

Record of Cabinet decisions

Tuesday, 1 November 2011

3.06pm to 4.31pm

Date of publication: 2 November 2011

**Subject to call-in these decisions will be effective from 10 November 2011
The record of decisions are subject to approval at the next meeting of the Cabinet**

Present:	Councillor Rodney Chambers	Leader
	Councillor Alan Jarrett	Deputy Leader and Portfolio Holder for Finance
	Councillor David Brake	Portfolio Holder for Adult Services
	Councillor Jane Chitty	Portfolio Holder for Strategic Development and Economic Growth
	Councillor Howard Doe	Portfolio Holder for Housing and Community Services
	Councillor Phil Filmer	Portfolio Holder for Front Line Services
	Councillor Tom Mason	Portfolio Holder for Corporate Services
	Councillor Mike O'Brien	Portfolio Holder for Community Safety and Customer Contact
	Councillor Les Wicks	Portfolio Holder for Children's Services
	Councillor David Wildey	Portfolio Holder for Children's Social Care

In Attendance: Rose Collinson, Director of Children and Adults
Robin Cooper, Director of Regeneration, Community and Culture
Neil Davies, Chief Executive
Mick Hayward, Chief Finance Officer
Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy and Governance
Julie Keith, Head of Democratic Services
Anthony Law, Democratic Services Officer
Deborah Upton, Assistant Director, Housing and Corporate Services/Monitoring Officer

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 4 October 2011 was agreed and signed by the Leader as correct.

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Declarations of interest

Councillor Rodney Chambers declared a personal and prejudicial interest in agenda item 7 (Beechings Cross Tennis Academy) on the basis that he knew the private sector provider both politically and socially and he left the meeting for the consideration and determination of this item.

Councillor Howard Doe declared a personal and prejudicial interest in agenda item 7 (Beechings Cross Tennis Academy) on the basis that he knew the private sector provider politically and he left the meeting for the consideration and determination of this item.

Councillor Mike O'Brien declared a personal and prejudicial interest in agenda item 7 (Beechings Cross Tennis Academy) on the basis that he knew the private sector provider both politically and socially and he left the meeting for the consideration and determination of this item.

Councillor Les Wicks declared a personal and prejudicial interest in agenda item 7 (Beechings Cross Tennis Academy) on the basis that he knew the private sector provider both politically and socially and he left the meeting for the consideration and determination of this item.

Outcome of Consultation Period for School Organisation Plan 2011/2016

Background:

This report outlined the outcome of consultation on the council's draft School Organisation Plan 2011-2016. A copy of the plan was attached at Appendix 2 to the report.

It was noted that in January 2008 the Cabinet had approved the School Organisation Plan Principles. These contained a set of guidelines to be used when considering school organisational issues that ensured that any changes to schools organisation are based upon improving schools and raising standards. The School Organisation Plan set out Medway's plans for implementing the principles in Medway schools over the next five years, including priorities for capital investment based upon an analysis of need. It was reported that the plan also supported the School Improvement Strategy, which was aimed at raising performance in schools.

Following Cabinet on 5 July 2011 consultation had taken place between July and September 2011. The report gave details of the consultation process and the results were set out in section 3 of the report. It was reported that despite the wide distribution of the document only one response had been received during the consultation period.

The Children and Young People Overview and Scrutiny Committee had considered the draft School Organisation Plan on 12 October 2011 and recommended the plan to Cabinet subject to the addition to the action plan (item 9) of the words "review of how we consult with stakeholders".

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It was noted that a Diversity Impact Assessment screening form had been completed (Appendix 4 to the report), which showed that a full Diversity Impact Assessment was not necessary. It was not expected that any adverse impacts would arise as a result of the actions set out in the plan and any future proposals would be consulted upon individually, with a Diversity Impact Assessment included as appropriate.

The report also requested approval to commence feasibility studies and statutory consultation for the physical expansion and extension of the age range of Wainscott Primary School. This was one of the action plan items contained within the plan.

