

COUNCIL

26 JULY 2012

LEADER'S REPORT

Rodney Chambers, Leader of the Council, will give a report on key developments since the last ordinary Council meeting on 26 April 2012.

He will include:

- Armed Forces Covenant and Armed Forces Day
- World Heritage Status and the University Technical College
- Jubilee Celebrations and Festivals
- Medway and the London 2012 Olympics
- Government Aviation Consultation
- Decisions made by the Cabinet on 15 May, 12 June and 10 July 2012.

Record of Cabinet decisions

Tuesday, 15 May 2012

3.00pm to 3.30pm

Date of publication: 16 May 2012

**Subject to call-in these decisions will be effective from 24 May 2012.
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
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
Andy McGrath, Assistant Director, Front Line Services

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 17 April 2012 was agreed and signed by the Leader as correct.

Declarations of interest

There were none.

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.

Reducing domestic abuse and minimising its impact on families and children was a priority for Medway's Community Safety Partnership and Medway Safeguarding Children's Board. It was reported that tackling domestic abuse was one of the priorities contained within the Community Safety Plan 2012-2013 and that there was a multi-agency commitment to the Kent and Medway Domestic Abuse Strategy 2010-2013.

The report gave details of the Community Safety Partnership Sub Group; co-ordination with Kent County Council; domestic homicide reviews; the development of a domestic abuse profile; the role of the Medway Safeguarding Children's Board; and, details of a recent service of remembrance for victims of domestic abuse at Rochester Cathedral.

In relation to the way forward Members were advised that the action plan, reported to Cabinet on 29 November 2011, was being refreshed by the Sub-Group and would be reported back at a later date. Details were also given to the delivery of multi-agency training and Independent Domestic Violence Advisor provision. It was noted that responsibility for coordinating the Council and its partners' work around domestic abuse had passed to the Assistant Director for Frontline Services in January 2012.

Decision ***Decision:***
number:

The Cabinet noted the contents of the report.

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:

Decision:

80/2012 **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) **MSCB Learning and Development Coordinator**
- b) **Exchequer Officer Type 2 x 2**
- c) **Junior Technical Support Engineer**
- d) **ICT Business Development Manager**
- e) **Principal Network Engineer**
- f) **ICT Service Delivery Manager**

Children's and Adults

- g) **Social Work Student Unit Supervisor**
- h) **Research and Information Officer**
- i) **SEND Pathfinder Project Officer**
- j) **Children's Trust Support Officer**
- k) **Schools' ICT Project Officer**
- l) **Temporary staff – Family Information Service**

Regeneration, Community and Culture

- m) **Planning Enforcement Derelict Buildings Officer**
- n) **Administration / Reception Officer.**

Reasons:

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

**Gateway 3 Procurement Tender Process Review and Contract Award:
Integrated Social Care Systems Acquisition**

Background:

This report sought permission to award a contract for the procurement of a new Integrated Social Care System ("Social Care System"), an electronic records management system that was used to record information about families.

It was noted that currently the Children's and Adults Services held client data separately to the other. By procuring the Social Care System, both the Children and Adult's Directorates would be able to capture details of a family's service needs. It was considered that practitioners would be able to form a better picture of a child or adults' care requirements, reduce time dedicated to data entry of service user details, thereby enabling staff in both departments to spend more time with service users, having already formed a complete picture of the needs of the family as a whole.

Members were advised that the supplier for a Social Care System had been selected using an EU Compliant framework – Government Procurement Service – Local Government Software Application Solutions to support the analysis and delivery of operational social work and care management, meet the requirements of Professor Munro's Child Protection Review and the Department of Health's Putting People First Personalisation agenda.

This Procurement Gateway 3 Report had been approved for submission to the Cabinet after review and circulation to Children's and Adult's Directorate Management Team meeting on 10 April 2012 and Strategic Procurement Board on 27 April 2012.

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

Decision number: ***Decision:***

81/2012 **The Cabinet approved the procurement contract award to Corelogic, subject to Council agreeing the addition to the capital programme as set out at decision 82/2012.**

82/2012 **The Cabinet recommend to Full Council that the scheme for the acquisition and implementation of a new ICT integrated system for Social Care be added to the Council's capital programme at a project cost of £1,317,895 as set out in section 2.1.1 of the Exempt Appendix to the report.**

Cabinet, 15 May 2012

Reasons:

The recommendations have been provided on the basis of the Most Economically Advantageous Tender (MEAT) based upon a composite mixture of quality and price. The proposed contractor has adequately demonstrated that they can meet the specification contained in the Mini-Competition Documents.

.....
Leader of the Council

.....
Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

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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 Decision:
number:

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.

Cabinet, 12 June 2012

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:

- | | |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 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.

Cabinet, 12 June 2012

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.

Cabinet, 12 June 2012

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.

Cabinet, 12 June 2012

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

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Record of Cabinet decisions

Tuesday, 10 July 2012

3.00pm to 4.55pm

Date of publication: 12 July 2012

Subject to call-in these decisions will be effective from 20 July 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 Les Wicks	Portfolio Holder for Children's Services
	Councillor David Wildey	Portfolio Holder for Children's Social Care

In Attendance: Neil Davies, Chief Executive
Rose Collinson, Director of Children and Adults
Stephanie Goad, Assistant Director Communications, Performance and
Partnerships
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

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 12 June 2012 was agreed and signed by the Leader as correct.

