

Record of Cabinet decisions

Tuesday, 12 June 2012

3.00pm to 3.55pm

Date of publication: 13 June 2012

Subject to call-in these decisions will be effective from 21 June 2012
The record of decisions are subject to approval at the next meeting of the Cabinet

Present:

Councillor Rodney Chambers, OBE	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 David Wildey	Portfolio Holder for Children's Social Care

In Attendance:

- Neil Davies, Chief Executive
- Rose Collinson, Director of Children and Adults
- Robin Cooper, Director of Regeneration, Community and Culture
- Mick Hayward, Chief Finance Officer
- Wayne Hemingway, Democratic Services Officer
- Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy and Governance
- Perry Holmes, Monitoring Officer
- Julie Keith, Head of Democratic Services
- John Staples, Media Manager

Apologies for absence

An apology for absence was received from Councillor Les Wicks (Children's Services).

Cabinet, 12 June 2012

Record of decisions

The record of the meeting held on 15 May 2012 was agreed and signed by the Leader as correct.

Declarations of interest

Councillor Brake declared a personal interest in agenda item 5 (Adult Mental Health Social Care: Options for the Future), on the grounds that one of his sons worked at Medway Maritime Hospital, part time, in the area of mental health. He retained his right to speak and vote on the item.

Councillor Brake also declared a personal interest in agenda item 9 (254 Walderslade Road, Chatham), on the grounds a neighbour had contacted him, in his capacity as a ward councillor, regarding the sale of the property. Councillor Brake stated that he had referred him to Susan Pledger (Private Sector Housing and Housing Options Manager) for him to raise the matter direct. He retained his right to speak and vote on the item.

Balfour Day Centre

Background:

This report provided details on the outcome of discussions with Medway Community Healthcare (MCH), which had indicated an expression of interest in the service, as reported to Cabinet on 14 February 2012. Officers had subsequently met with MCH senior managers to explore their expression of interest which had resulted in a proposal as outlined in the report.

The proposal was for co-production, engaging service users, carers, staff and other stakeholders, particularly the voluntary sector, to create a community resource centre offering health and social care services and support to adults with physical disabilities. MCH currently provided a health care service at the Walter Brice Centre and Medway Council provided the social care service at the Balfour Day Centre. Under this proposal the provisions would be developed together to create a sustainable service and enhanced offer to service users and carers. The proposal had been shared with service users, carers and staff and the initial response had been very positive.

Decision number: **Decision:**

The Cabinet noted that the Director of Children and Adults will agree an employee secondment arrangement for the staff working at the Balfour Day Centre. This arrangement will be with MCH in order to facilitate the co-production of a new community resource centre offering health and social care services. The secondment will be for six months, after which point the staff will transfer to MCH if

the co-working is successful.

83/2012 The Cabinet instructed officers to negotiate a six month lease with MCH for the temporary use of the Balfour Day Centre.

Reasons:

To ensure compliance with employment legislation and Council HR policy; and to gain the constructive engagement and participation of staff in creating the future service provision.

To ensure that MCH and Medway Council have a shared understanding of the expectations and arrangements for use of the building and to protect the council's interests.

Adult Mental Health Social Care: Options for the Future

Background:

This report provided details of the options available to the Council to set the longer-term strategy for mental health social care in Medway, following Cabinet's decision on 20 December 2011, to deliver mental health social work services for adults, directly, from 1 February 2012. The Cabinet also instructed officers to evaluate and bring proposals to Cabinet by June 2012 to determine the future delivery of mental health care management and services.

This report provided five options for the development of a longer-term mental social care strategy for Medway. The Health and Adult Social Care Overview and Scrutiny Committee considered this report on 22 May 2012 and recommended to Cabinet to agree to option 1 in the report, to retain the service in Council management and to review the matter after a twelve month period, setting out the weightings on the advantages and disadvantages of any options put forward for future delivery of the service.

Decision number: ***Decision:***

84/2012 The Cabinet agreed to option 1 in the report, to retain the service in Council management and to review the matter after a twelve month period, setting out the weightings on the advantages and disadvantages of any options put forward for future delivery of the service.

Reasons:

This will provide service continuity for a further 12 months prior to a further review of the service.

