

Record of Cabinet decisions

Tuesday, 17 December 2019

3.00pm to 4.30pm

Date of publication: 18 December 2019

**Subject to call-in these decisions will be effective from 31 December 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 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 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
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 19 November 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 Doe declared an OSI in any reference to Medway Development Company Ltd (MDC) because he is the Chairman of MDC and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in any discussions and vote accordingly.

Councillor Gulvin declared an OSI in any reference to Medway Development Company Ltd (MDC) because he is a Director of MDC and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in any discussions and vote accordingly.

Councillor Turpin declared an OSI in agenda item 12 (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.

Community Mental Health Support

Background:

This report provided details of options for people who currently used the Community Resource Centre at 147 Nelson Road, Gillingham. The report stated that the facility aimed to deliver centre based support to adults with social care needs in relation to their mental health. The team provided a structured programme of daytime group activities, in addition to some 1-1 outreach support. In addition, the team aimed to support service users in the recovery of their mental health through engaging them in opportunities to develop resilience and independence skills.

The report provided details of three options for the future provision of this service and sought approval to undertake public consultation on these options:

- Option 1 – do nothing;
- Option 2 – development of the service;
- Option 3 – closure of the centre.

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The report stated that public consultation would be undertaken for a period of 8 weeks whilst staff consultation would be undertaken for a period of 30 days. The report also provided details of an initial Diversity Impact Assessment which had been completed, as set out in Appendix 1 to the report. This would be revised and updated following consultation, taking into account views raised during the consultation.

Decision number: **Decision:**

149/2019 **The Cabinet agreed to instruct the Director of People – Children and Adults Services to commence a period of consultation to examine the future use of 147 Nelson Road as set out in paragraph 6.1 and section 7 of the report.**

150/2019 **The Cabinet agreed that the outcome of consultation be reported to the Health and Adult Social Care Overview and Scrutiny Committee in March 2020 for consideration, and to the Cabinet in April 2020 for consideration and determination.**

Reasons:

The aim of the proposed process is to agree service improvements that will enable people who use 147 Nelson Road to access education, training and recreational opportunities whilst also receiving support tailored to their social care needs. Where appropriate, it will also seek to achieve service efficiencies.

Medway Joint Adult Learning Disability Strategy

Background:

This report provided details of the Medway Joint Adult Learning Disability Strategy 2019 - 2024 which had been co-designed with a range of stakeholders including people with learning disabilities and their families and carers. It set out the vision for reducing inequalities and improving outcomes for people with learning disabilities in Medway. The Strategy directly highlighted existing inequalities and detailed how, through the ten priorities, people with learning disabilities would be supported to live the life they chose, with the support they needed in their local community.

The report stated that outcomes would be achieved through delivery of the ten priorities, effective management, strengthened commissioning and continued partnership with stakeholders in co-designing delivery plans.

The report had been considered by the Health and Adult Social Care Overview and Scrutiny Committee on 15 October 2019 and the Health and Wellbeing Board on 5 November 2019 and the comments of these Committees were set out in section 5 and 6 of the report respectively.

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The report also provided details of a Diversity Impact Assessment which had been undertaken on the Strategy, as set out in Appendix B to the report.

Decision number: **Decision:**

The Cabinet noted the comments of the Health and Adult Social Care Overview and Scrutiny Committee and the Health and Wellbeing Board as set out at sections 5 and 6 of the report respectively.

151/2019 The Cabinet approved the Medway Joint Adult Learning Disability Strategy 2019 – 2024 as set out at Appendix A to the report.

Reasons:

Approval of the Strategy will ensure that needs of people with learning disabilities sit at the heart of all the Council does and will set the direction for addressing inequalities and improving outcomes.

Planning Policy Update

Background:

This report provided details of an update on the preparation of the new Medway Local Plan, including an update to the programme set out in the Local Development Scheme, and publication of evidence base documents.

The report also sought authority to publish the annual Medway Authority Monitoring Report, which provided an assessment of development trends and wider social, economic and environmental indicators, together with progress on the preparation of the new Local Plan.

In addition, the report also identified opportunities to streamline some processes relating to Neighbourhood Planning, through extending the officer scheme of delegation.

Appendices 1-9 to the report were set out in Supplementary Agenda No.1. A Diversity Impact Assessment was included at Appendix 9 to the report.

The following site maps, which formed part of Appendix 7 (Medway Strategic Land Assessment, December 2019) to the report, were tabled at the meeting:

- A plan combining the information included in the site maps as set out in pages 509 and 512-525 of Supplementary Agenda No.1 entitled Medway Strategic Land Availability Assessment (SLAA), 2019: Development pipeline sites (residential and commercial land, with planning consent/under construction) in blue outline and residential sites meeting SLAA criteria (Suitable, Available and Achievable) in red outline.

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- A plan combining the information included in the site maps as set out in pages 512-525 of Supplementary Agenda No.1 entitled Medway Strategic Land Availability Assessment (SLAA), 2019: Included employment sites (including new SLAA sites and reassessed existing employment sites).

