

Record of Cabinet decisions

Tuesday, 29 November 2011

3.00pm to 4.30pm

Date of publication: 30 November 2011

**Subject to call-in these decisions will be effective from 8 December 2011
The record of decisions is 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
Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy and Governance
Anthony Law, Democratic Services Officer
Deborah Upton, Assistant Director, Housing and Corporate Services/Monitoring Officer

Leader's Announcements

The Leader agreed to vary the order of business so that items 5 (Medway Council's Vision for Commissioning and Providing Adult Social Care Services in Medway) and 6 (Fairer Contributions for Access to Services) were considered first.

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 1 November 2011 was agreed and signed by the Leader as correct.

Declarations of interest

There were none.

Medway Council's Vision for Commissioning and Providing Adult Social Care Services in Medway

Background:

This report sought agreement to consult on the future of Balfour Day Centre, Robert Bean Lodge, Platters Farm Lodge and Nelson Court.

The report set out the reasons and the timetable for undertaking consultation and engagement. It included options and explained that consultation would look at the future of each service with all stakeholders including existing service users, carers, staff and the agencies that refer into the respective services. A report would also be presented to the Health and Adult Social Care Overview and Scrutiny Committee on 26 January 2012. The outcome of the consultation process would be reported to Cabinet on 14 February 2012.

It was noted that an initial Diversity Impact Assessment screening form was attached to the report, which would be informed by the consultation process.

The Cabinet agreed to accept this report as urgent to enable consultation to commence at the earliest opportunity.

Decision number: ***Decision:***

153/2011 **The Cabinet agreed that officers commence a consultation process with service users, family carers, staff and stakeholders on the proposals and report the outcome to Cabinet on 14 February 2012.**

Reasons:

Officers consider that the proposals are desirable because of the reasons set out in the options and advice and analysis sections of the report.

Consultation with service users, carers, staff and other key stakeholders will ensure that the council has a clear understanding of the views of those with an interest in the service, understanding and mitigating any potential adverse impact and ensuring that the appropriate option is presented to Cabinet for a decision.

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In particular, benchmarking of Robert Bean Lodge, Nelson Court and Platters Farm Lodge against the independent sector demonstrates that the services are relatively expensive and that efficiencies can be achieved without compromising the quality of outcomes delivered by each service.

The number of service users at the Balfour Day Centre is falling. This is mainly due to the personalisation agenda, which has encouraged choice and raised expectations from service users and carers. The centre is becoming increasingly expensive to run when benchmarked against other providers of daytime opportunities with support.

Fairer Contributions for Fairer Access to Services

Background:

This report brought forward proposals to consult upon proposed changes to the council's policies on charging contributions for non-residential Adult Social Care services and Disabled Facility Grants for adaptations.

It was reported that the current charging arrangements for home care and other non-residential services were introduced in 2002 and were based on the type of care delivered. This was focused on care services and not on the personalised care and support which was now offered. The report also gave details of a potential update of the Disabled Facilities Grant (DFG) policy by providing loans of up to £25,000 to recipients of DFG.

It was proposed that consultation be undertaken on the revisions and the report gave details of the consultation that would be undertaken with service users, carers and other stakeholders to inform the decision-making process. The proposals would be presented to the Health and Adult Social Care Overview and Scrutiny Committee on 26 January 2012 and the outcome of the consultation process would be reported to Cabinet on 14 February 2012.

It was noted that an initial Diversity Impact Assessment screening form was attached to the report, which would be informed by the consultation.

The Cabinet agreed to accept this report as urgent to enable consultation to commence at the earliest opportunity.

Decision number:

154/2011 **The Cabinet agreed that officers commence a consultation process with service users and other stakeholders on proposed changes to the council's policies on charging for non-residential services and Disabled Facilities Grant reporting the outcome to Cabinet on 14 February 2012.**

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Reasons:

The current charging policy for non-residential Adult Social Care services was introduced in 2002 and has not kept pace with changes in the way Adult Social Care is provided, specifically in terms of the impact of the personalisation agenda.

In order to better capture the way service users are choosing to receive care and support and to ensure that contributions are made on the basis of ability to contribute rather than any artificial categories, a full and open consultation process would inform a decision to amend the policy, thereby making it fairer and fit for purpose.

Providing loans of up to £25,000 to recipients of DFG will ensure that people who need complex and specialist major adaptations are able to proceed with the work and to remain at home safely, with dignity and respect.

Capital and Revenue Budget 2012/2013

Background:

This report set out the Council's draft capital and revenue budget for 2012/2013. In accordance with the Constitution, the Cabinet was required to develop initial budget proposals and refer these to the Overview and Scrutiny Committees before finalising the budget and setting council tax levels in February 2012.

The draft budget was based on the principles contained in the Medium Term Financial Plan (MTFP) 2012/2015, which had been approved by Cabinet in September 2011, and reflected the formula grant assumptions for 2012/2013 announced during last year's Comprehensive Spending Review.

It was noted that the initial budget proposals showed a current forecast funding gap of over £6.2 million for General Fund services. Capital budget proposals for 2012/2013 had been confined to a continuation of the existing approved capital programme. Budget proposals incorporating pressures and savings were summarised within the appendices to the report, with pressures summarised in the report.

The report set out details of the main factors and assumptions that would form the basis of the 2012/2013 Housing Revenue Account (HRA) budget. This included details on the reform of the housing finance system and notification that a refresh of the Housing Revenue Account Business Plan would be undertaken.

Decision number:

155/2011

Decision:

The Cabinet agreed to forward the provisional draft revenue and capital budget to the Overview and Scrutiny Committees as work in progress inviting them to offer comments on the proposals outlined.