Proposals for the Development of Additional Primary Age Provision in Chatham

Background:

This report provided details of the need for additional primary age provision in the Chatham area updating the needs identified in the School Organisation Plan 2011-2016, using the latest school census and health data. The School Organisation Plan 2011-16 highlighted an emerging need for additional primary age provision in some areas of Medway, specifically, Chatham, Rochester and Gillingham West. Subsequently, the Children and Adults Capital Programme Cabinet Advisory Group considered the latest forecast figures for Medway and presented options for addressing the identified need. The Cabinet Advisory Group requested further information in the spring, after offers had been made for primary school places for September 2012.

The latest forecasts using the data received in Spring 2012 indicated that the pressure on primary school places was likely to be even more severe than initially highlighted in the School Organisation Plan 2011-2016. This pressure was primarily a result of significant unforeseen inward migration. There had also been further increases in the birth rate, both of which had particularly impacted on the Chatham area. The report provided details of proposals to mitigate these pressures.

The Children and Young People Overview and Scrutiny Committee considered this report on 31 May 2012 and its comments were set out in an addendum report.

The report stated that a Diversity Impact Assessment would be completed in relation to any specific proposals taken forward.

Decision number: ***Decision:***

85/2012 **The Cabinet approved the implementation of plans for the temporary expansion of Greenvale School by one form of entry from September 2012 and up to an additional two forms of entry from September 2013, by establishing additional accommodation on the land to the rear of the White Road Community Centre.**

86/2012 **The Cabinet approved the development of plans to use the former Chatham South site for the establishment of a new primary age Academy from September 2014, and for officers to formally notify the Department for Education (DfE) of the Council's intention to consult with interested**

parties to identify a preferred provider.

87/2012 **The Cabinet agreed to delegate authority to the Director of Children and Adults Services, in consultation with the Portfolio Holder for Children's Services, to make a recommendation to the DfE for a preferred provider to run the new school as an Academy.**

88/2012 **The Cabinet approved the development of more detailed designs for the Chatham South site and buildings to establish a three form entry primary school and the transfer of part of the accommodation to meet the curriculum needs of Chatham Grammar School for Boys.**

Reasons:

This will ensure that the council meets its statutory duty to ensure sufficient good school places.

Mercury Abatement and Improvements to Medway Crematorium - Cremator Works

Background:

This report updated Members on the project for Mercury Abatement and Improvements to Medway Crematorium. Since the award of the second contract design work had progressed on this Design and Build project, but, on 23 May 2012, the contractor responsible for supplying and fitting the cremators advised that the aforementioned delays in securing a principal contractor had meant slippage in their programme and that they would not be able to supply all of the equipment by 31 December 2012 as originally timetabled.

A revised programme had been provided that allowed for the installation of 1 abated cremator by 31 December 2012, which meant that the crematorium would still be able to comply with the target of 50% abatement by the end of December. The remaining cremators would then be installed with completion expected in March 2013.

The Cabinet agreed that the decisions set out below were urgent and should therefore not be subject to call-in. In line with rule 16.11 of Chapter 4, Part 5 of the Constitution, call-in could be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interests. This report was being presented as an urgent item because of the requirement to install cremators capable of removing mercury by 31 December and the two (previously) selected contractors must be in receipt of a contract, agreed by the Council, before they could start placing orders with their suppliers. This agreement to extend was time critical and any further delay would mean that this target date was not achieved.

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The Chairman of the Business Support Overview and Scrutiny Committee had agreed that the decisions proposed were reasonable in all the circumstances and to them being treated as a matter of urgency and to waive call-in.

Additionally, and in line with Rule 16 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution), it was noted that the Chairman of the Business Support Overview and Scrutiny Committee had agreed that the taking of these decisions could not be reasonably deferred.

Decision number:

Decision:

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| 89/2012 | The Cabinet approved an extension of three months for the installation of cremators and abatement equipment at Medway Crematorium. |
| 90/2012 | The Cabinet agreed that these decisions are considered urgent and therefore should not be subject to call-in. |

Reasons:

The extension is the most appropriate and cost effective option.

Cabinet Advisory Groups

Background:

This report provided details of the various Cabinet Advisory Groups, which required to be re-established on an annual basis.

Advisory Groups provided assistance in key areas, including corporate parenting, international relations, the local development framework, the local transport plan, regeneration, the Council's procurement arrangements and Health and Wellbeing. A new advisory group to review, analysis and scrutinise the Regeneration, Community and Culture capital programme was also proposed.

These groups have no decision-making powers and consist of both executive and non-executive Councillors. In some instances they also include external representatives.

