

Record of Cabinet decisions

Tuesday, 17 April 2012

3.05pm to 4.45pm

Date of publication: 18 April 2012

**Subject to call-in these decisions will be effective from 26 April 2012
The record of decisions are subject to approval at the next meeting of the Cabinet**

Present:	Councillor Rodney Chambers Councillor Alan Jarrett Councillor David Brake Councillor Jane Chitty Councillor Howard Doe Councillor Phil Filmer Councillor Tom Mason Councillor Mike O'Brien Councillor Les Wicks Councillor David Wildey	Leader Deputy Leader and Portfolio Holder for Finance Portfolio Holder for Adult Services Portfolio Holder for Strategic Development and Economic Growth Portfolio Holder for Housing and Community Services Portfolio Holder for Front Line Services Portfolio Holder for Corporate Services Portfolio Holder for Community Safety and Customer Contact Portfolio Holder for Children's Services Portfolio Holder for Children's Social Care
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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 Perry Holmes, Monitoring Officer Julie Keith, Head of Democratic Services Anthony Law, Democratic Services Officer
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Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 13 March 2012 was agreed and signed by the Leader as correct.

Declarations of interest

There were none.

Community Safety Plan (policy framework)

Background:

This report provided details of the Community Safety Plan 2012/2013. The Plan was required under section 6 of the Crime and Disorder Act 1998 which placed obligations on Crime and Disorder Reduction Partnerships, also known as Community Safety Partnerships (CSPs), to produce a Community Safety Plan to formulate and implement a strategy to reduce crime and disorder, combat substance misuse, and reduce re-offending.

The report stated that the regulations governing the formulation and implementation of the Plan had been amended resulting in the Community Safety Partnership being required to consult with the community, prepare a strategic assessment, and prepare and implement its plan for its area on behalf of the responsible authorities.

The report provided details of the seven priorities together with key performance against those priorities.

The Regeneration, Community and Culture Overview and Scrutiny Committee considered this report on 3 April 2012 and its comments were set out in paragraph 6 of the report.

It was noted that a Diversity Impact Assessment screening form was attached at Appendix 2 to the report, which showed that a full Diversity Impact Assessment was not required.

Decision number: *Decision:*

63/2012 **The Cabinet noted the comments of the Regeneration, Community and Culture Overview and Scrutiny Committee and recommended the draft Community Safety Plan 2012-2013 to Council on 26 April 2012 for final approval.**

Reasons:

The Community Safety Plan discharges the council's statutory requirement to produce a plan for community safety.

The Community Safety Plan forms part of the Policy Framework and the Constitution requires the Cabinet to finalise its proposals for the Council to consider having taken into account any proposals from Overview and Scrutiny.

Improving Performance at Key Stage 2 - Review by the Effective Challenge of Underperformance Task Group

Background:

This report provided details of the Review by the Effective Challenge of Underperformance Task Group into improving performance at Key Stage 2. The Children and Young People Overview and Scrutiny Committee had identified Key Stage 2 as an area for review, so to look at ways of improving Key Stage 2 attainment in Medway, as well as identifying barriers to improvement and interventions to overcome them.

The review document, attached to the report, set out the background to the review and included key findings, a summary of evidence gained from various sources, information and context drawn from other publications and policies along with the findings of the Task Group.

It was noted that during its work the task group had spoken with various schools and experts, as well as inviting feedback from Medway's Citizen Panel. The Task Group's visits had included three outstanding primary schools outside of the Medway area. It was noted that the Task Group was impressed by the various examples of good practice and had identified areas for improvement and development to help improve performance and attainment at Key Stage 2 locally.

The Children and Young People Overview and Scrutiny Committee considered this report on 14 March 2012 and its views were set out in paragraph 6 of the report.

Decision number:

64/2012 The Cabinet agreed that:

- (i) In partnership with Medway Governors Association, a minimum requirement for Governor training should be agreed so that some courses are compulsory for Governors to attend, either as part of their induction and ongoing development or as a consequence of particular roles and responsibilities.**
- (ii) Medway Councillors should be encouraged to demonstrate effective practice in the skills and qualities required for good governance and put themselves forward to act as a local authority representative on at least one governing body, particularly at schools judged to be satisfactory or those of concern.**
- (iii) Leadership teams judged as satisfactory or below should be supported to move to at least good**

through effective local improvement partnerships and accessing, then embedding, national and local best practice.