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Reasons:

It is the responsibility of the Cabinet to develop draft budget proposals for consideration by Overview and Scrutiny Committees. These draft proposals are the first stage of the budget consultation process leading to further discussion by Cabinet on 14 February 2012 and formal council tax setting on 23 February 2012.

Article 4(1) Direction on Land Between Elmhaven Marina and Cemex, Rochester Road, Halling

Background:

This report sought to confirm the Direction imposed under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for land between Elmhaven Marina and Cemex, Rochester Road, Halling.

The report gave details on the site and the consultation process that had been undertaken, together with the reasons for an Article 4 Direction in this case.

A Diversity Impact Assessment screening form had been carried out when the Article 4 Direction was served in June 2011, and a copy was attached at Appendix D to the report. It was noted that the purpose of the Article 4 Direction was to control the development of the land and was not targeted at a specific group.

Decision number:

Decision:

156/2011

The Cabinet agreed, having regard to the location of the site in open countryside and the potential impact of these types of development in terms of the countryside and on nature conservation interests, that the Article 4(1) Direction made on 13 June 2011 (as set out at Appendix A of the report), removing the permitted development rights referred to in Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, be confirmed, subject to the amended plan at Appendix C of the report.

Reasons:

It was considered that the development to which the proposed Article 4(1) Direction would relate, would be prejudicial to the proper planning of the area, would constitute a threat to nature conservation interests and to the open aspect of the countryside and to the preservation of the strategic gap, contrary to the provisions of Policies BNE25, BNE31, BNE35 and BNE36 of the Medway Local Plan 2003.

Update on Domestic Abuse

Background:

This report updated Members on the progress made in making improvements to domestic abuse services within Medway and on the way forward for this service.

It was noted that a review had been undertaken into domestic abuse in Medway and it was clear that there was still more work to do to reduce instances of domestic abuse and to ensure the effectiveness of intervention for early help. An improvement plan, developed by a sub-group of the Community Safety Partnership, was attached to the report. Key priority areas included delivering multi-agency training across Medway and a pilot project for child protection referrals.

Decision number:

157/2011 **The Cabinet noted the report and endorsed the improvement plan and agreed that progress is reported to Cabinet every six months.**

Reasons:

To ensure that domestic abuse and the consequent issues it raises are given a clear focus within Medway and that the Cabinet can be assured that progress is being made.

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:

158/2011 **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report to enable officers to commence the recruitment process:**

Children and Adults

- a) Catering Assistant - Bradfields Special School**
- b) Senior Practitioner Safeguarding – Cookham Wood**

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Young Offenders' Institute

- c) Safeguarding Social Worker – Cookham Wood Young Offenders' Institute**
- d) Project Development Officer**
- e) Admin Assistant.**

Regeneration, Community and Culture

- f) Community Recycling Officer (INSPIRER)**
- g) Chatham World Heritage Assistant**
- h) LDF Programme Officer**
- i) Lodge Hill Project & Planning Manager.**

Reasons:

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

Gateway 3 Procurement Tender Process Review and Contract Award: Elaine Primary School, Strood Building Project

Background:

This report sought permission to award a contract following the recent procurement process for project works at Elaine Primary School, Strood.

It was noted that the key aims for this project were to provide an additional classroom to accommodate the forecast increase in roll in 2011/12, as well as safer parking provision. Elaine Primary School had been identified as one of the priority schemes to receive funding as part of the Council's Basic Need Programme.

It was noted that this project had proceeded to Gateway 2 as part of a batched procurement process with projects at Abbey Court, Rainham and Twydall Primary School in Gillingham. All three procurement projects were evaluated separately but there was the option for them to be awarded separately or collectively, based upon whichever procurement option provided optimum value for money outcomes. Following detailed evaluation of the tender submissions Members were advised that the best option in the case of the Elaine Primary School project was to award a single contract to the preferred bidder.

The Strategic Procurement Board had approved this Procurement Gateway 3 Report on 2 November 2011 for submission to Cabinet.

An exempt appendix contained key information on finance and whole-life costing and detailed procurement process tender evaluation information.

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Decision number: **Decision:**

159/2011 **The Cabinet approved the contract award to BW May and Sons Limited.**

160/2011 **The Cabinet approved the virement of £633,780 to cover design, enabling works, construction works and all associated professional fees.**

Reasons:

This procurement will deliver the objectives outlined in the business case and summarised in Section 4.1 of the report, to provide accommodation to enable the school to offer a much improved teaching and learning environment to the children at the school.

Gateway 5 Procurement Contract Management Report: Highways Minor Works Contract Performance Review

Background:

This report reviewed progress with the Highways Minor Works Contract, which had been classified as high risk under the Council's contract procedure rules, and recommended the award of a one year extension to the contract in accordance with the conditions of the contract.

This contract with VolkerHighways provided Medway with the majority of highway maintenance services required, including: winter service, emergency call outs, responsive maintenance, together with some planned maintenance and highway scheme implementation.

This Procurement Gateway 5 report had been approved for submission to the Cabinet after review and discussion at the Strategic Procurement Board on 2 November 2011.

An exempt appendix provided key information on finance and whole life costing.

Decision number: **Decision:**

161/2011 **The Cabinet noted the performance of the Highways Maintenance Term Contractor VolkerHighways as detailed in the report.**

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162/2011 The Cabinet agreed the award of a fourth one (1) year extension to VolkerHighways for the Highways Minor Works Contract, in accordance with the conditions of contract, which was originally procured through the council's procurement procedures.

Reasons:

Medway is contractually obliged to consider the performance of the Highways Minor Works Contractor annually and to consider awarding a yearly extension after each completed year of service delivery.

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Leader of the Council

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Date

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