Decision number:

Decision:

- 152/2019** **The Cabinet approved the Medway Local Development Scheme, December 2019, as set out at Appendix 1 to the report, as an updated programme for the preparation of the Medway Local Plan, to take effect from 31 December 2019.**
- 153/2019** **The Cabinet approved the 2019 Authority Monitoring Report, as detailed in paragraph 4.1 of the report, for publication.**
- 154/2019** **The Cabinet approved the Town Centre Masterplans for Chatham, Strood and Gillingham as set out at Appendix 4, Appendix 5 and Appendix 6 to the report respectively as part of the evidence base for the Medway Local Plan.**
- 155/2019** **The Cabinet approved the Medway Strategic Land Availability Assessment, 2019 as set out at Appendix 7 to the report and the Medway Playing Pitch Study as set out at Appendix 8 to the report as part of the evidence base for the Medway Local Plan.**
- 156/2019** **The Leader agreed to amend the Employee Scheme of Delegation to provide for a delegation to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive to deal with any future applications for designations of neighbourhood planning areas and forums, as set out in paragraph 4.9 of the report.**

Reasons:

Approval of the Medway Local Development Scheme, 2019, will provide clarity on an updated programme for the preparation of the Medway Local Plan.

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

To provide for an up to date and robust evidence base for the Medway Local Plan.

To provide for efficient decision making on the designation of Neighbourhood Areas and Neighbourhood Forums.

Castle Concerts Analysis and Future Options

Background:

This report provided details of the Castle Concerts' recent financial challenges and provided details of a viable option to ensure the Council removed the financial risks associated with delivering a commercial music concert series.

The report included details of the financial analysis of the Castle Concerts since 2009/10 which stated that expenditure had consistently outweighed income with the exception of 2017, when Craig David played two nights and a surplus of the income of £3,000 was generated. The report also provided details of ticket sales, costs of event marketing, costs of event performers, costs of event staging, ticket prices and the average margin per ticket.

The report provided details of three options for consideration with option 3 (third party delivery) representing the recommended way forward.

The Regeneration, Culture and Environment Overview and Scrutiny Committee considered this report on 5 December 2019 and its comments were set out in section 6 of the report.

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

Decision number:

Decision:

The Cabinet noted the comments of the Regeneration, Culture and Environment Overview and Scrutiny Committee, as set out in section 6 of the report.

157/2019

The Cabinet agreed that the Council withdraw from the direct delivery of the Rochester Castle Concerts and agreed to instruct officers, in consultation with the Deputy Leader and Portfolio Holder for Housing and Community Services, to work with a third-party (option 3) to deliver a commercial music concert series in Medway removing the Council from future financial risk.

Reasons:

This will enable a continued commercial music concert offer in Medway whilst removing the Council from future financial risk.

School Admission Arrangements 2021

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 2021.

The report stated that there were no proposed changes to secondary admissions and primary admissions other than the revision of dates to fit the 2021 admission timeline.

The Children and Young People Overview and Scrutiny Committee considered this report on 3 December 2019 and its comments were set out in section 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 noted the comments of the Children and Young People Overview and Scrutiny Committee, as set out in Section 7 to the report.

158/2019 The Cabinet approved the proposed 2021 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.

Outcomes of Statutory Consultation for the Proposed Prescribed Alterations at St. Nicholas Church of England (VC) Infant School

Background:

This report provided details of the outcome of the formal consultation (statutory representation) period on the Council's proposal to change St Nicholas Church of England Voluntary Controlled Infant School from an infant to a primary school, by way of statutory prescribed alteration. The proposals (change of age range and enlargement of the premises) were set out in section 3 of the report.

The report stated that there had been four responses to the proposals, three of which were supportive whilst one response objected to the proposals. The objection was detailed in paragraph 5.11 of the report with the officer response to the objection set out in paragraph 5.12 of the report.

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The Children and Young People Overview and Scrutiny Committee considered this report on 3 October 2019, details of which were set out in section 6 of the report.

A Diversity Impact Assessment had been undertaken on the proposals, as set out in Appendix 2 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 6 of the report.

159/2019 The Cabinet considered and noted the responses to the formal and informal consultations, together with the advice and analysis from officers and recommended the following proposals to the Schools Adjudicator:

- **A 'Change of age range'. This will extend the upper age range at the school from 7 to 11. This element is proposed by the school's Governing Body, with the Local Authority usually the decision maker.**
- **The 'Enlargement of the premises' to ensure sufficient physical capacity is available for the school when full with a 210 pupil capacity. This element is proposed by the Local Authority, which is also usually the decision maker.**

Reasons:

Where an objection has been made during formal consultation to the proposals for prescribed alterations to a School, the Cabinet must consider the objection and decide whether to recommend the proposals.

Subject to Cabinet's recommendation and the Office of the Schools Adjudicator determination, approval to proceed with the proposals would ensure that the Council meets its statutory duty to provide sufficient school places.

Provisional Funding Formula for Mainstream Schools and Academies 2020-2021

Background:

This report provided details of the 2020-21 funding arrangements for schools' and academies' and set out proposed changes to Medway's mainstream schools and academies provisional funding formula, following consideration by the Schools Forum on 6 November 2019.