- (iv) **Leadership teams should focus on improving the quality of learning and raising aspirations for all pupils by improving the quality of teaching to consistently good or better. This will translate into Medway pupils making good progress between Key Stage 1 and 2 in both English and mathematics, i.e. above the national median of 87% English and 86% mathematics.**
- (v) **The outcomes of the Bromley, Bexley, Medway and Kent collaborative group should be used to embed sustained good leadership.**
- (vi) **Additional targeted funding should be used to commission specialist expertise to improve leadership and management.**
- (vii) **That a Medway Chartered Teacher Award, which acknowledges what great teachers do in Medway should be explored to make a difference to children's learning and life chances.**
- (viii) **That guidance should be issued to schools on brokering external consultancy, which will have impact and be sustainable, including accredited professional development to meet the needs of groups of teachers thus improving quality of provision in schools.**
- (ix) **That all schools have a recommended synthetic phonics programme that all staff confidently apply, which accelerates pupil learning and progress so that they achieve well in both reading and writing.**
- (x) **That best practice about effective interventions should be shared between schools including 1:1 tuition for pupils and target 1:1 funding on underachieving groups.**
- (xi) **That schools must embed best practice in assessment for learning so that all pupils know next steps in their learning and how to achieve them.**
- (xii) **Schools that have been judged satisfactory for two or more consecutive Ofsted inspections**

should: -

- **Invite a local authority adviser to be included in Deputy Headteacher, as well as Headteacher, appointments;**
- **Implement outcomes of leadership reviews commissioned by the Governing Body;**
- **Challenge and remove low expectations;**
- **Promote high aspiration for all pupils and engage effectively with parents;**
- **Use tracking data effectively so that all pupils make accelerated progress;**
- **Embed and sustain strategies and interventions, which are proved to impact on pupil progress.**

Reasons:

These decisions will aim to improve performance at Key Stage 2 in Medway and will assist with the Council's commitment to champion strong leadership and high standards in schools so that all children can maximise progress and achievement, realise their potential, and the gaps between the least advantaged and their peers are narrowed.

Special Educational Needs Transport Policy

Background:

This report provided details of a new proposed Special Educational Needs (SEN) Transport Policy for consultation. The report noted that the current SEN Transport Policy had been written in 2003 and was now out of date. Nationally, practice had changed and the new proposed policy had been written to ensure that Medway's practice was in line with legislative requirements.

The report highlighted particular issues in the current policy and the main differences in the proposed new policy. The policy would be subject to formal consultation and would be reported back to the Children and Young People Overview and Scrutiny Committee and Cabinet in summer 2012.

Decision number: **Decision:**
65/2012

The Cabinet agreed to consult on the proposed Special Educational Needs Transport Policy, as set out in Appendix 2 to the report.

Reasons:

The current policy is outdated and requires revision to ensure that it is compliant with legislation. The practice in Medway is currently out of step with other local authorities

and the changes proposed would enable better value for money as well as well as support independence.

Outcomes of Consultation for the Proposed Prescribed Alterations at Wainscott Primary School

Background:

This report provided details of the outcomes of the consultation period on the Council's proposals to expand the lower age range and enlarge the premises at Wainscott Primary School, by way of statutory prescribed alterations. The Cabinet had originally agreed to go out to consultation on these proposals on 1 November 2011. The first stage of the statutory process required the Council to hold a period of informal consultation and this took place between 9 January 2012 and 26 February 2012.

The report set out the outcome of consultation and it was noted that of the 42 responses received to the proposal to lower the age limit from four to three, 29 responses were supportive and 13 objected. 45 responses were received to the proposal to enlarge the physical premises to accommodate the additional pupils, with 27 in favour of the proposal and 24 against.

The report also provided details of proposed new public meeting procedures as set out in appendix 8 to the report. The new procedures would ensure that the consultation is clearly, accurately and transparently reported, ensuring confidence in the council's consultation process.

The Children and Young People Overview and Scrutiny Committee considered this report on 14 March 2012 and its views were set out in paragraph 12 of the report.

A Diversity Impact Assessment (DIA) screening form was attached at Appendix 2 to the report. The DIA looked at how the proposed changes could impact upon various groups. The report showed that there could potentially be some impact upon certain groups based upon age, however it showed that any impacts were expected to be positive.

Decision number: **Decision:**

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| 66/2012 | The Cabinet noted the responses to the consultation together with the advice and analysis from officers and the recommendations from the Children and Young People Overview and Scrutiny Committee, and agreed to proceed to formal representation, when statutory notices and full proposals will be published. |
| 67/2012 | The Cabinet approved the revised public consultation meeting procedures, as attached in appendix 8 to the report. |

- 68/2012** **The Cabinet agreed to delegate authority to the Director of Children and Adults, in consultation with Portfolio Holder for Children's Services, to determine whether to approve the proposals at the end of the statutory consultation period, if no objections are received. However if any objections were received during that time then a report will be prepared and placed before Cabinet for determination.**

Reasons:

To ensure the council's duty to provide sufficient good school places is met. Accounting for the expected additional demand in the Strood area caused by higher birth rates, inward migration and local developments such as Liberty Park.

