The Cabinet agreed to delegate authority to the Director of People - Children and Adults Services, in consultation with the Portfolio Holders for Children's Services (Lead Member) and Education and Schools, to determine whether to approve the proposals at the end of the statutory consultation period if no objections are received. However, if any objections are received during that time then a report will be prepared and presented to Cabinet for determination.

Reasons:

Approval to proceed to a period of statutory representation will ensure the Council complies with its duty to follow the full consultation process when proposing changes to school organisation.

Outcomes of Consultation for the Proposed Prescribed Alterations at St Nicholas Church of England Voluntary Controlled (CEVC) Infant School

Background:

This report provided details of the outcomes of the informal consultation period on the Council's proposal to make prescribed alterations to change St Nicholas CE Infant School from an infant school to a primary school.

The report provided details of the a six week informal public consultation which took place over a five week period between 28 January and 3 March 2019, details of which were set out in the report. The report stated that 31 responses were received to the consultation of which 24 supported the proposal, 6 objected, and 1 was neutral. The report also provided details of a public drop-in meeting on 12 February 2019.

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

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**Decision
number:**

Decision:

67/2019

The Cabinet noted the responses to the informal consultation together with the advice and analysis from officers and agreed to instruct the Director of People - Children and Adults Services to commence the period of statutory representation for the proposed changes to St Nicholas Infant School, as set out in paragraph 10.1 of the report, when statutory notices and full proposals will be published.

68/2019

The Cabinet agreed to delegate authority to the Director of People - Children and Adults Services, in consultation with the Portfolio Holders for Children's Services (Lead Member) and Education and Schools, to determine whether to approve the proposals at the end of the statutory representation period if no objections are received. However, if any objections are received during that time then a report will be prepared and presented to Cabinet for determination.

Reasons:

Approval to proceed to a period of statutory representation will ensure the Council complies with its duty to follow the full consultation process when proposing changes to school organisation.

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 second half 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, household waste recycling centres and waste collection/street cleansing.

The Medway Norse 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 the report and the Joint Venture update report set out in Appendix 1 to the report.

Reasons:

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

Six Monthly Review of the Corporate Risk Register

Background:

This report provided details of the six monthly review of the Corporate Risk Register. The report stated that risk owners had reviewed and updated their risks with the revised register as set out in Appendix 1 to the report.

The report stated that no risks were proposed to be removed through this review. However, the Register now included the new Cyber security risk (SR37) prepared in accordance with the Cabinet decision from November 2018 and a new risk on the Transfer of the Council's Waste Contract to Medway Norse (SR38).

The Business Support Overview and Scrutiny Committee considered this report on 4 April 2019, details of which were set out in section 5 of the report.

Decision number: **Decision:**

69/2019 The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee as set out in section 5 of the report and approved the Corporate Risk Register set out at Appendix 1 to the report.

The Cabinet noted that from 2019/20, updates to the Corporate Risk Register will be produced every quarter.

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.

Cabinet Advisory Groups

Background:

This report provided a review of the various Cabinet Advisory Groups and asked the Cabinet to agree to the re-establishment of the Groups for 2019/2020. The report noted that these Groups did not have any decision making powers and could consist of both executive and non-executive Councillors.

Decision number: ***Decision:***

70/2019 **The Cabinet agreed the re-establishment of the Cabinet Advisory Groups with the terms of reference set out in this report and appointment of Members to these bodies, as set out in Appendices 1 – 4 to the report, for 2019/2020.**

Reasons:

The re-establishment of these groups will support the Cabinet in decision-making and the development of policies.

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:***

71/2019 **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report:**

Business Support

- a) Category Manager x 2**
- b) Category Support Officer x 3**
- c) Audit and Counter Fraud Intelligence Analyst**

Children and Adults

- d) Placement Officer**

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- e) Admin Support Officer
- f) Senior Commissioning Officer
- g) Support Services Assistant
- h) Meeting Support Officer
- i) Quality Assurance and Engagement Officer

Public Health

- j) ART Manager
- k) Data and Monitoring Officer
- l) Partnership Commissioning Lead – Accommodation and Registered Services
- m) Programme Manager – Wider Determinants
- n) STP Prevention Programme Officer
- o) Outreach Project Officer – Health Checks

Regeneration, Culture, Environment and Transformation

- p) GIS Analyst
- q) Head of Festivals, Arts, Theatre and Events (FATE).

Reasons:

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

Gateway 1 Procurement Commencement: Support to Live at Home Service

Background:

This report provided details of the procurement of the 'Support To Live At Home Service', which would replace the current Framework Agreements for the provision of Homecare and Extra Care services, which come to an end in 2020. This service would provide homecare and support to people in their own home and to those living in the five Medway Extra Care schemes.

The report stated that the Council would work in partnership with Medway NHS Clinical Commissioning Group (CCG) to jointly procure a network of providers to deliver the service across Medway.

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**Decision
number:**

Decision:

72/2019

The Cabinet agreed to the commencement of a procurement exercise to commission the Support To Live At Home Service.

Reasons:

The procurement of the Support To Live At Home Service will deliver a home care and extra care service that will enable the following:

- High Quality – enhanced service for Medway residents.
- Basket of Hours – greater flexibility for the service user in the way care is delivered.
- Outcomes Focused Care – to ensure the care received meets the service users' desired outcomes.
- Ongoing Development - the ability to continuously develop the service, in line with innovative approaches such as PatchCare.

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Leader of the Council

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Date

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