Decision number: **Decision:**

- 142/2011** **The Cabinet approved the School Organisation Plan 2011-2016 and the related action plan, subject to the inclusion, into point 9 of the Action Plan, of the recommendation of the Children and Young People Overview and Scrutiny Committee, as set out in paragraph 4.1 of the report.**
- 143/2011** **The Cabinet approved the commencement of a feasibility study, and to undertake statutory consultation in relation to the physical expansion, and the expansion of the lower age limit of Wainscott Primary School from 1FE (form of entry) to 1.5FE, as set out within the action plan.**

Reasons:

Adoption of the School Organisation Plan enables the Council to put in place a planned and structured approach to school organisation over the next 5 years to address the risks set out in the report.

These decisions will enable a feasibility study and statutory consultation to be undertaken as to the physical expansion, and the expansion of the lower age limit of Wainscott Primary School, following discussions with the school's governing body.

Interim Medway Housing Design Standards - Planning Guidance

Background:

This report provided details of the proposed Interim Medway Housing Design Standards, which aimed to provide guidance to developers, landowners and their advisors on the layout and space standards expected in the design of new housing and the conversion of existing properties. It was noted that compliance would be a consideration when assessing planning applications and would apply to all planning applications for dwellings. A copy of the interim standards was attached at Appendix 1 to the report.

The interim standards had been the subject of an extensive consultation process between November and December 2010 and also discussed at the Medway Major Developers forum in June 2011. The report gave details and analyzed the issues

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raised during the consultation process, which related to issues of principle, implementation and detail.

It was noted that the Regeneration, Community and Culture Overview and Scrutiny Committee had considered this report on 4 October 2011 as part of the public consultation process. The report set out details of their comments and concerns as they related to the flexibility in applying the interim standards. The Committee had agreed to recommend the planning guidance to Cabinet for approval suggesting the removal of the option for flexibility to be negotiated with developers. It was noted that since the Overview and Scrutiny Committee minor revisions had been made to the document to emphasise that the flexibility built into the interim standards could only be applied within strictly defined parameters.

It was noted that a Diversity Impact Assessment screening form had been completed and was attached as Appendix 2 to the report. This showed that people with physical disabilities and the elderly were key groups that stood to benefit from interim standards and the resultant flexible and adaptable housing. The benefits were universal and no one group would have greater access to the benefits of these policies than others.

Decision number: ***Decision:***

144/2011 The Cabinet noted the comments of the Regeneration, Community and Culture Overview and Scrutiny Committee and approved the Interim Medway Housing Design Standards as attached to item 5 on the Cabinet agenda.

Reasons:

The Interim Medway Housing Design Standards, which had been the subject of an extensive consultation process, would provide planning guidance to developers, landowners and their advisors on the layout and space standards that would be expected in the design of new housing and in the conversion of existing properties.

Shalder House

Background:

This report sought agreement to consult about the future of Shalder House.

It was noted that the Council owned Shalder House and that it was currently used as a rehabilitation facility for people who had complex issues that primarily related to vulnerabilities in terms of complex social or housing needs rather than social care needs.

The report set out the reasons and the timetable for undertaking consultation and engagement, along with the three options for the future of the service, including the

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possible closure of the service. The outcome of this process would be reported to Cabinet on 20 December 2011.

During the discussion on this item it was noted that paragraph 4.4 of the report should be amended so that the text within the brackets reads: "e.g. as set out in paragraph 9.1 to 9.6".

It was noted that an initial diversity impact assessment screening had been completed in terms of the impact of this decision. This was set out at Appendix 1 to the report. It was reported that the screening would be further informed by the consultation that would take place.

Decision number:

145/2011 The Cabinet agreed that officers commence a consultation process with service users, staff and stakeholders in respect of the proposed closure of Shalder House and report the outcome to Cabinet on 20 December 2011.

Reasons:

Officers consider that the proposals are desirable because of the reasons set out in the advice and analysis section of the report. Shalder House is a service that supports people who have complex and challenging social and housing needs. The building is not fit for purpose as a sheltered housing scheme and therefore the decommissioning of the service will enable innovative and more cost effective approaches to delivering support to individuals that may need low level support to receive a tailored service.