To comply with the actions in the approved School Organisation Plan 2011-16, which highlighted the need for additional places in the Wainscott area.

To enable the council to fulfil its policy to incorporate an integrated foundation stage in primary schools wherever possible.

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

By approving the revised meeting procedures, the council will be ensuring transparency, clarity and accuracy of the consultation process.

Review of the Guide to Developer Contributions

Background:

This report provided details of a revised Guide to Developer Contributions Supplementary Planning Document (SPD). The report stated that in the four years since the guide was adopted, much of the information had changed including new sections on affordable housing, waste and recycling. The draft Guide reflected current requirements but did not increase the overall level of contributions sought.

The report also provided some information on the emerging Community Infrastructure Levy (CIL) and it was noted the Guide for Developer Contributions would become obsolete once the Council becomes a CIL charging authority by 31 March 2014.

Decision number: **Decision:**

- 69/2012** **The Cabinet agreed for consultation to be undertaken on the updated 2012 draft Guide to Developer Contribution, as set out in Appendix 1 to the report.**

- 70/2012** **The Cabinet agreed to delegate authority to the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Strategic Development and Economic Growth, to make any minor amendments needed to the draft Guide to Developer Contributions, prior to the consultation process.**
- 71/2012** **The Cabinet agreed that the draft Guide be re-submitted to the Regeneration, Community and Culture Overview and Scrutiny Committee for consideration and Cabinet for final approval, following consultation.**

Reasons:

The consultation process will enable the Guide to Developer Contributions to be updated to reflect current contacts and information/evidence base. This will support planning officers and developers negotiating Section 106 contributions.

6 Monthly Review of the Council's Corporate Business Risk Register

Background:

This report provided details of the six monthly review of the Council's Corporate Business Risk Register. It was noted that since the last review, risk owners had reviewed their risks and amendments were recommended to SR27 (Government changes to Local Authority's responsibility for schools), SR29 (Transition to a new provider for Mental Health Social Care Services) and SR30 (Delivering Better for Less transformation).

The Business Support Overview and Scrutiny Committee had considered this report on 21 March 2012 and its views and recommendations were set out in paragraph 5 of the report.

Decision number: **Decision:**

- 72/2012** **The Cabinet approved the amendments to the Council's Risk Register as detailed in paragraphs 3 and 5.5 of the report and Appendix B to the report.**

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.

Green Street Adult Education Centre, 46 Green Street and Garages at Dawes Street, Gillingham

Background:

This report provided details of a proposal to declare surplus 46 Green Street site including the Adult Education Service and five garages in Dawes Street.

It was reported that the property had been used as an Adult Education Centre for many years and that 46 Green Street had originally formed part of the centre, with a number of the buildings' services shared between the buildings. Members were advised that the Adult Education Centre was no longer considered fit for purpose due to its age, layout, and general lack of facilities appropriate for current and anticipated learning provision.

The report and an addendum report tabled at the meeting provided information on the proposals and how existing services would be delivered in the future.

In response to a question from another Member of the Cabinet the Portfolio Holder for Finance advised that in relation to Home-Start Medway, who occupied three ground floor rooms at the rear of 46 Green Street under an internal repairing periodic tenancy, that this tenancy had security of tenure protection. They had expressed interest in the vacant first floor offices and were willing to take a 5-year lease 'contracted out' of the Landlord and Tenant Act 1954. A one-month rent-free period was proposed to reflect internal alteration works to be undertaken by Home-Start prior to occupation. The lease was to include a mutual break option on one-year's notice.

Decision number: **Decision:**

- | | |
|---------|---|
| 73/2012 | The Cabinet agreed to declare the Green Street site surplus and delegated authority to the Assistant Director, Legal and Corporate Services in consultation with the Portfolio Holder for Finance to dispose of 46 Green Street, Gillingham, including five garages in Dawes Street, as shown edged black on the plan at appendix 1 to the report. |
| 74/2012 | The Cabinet agreed to delegate authority to the Assistant Director, Legal and Corporate Services in consultation with the Portfolio Holder to take a lease or leases of premises to use for the delivery of the Adult Education Service on the best terms reasonably obtainable. |

Reasons:

In order to reduce revenue costs, improve service delivery, realise capital receipts and gain investment in the Medway area.