The report gave details of the various groups and a number of proposed revisions to the arrangements.

An addendum report was tabled at the meeting which set out some proposed changes to the membership of the Shadow Health and Wellbeing Board.

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Decision number: **Decision:**

91/2012 **The Cabinet agreed the establishment of the Cabinet Advisory Groups with the terms of reference set out in the report and appointment of Members to these bodies, as set out in appendix 1 to the report, for 2012/2013, and as set out in the Addendum Report in respect of the Shadow Health and Wellbeing Board Cabinet Advisory Group.**

Reasons:

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

Appendix 1 to the report provided details of the posts.

Decision number: **Decision:**

92/2012 **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report, to enable officers to commence the recruitment process:**

Children's and Adults

- a) Cybe Youth Connect – Project Coordinator**
- b) Data Monitoring Officer**
- c) Integrated Prevention Administrator**
- d) School Improvement Support Officer**
- e) Student Services Administrator**
- f) Support Services Assistant.**

Reasons:

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

254 Walderslade Road, Chatham

Background:

This report sought authority to demolish and clear the site at 254 Walderslade Road, Chatham, situated in Walderslade ward.

It was noted that 254 Walderslade Road Chatham was a privately owned derelict, empty property situated in the Walderslade ward. It has been subject to numerous complaints to the Council since 2004. The Private Sector Housing team had previously attempted to work with the owner to encourage its renovation but this failed and consequently an enforcement notice was served on the owner requiring him to either undertake improvement works or demolish the property. The owner failed to comply.

The options available to the council were noted and Members were advised that the Council had the statutory power to undertake the works specified in the enforcement notice and demand repayment of its costs from the owner. The report also sought authority to undertake an enforced sale, under section 103 Law of Property Act 1925, in order to recoup its costs if the owner did not repay the Council the cost of demolition.

An exempt appendix contained detailed legal advice and financial information regarding the proposals.

Decision number:

Decision:

93/2012

The Cabinet agreed to delegate authority to the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holders for Housing and Community Services and Strategic Development and Economic Growth to take all necessary steps including: -

- **The demolition of 254 Walderslade Road in default of the notice served on the owner on 12 December 2010 under section 79 Building Act 1984, incurring all associated costs.**
- **In the event of non-repayment of the Council's costs in undertaking the demolition seek to place a charge against the property with the Land Registry and pursue an enforced sale using the power under section 99 Building Act 1984.**

to ensure the property does not remain seriously detrimental to the amenities of the neighbourhood.

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Reasons:

254 Walderslade Road is a long-term empty and derelict property that has been determined to be seriously detrimental to the amenities of the local neighbourhood. Despite considerable effort by Council officers over a number of years to encourage the owner to do something positive with the property it is still in a ruinous and dilapidated condition. The owner has failed to respond to a notice served under s79 Building Act 1984 requiring works to be carried out at the property and the Council now has the power under s99 of the Building Act 1984 to undertake works in default of the enforcement notice.

Demolishing the property will remove a building that is seriously detrimental to the amenities of the neighbourhood.

Gateway 3 Procurement Tender Process Review and Contract Award: Connexions Services

Background:

This report sought permission to award the contract for Connexions Services.

Medway Council had become responsible for the commissioning of the Connexions Service from April 2008 and this procurement fulfilled Medway's statutory obligations under Section 68 of the Education and Skills Act 2008. These obligations placed a duty on local authorities to make available to young people below the age of 19 and relevant young adults (i.e. those aged 20 and over but under 25 with learning difficulties) support that will encourage, enable or assist them to participate in education and training.

The Cabinet had given approval to the commencement of this procurement at Gateway 1 on 4 October 2011.

The contract would begin on 1 September 2012 for a 5-year term with an option to extend for a further two years. It was noted that an interim contract had been approved for up to five months to ensure no gap in service when the current contract ceased in March 2012.

This Procurement Gateway 3 report had been approved for submission to the Cabinet after review and discussion at Children and Adults Directorate Management Team and Procurement Board on 30 November 2011, 18 January 2012 and 16 May 2012.

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

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Decision number: **Decision:**

94/2012 **The Cabinet approved the procurement contract award for Connexions Services to Medway Youth Trust.**

Reasons:

The recommendations have been provided on the basis of the information gathered during the procurement process.

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Leader of the Council

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Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

Telephone: 01634 332509/332008
Email: democratic.services@medway.gov.uk