During the service's last inspection by the Care Quality Commission, the service was considered to provide very good care however the fabric of the building was criticised.

Whilst the care is good, it is not cost effective to employ 11 members of staff to support a maximum of 11 service users at any one time. During a period of 52 weeks, 38 people benefited from the service, which indicates that the service operates at an average capacity of about 70%.

The building cannot be made fit for purpose without a substantial investment of capital.

Currently, up to eleven service users can benefit from a site that could accommodate approximately 30 units of accommodation or be redeveloped for other purposes that could benefit the whole local community.

The proposed alternative approach to supporting people into appropriate accommodation and reintegrating into the community can be delivered in a more person centred way by using units within sheltered housing across Medway.

Beechings Cross Tennis Academy

Background:

This report updated Members on the establishment of a Tennis Academy at Beechings Cross playing fields, Gillingham and sought agreement to enter into a partnership with Jarvis Holdings (Medway) Limited.

The report provided details of the proposal that consisted of five indoor courts, three outdoor courts and clubhouse, which was aimed primarily at young people at an affordable price. It also provided background as to the site itself and the previous proposal for a tennis academy. An exempt appendix set out the terms, including financial implications of the new proposals to develop a Tennis Academy at Beechings Cross.

It was noted that negotiations had not been finalised and therefore it was proposed that negotiations be finalised with the provider on the best terms reasonably obtainable having regard to the parameters set out in the exempt appendix.

The Cabinet agreed to accept this report as urgent to enable the proposal to be progressed taking the opportunity that had arisen.

Decision number:

Decision:

- 146/2011** **The Cabinet supported the proposal to develop a Tennis Academy on the Beechings Cross site with the new company to be established by Jarvis Holdings (Medway) Limited.**
- 147/2011** **The Cabinet authorised the Director of Regeneration, Community and Culture and the Chief Finance Officer, in consultation with the Portfolio Holders for Housing and Community Services and Finance, to:**
- a) Consider any objections made pursuant to the advertisement under s123(2A) of the Local Government Act 1972 and to determine, in the light of those objections and all other relevant matters, whether to proceed with the lease of the land and if so;**
 - b) To finalise negotiations with Jarvis Holdings (Medway) Limited on the best terms reasonably obtainable having regard to the parameters set out in the Exempt Appendix and to enter into the necessary legal agreements with such provider and/or any new company established by the such provider, if necessary using its wellbeing powers under Circular 06/03 (Local Government Act 1972 general disposal consent (England) 2003.**

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Reasons:

These decisions will enable the establishment of a new Tennis Academy within Medway, meeting established demand, whilst at the same time affording Gillingham Football Club or any other provider the opportunity to bring forward proposals for the major footprint of the site, which will be considered on their merits in due course.

Second Quarter Revenue Budget Monitoring

Background:

This report detailed the revenue budget forecasts as at the end of Quarter 2 (July – September 2011). The report also highlighted the major financial risks remaining in respect of the 2011/2012 General Fund revenue budget.

It was noted that the returns from budget managers forecast a potential overspend of £5.1 million for non-Dedicated School Grant (DSG) services and it was reported that the position had the potential to undermine the financial stability of the Council. It was therefore essential that directorate management teams focussed attention on identifying management action to contain expenditure within the agreed budgets.

The Cabinet agreed to accept this report as urgent to enable Cabinet to receive and consider the second quarter budget monitoring information at the earliest opportunity.

Decision number:

Decision:

148/2011

The Cabinet noted the mid year revenue monitoring position for 2011/2012 and instructed Directors to come forward with further proposals for management action to reduce the potential deficit.

149/2011

The Cabinet, to help prevent the position deteriorating further, instructed officers to impose a moratorium such that any expenditure that is not absolutely essential for the continued delivery of services to our customers must be stopped.

Reasons:

Cabinet has the responsibility to ensure effective budgetary control to contain expenditure within the approved limits set by Council. Where a budget overspend is forecast, Cabinet supported by the corporate management team must identify measures to remove any excess expenditure.