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:*

75/2012 **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report, to enable officers to commence the recruitment process:**

Business Support Department

- a) Assistant Homechoice Officer x 2**
- b) Principal Accountant RCC/BSD**
- c) Legal Support Officer**

Children's and Adults

- d) Part-time Service Support Assistant (Elaine Centre)**
- e) Service Support Assistant (Elaine Centre)**
- f) Service Support Assistant (Redvers Centre)**
- g) Service Support Assistant (Revers Centre)**
- h) Admin Assistant**
- i) School Improvement Support Officer**

Regeneration, Community and Culture

- j) WORK Programme Job Broker Advisor**
- k) WORK Programme Support Administrator (additional hours)**
- l) WORK Programme Contract & Partnership Manager (contract extension)**
- m) WORK Programme Post Employment Support & Centre Manager (contract extension)**
- n) WORK Programme Job Broker Advisors (contract**

extensions) x3.54

- o) WORK Programme Administrator & Receptionist (contract extension)**
- p) WORK Programme Support Administrator (contract extension)**
- q) SUCCES Job Broker**
- r) Project Assistant**
- s) GI Coordinator**
- t) LLPG Custodian**
- u) DNA Community Programme Co-ordinator (P/T)**
- v) NDI Business Innovation Co-ordinator (P/T)**
- w) GAPS Project Officer**
- x) INCOMPASS Project Officer**

Reasons:

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

**Gateway 3 Procurement Tender Process Review and Contract Award:
Improvements to Medway Crematorium Stage 2**

Background:

This report provided details of the proposed contract for the provision of new cremators, mercury abatement equipment, better car parking facilities and the enlargement of two chapels at the Medway Crematorium, Bluebell Hill Village.

It was noted that the Strategic Procurement Board had considered this report on 14 March 2012 and supported the recommendations set out in the report.

An exempt appendix provided key information in respect of finance and whole-life costings and detailed procurement process tender evaluation information.

Decision number: **Decision:**

- | | |
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| 76/2012 | The Cabinet approved the procurement contract award to Provia Construction. |
| 77/2012 | The Cabinet agreed to recommend to Full Council an |

addition of £969,437 to the existing Capital Programme as set out in paragraph 8.1.3 of the report.

Reasons:

The provision of abatement equipment is required through legislation. The current cremators are coming to the end of their economic life and the chapel accommodation is too small for service users. There is also insufficient car parking space for current demand and additional car parking would be required as a condition of enlarging the chapels.

The recommendations had been provided on the basis that the contractor satisfied the compliance checks and its proposal indicated that the scheme would be within budget. The criteria as set out in the ITT were met and the Public Contracts Regulations 2006 (as amended) require the decision to award the contract be on the basis of the most economically advantageous tender.

Gateway 3 Procurement Tender Process Review and Contract Award: Family Group Conference

Background:

This report provided details of the proposed contract for the provision the Family Group Conference (FGC) service to meet the needs of children on the edge of care and vulnerable adults in need of safeguarding. It was noted that within a clear structure, laid down by safeguarding professionals, Family Group Conferences enabled a child or vulnerable adult's family and support network to establish a plan to keep the child or adult safe and deal with a range of issues that may be affecting them adversely.

The Strategic Procurement Board had considered this report on 14 March 2012 and supported the recommendations set out in the report.

An exempt appendix provided key information in respect of finance and whole-life costings and detailed procurement process tender evaluation information.

Decision number: *Decision:*

78/2012 The Cabinet approved the procurement contract award to Family Action.

Reasons:

The recommendations had been provided on the basis of the information gathered during the procurement process. This contractor meets the requirements of the specification and would give best value.

Gateway 5 Procurement Contract Management Report: HRA Maintenance (Comprehensive Responsive Repairs and Capital Works) Contract

Background:

The report provided details of progress on the HRA Maintenance (Comprehensive Responsive Repairs and Capital Works) Contract. The current contract was tendered in accordance with the procurement process and was let by Medway Council on 1 April 2007 initially for a five-year period. Approval was given by Cabinet in April 2011 to extend the contract for a further two years with effect from April 2012. The contract allowed the Council to ensure it met its statutory repairing obligations and maintained properties in a good state of repair.

The Strategic Procurement Board had considered this report on 14 March 2012 and supported the recommendations set out in the report.

An exempt appendix provided key information in respect of finance and whole-life costings.

Decision number: ***Decision:***

79/2012 The Cabinet approved the continuation of this contract negating the need for any further Gateway five reports.

Reasons:

The recommendations had been provided on the basis of

- Current performance is satisfactory
- Continuity of service to Tenants and Leaseholders
- Continuation allows a 9-month pilot of several new transformation initiatives as set out in this report.

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Leader of the Council

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Date

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