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The report stated that the financial modelling had been built using the October 2018 census data but the final budget allocations would be based on actual pupil numbers from the Autumn census in October 2019, which was due to be released by the Department for Education in December 2019.

The Schools Forum's recommendations were detailed in paragraph 4.2 of the report, which represented a staged move towards option ii (to adjust and match the unit costs attached to each of the funding factors used within the Local Funding Formula to the National funding rates with the exception of the lump sum).

Supplementary Agenda No.2 provided details of the unit costs for the funding factors for years 2019/20 and 2020/21.

Decision number: ***Decision:***

160/2019 **The Cabinet agreed to instruct officers to implement the 2020-21 provisional funding formula, as detailed in paragraph 4.2 of the report, and to note that the Schools Forum, on 15 January 2020, will recommend approval of the final funding formula to Cabinet.**

Reasons:

The Local Authority is required to implement the funding formula changes from 2020-21 in accordance with the regulations and to inform the Education Skills Funding Agency.

**"Healthy Minds, Healthy People: Wellbeing Across the Life Course in Medway"
- Director of Public Health's Annual Report 2018-19**

Background:

This report provided details of the Director of Public Health's Annual Public Health Report (APHR) for 2018/19. The report stated that this edition of the APHR focused on mental wellbeing across the life course in Medway:

- Key information about what is known about the wellbeing of Medway's residents at different stages in the life course (young people, adults of working age and older people).
- Information about services, support and community assets in Medway that support residents to achieve and maintain good mental wellbeing.
- Ways in which local people, communities, schools, workplaces and health and care professionals can improve their mental wellbeing.
- Recommendations for future actions for partners to further improve mental wellbeing among Medway's population.

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- An update on progress against recommendations in the 2017-19 Director of Public Health's Annual Report on Health Protection.

The report stated that the main focus of the APHR was mental wellbeing (mental health promotion at a population level) rather than mental illness and its treatment.

The APHR had been considered by the Health and Adult Social Care Overview and Scrutiny Committee on 15 October 2019 and the Health and Wellbeing Board on 5 November 2019, details of which were set out in sections 5 and 6 of the report.

Decision number:

The Cabinet noted the comments of the Health and Adult Social Care Overview and Scrutiny Committee and the Health and Wellbeing Board as set out at sections 5 and 6 of the report respectively.

The Cabinet noted the Annual Public Health Report, including its findings and recommendations.

Reasons:

There is a statutory duty for Directors of Public Health to produce an Annual Report and Local Authorities to publish the 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 second quarter of the 2019/20 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:

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

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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 Cabinet on 7 January 2003 (decision number 9/2003).

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

Decision number:

161/2019 **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report:**

Regeneration, Culture, Environment and Transformation

a) Administrative Support Officer

b) Education Outreach Officer x 3

Public Health

c) Senior Commissioning Officer.

Reasons:

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

Gateway 3 Contract Award: Support to Live at Home Service - Home Care and Extra Care Framework

Background:

This report provided details of the outcome of the procurement exercise for the procurement of the Support to Live at Home Service.

The report stated that the service would provide long-term and enablement homecare and support to people in their own home and to those living in the five extra care schemes across Medway.

An Exempt Appendix provided details of the financial analysis of the submissions and the outcome of evaluation.

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The Council's decision to award these contracts 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 conclude the framework agreement before the end of the standstill period.

Decision number: **Decision:**

162/2019 **The Cabinet approved the appointment of providers outlined below for the provision of the Support to Live at Home service for a period of four years.**

Home Care		
Provider	Locality	Postcodes
London Care Ltd	1	ME7 and ME8
Agincare Ltd	1	ME7 and ME8
Independent Care Ltd	1	ME7 and ME8
Scott Care Ltd	1	ME7 and ME8
Rosemont Care Ltd	1	ME7 and ME8
Agincare Ltd	2	ME4 and ME5
Accessible Care Ltd (Clece Care Ltd)	2	ME4 and ME5
Rosemont Care Ltd	2	ME4 and ME5
Boldglen Ltd	2	ME4 and ME5
Rapid Care Ltd	2	ME4 and ME5
London Care Ltd	3	ME1, ME2 and ME3
Independent Care Ltd	3	ME1, ME2 and ME3
Scott Care Ltd	3	ME1, ME2 and ME3
Austen Allen Homecare	3	ME1, ME2 and ME3
Accessible Care Ltd (Clece Care Ltd)	3	ME1, ME2 and ME3

Extra Care	
Provider	Scheme
Everycare Ltd	Atlas Place
Everycare Ltd	Bellerophon House
Everycare Ltd	Montgomery Court
Everycare Ltd	Prospect Place
Everycare Ltd	Rogallo Place

Reasons:

The procurement of the Support to Live at Home Service will deliver a Homecare 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 planned and delivered.

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- Outcomes Focused Care – to ensure the care received meets the service users' desired outcomes.
- Ongoing Development - the ability to develop the service, in line with innovative approaches.

These providers have demonstrated the ability to deliver services at, or exceed, the minimum standard required. They have also demonstrated the ability to deliver services at cost effective rates within the price cap published as part of the tender exercise.

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Leader of the Council

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Date

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