Second Quarter Capital Budget Monitoring

Background:

This report presented the capital monitoring forecast for the period to September 2011 (the end of the second quarter), with an outturn forecast for 2011/12 and future years.

It was noted that the approved capital programme for 2011/12 and future years was £109.1m, being £53.4m in respect of brought forward schemes and £55.7m in respect of new approvals. The report commented on the delivery of the capital programme and updated Members on a number of issues, including a potential major cost variance in respect of the Stoke Crossing. The current forecast showed that £82.199m of the programme was forecast for spend during 2011/2012. Details of a reduction and virements made to the capital programme under delegated authority were also set out.

During the discussion of this item it was agreed that the request for Council to consider the Stoke Crossing budget should take place in due course, when there was clarity of the figures concerned.

The Cabinet accepted this report as urgent to enable Cabinet to receive and consider the second quarter budget monitoring information at the earliest opportunity.

Decision number: **Decision:**

The Cabinet noted the spending forecasts summarised at Tables 1 of the report and noted a reduction to the capital programme and budget virements as detailed in paragraph 5.1 of the report.

150/2011 The Cabinet requested that Council in due course consider the additional funding requirement from the Stoke Crossing overspend in conjunction with those previously requested by Cabinet in respect of other Homes and Communities Agency (HCA) supported schemes.

Reasons:

Cabinet has the responsibility to ensure effective budgetary control to contain expenditure within the approved limits set by Council.

Second Quarter Council Plan Monitoring

Background:

This report presented details of the Council's performance for the second quarter of 2011/2012 against the Council Plan 2011-2012 objectives. The Council Plan is a key part of the Council's budget and policy framework.

Appendix 1 to the report, provided a narrative on performance, and Appendix 2 set out data and a brief summary on each of the council projects in the Council Plan. Members discussed the contents of these appendices. This included consideration of progress updates for those areas previously identified by Cabinet for particular improvement and monitoring, as well as information relating to adult, leisure and housing services and performance against the priority of a safe, clean and green Medway.

The Cabinet accepted this report as urgent to enable it to receive and consider the latest performance information at the earliest opportunity.

Decision number: ***Decision:***

The Cabinet noted performance for Quarter 2 2011/2012.

Reasons:

Full and accurate performance reporting to elected Members is consistent with best practice, and allows them to review the Council's performance.

Home Care - Reference from Health and Adult Social Care Overview and Scrutiny Committee

Background:

This report requested authority to commission a survey into the home care provided for dementia patients and whether additional training would be needed to develop particular skills to accommodate a support-at-home service for these patients.

This recommendation from the Health and Adult Social Care Overview and Scrutiny Committee on 6 October 2011 followed the committee's consideration of a report on the changes being made to dementia services in Medway.

Decision number: ***Decision:***

151/2011 The Cabinet approved the commissioning of a survey into home care provided for dementia patients and whether additional training would be needed for agency staff to

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develop particular skills to accommodate the support-at-home service for these patients.

Reasons:

By undertaking the survey recommended by the Health and Adult Social Care Overview and Scrutiny Committee, the Council can work with home care providers to:

- (a) ensure that they understand the changes being implemented by NHS Medway;
- (b) identify any additional training needs that care workers may require to support people with dementia; and
- (c) assign any necessary funding that may arise from (b) above.

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).

Appendix 1 to the report provided details of the posts.

Decision number: ***Decision:***

152/2011 **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report to enable officers to commence the recruitment process:**

Regeneration, Community and Culture

- a) **Library Service Finance Assistant**
- b) **Senior Emergency Planning Officer**
- c) **Geographic Information Coordinator**
- d) **Work Programme Support Administrator**
- e) **Skills Programme Co-ordinator (Denne Construction)**
- f) **Project Assistant**

Business Support Department

- g) **Maintenance Co-ordinator**
- h) **Assistant Homechoice Officer (x2)**
- i) **Senior Communications Officer – Website**

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Children and Adults

- j) Support Assistant (YOT)**
- k) Performance & Compliance Officer**
- l) Service Support Assistant**
- m) Catering Assistant**
- n) Catering Assistant**
- o) Support Services Assistant.**

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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