Cabinet, 10 July 2012

Declarations of Disclosable Pecuniary Interests

There were none.

Statement of Accounts 2011/2012

Background:

This report provided details of the Council's draft Statement of Accounts for 2011/2012. The Council was required under the Accounts and Audit Regulations 2003 (as amended) to produce an annual statement of accounts that is subject to scrutiny by the external auditors. The auditor would subsequently give an opinion on the accounts, and additionally interested parties would have the right to inspect the accounts and make representations to the auditor.

It was reported that the final accounts showed a revenue surplus of £2.885 million which had enabled a contribution to the General Reserve of £2.268 million. It was noted that the final position was a significant achievement and a reflection both of the successful efforts to maintain services at minimum cost and the robustness of the budgets that were originally set.

The final Housing Revenue Account (HRA) for 2011/2012 showed a surplus of £1.569 million. However, a revenue contribution to capital expenditure of £2.889 million meant that the balance on the account fell from £6.156 million to £4.835 million.

The final capital expenditure for 2011/2012 was £75 million with £6 million slipping to future years.

It was noted that the draft Statement of Accounts would be considered by the Audit Committee later on 10 July 2012 for approval.

Decision number: ***Decision:***

95/2012 **The Cabinet noted the revenue and capital outturns as reported and recommended to the Audit Committee that it approve the draft Statement of Accounts for 2011/2012.**

Reasons:

Good practice recommends that Members approve the statement of accounts as soon after 30 June as practicable.

Treasury Management Outturn Annual Report

Background:

This report provided an overview of treasury management activity during 2011/2012. The report covered a number of issues including the Council's treasury position as at 31 March 2012, performance measurement, the strategy for 2011/2012, borrowing and investment rates, the borrowing outturn, compliance with treasury limits and prudential indicators, investment outturn and debt rescheduling.

Overall the Interest and Financing budget made a surplus over its targeted budget by £0.272m. In light of the continued historically low bank rate which continued at 0.5% throughout 2011/12, the overall rate achieved for the in-house team was 1.42% and 1.77% for the fund manager averaging an overall return of 1.51%. The body of the report and the appendices outline the significant financial implications. Any transactions undertaken on either investments or borrowings were governed by the London Code of Conduct, the Council's Treasury Policy Statement, and the CIPFA Code of Practice on Treasury Management in Local Authorities.

It was noted that this report would be referred to Audit Committee later on 10 July 2012 for consideration and approval.

Decision number: ***Decision:***

96/2012 **The Cabinet noted, in accordance with the CIPFA Code of Practice, the content of the Treasury Management Outturn Annual Report and recommended it to the Audit Committee.**

Reasons:

In line with CIPFA's Code of Treasury Management Practice an annual report must be taken to Cabinet detailing the Council's treasury management outturn within six months of the close of each financial year.

2011/2012 End of Year Performance Report

Background:

This report provided detail of the quarter 4/year end Council Plan performance information. This included an overview of each of the Council's priorities and the status of each measure of success. Proposed targets for 2012/2013 were set out in Appendix 3 to the report.

The views of the Business Support and the Health and Adult Social Care Overview and Scrutiny Committees were set out in Appendix 4 to the report. This included a number of recommendations from the Business Support Overview and Scrutiny Committee to Cabinet. The views of the Regeneration, Community and Culture

Cabinet, 10 July 2012

Overview and Scrutiny Committee were set out in an addendum report. The Children and Young People Overview and Scrutiny Committee was scheduled to consider this report on 17 July 2012.

Staff were thanked for their role in achieving performance levels set out in the report, as were the partners and agencies the Council worked with in providing services. The Overview and Scrutiny Committees were also thanked for their scrutiny of the Council's targets.

**Decision
number:**

Decision:

- 97/2012** **The Cabinet noted year-end performance and agreed the recommendations from the Business Support Overview and Scrutiny Committee, as set out in Appendix 4 to the report, with the exception of (g) - truancy patrols.**
- 98/2012** **The Cabinet agreed the targets for 2012/13 as set out in appendix 3 of the report, with the following amendments:**
- W5 – Satisfaction with how the Council deals with graffiti (PI was data only in 2011/12) – increase 2012/2013 target to 80%**
- G6 – Satisfaction with parks and open spaces – increase 2012/2013 target to 83%**
- G7 – Satisfaction with play areas – increase 2012/2013 target to 80%**
- NI 59L – Initial assessment for children's social care carried out within 10 working days of referral – increase target to 78%**
- NI 73 – Achievement at level 4 or above in both English and Maths at Key Stage 2 – increase 2012/2013 target to 76%**
- NI 75 – Achievement of 5 or more A*- C grades at GCSE or equivalent including English and Maths (LAA) – increase 2012/2013 target to 63%**
- NI 92 – Narrowing the gap between the lowest achieving 20% in the Early Years Foundation Stage Profile and the rest (LAA) – the 2012/2013 target to remain at 31.5%**
- NI 130 – Social care clients receiving Self Directed Support in the year to 31 March – increase the 2012/2013 target to 60%**
- LRCC3 – Maintaining people in employment - Number of intensive assists to local businesses – increase 2012/2013**

Cabinet, 10 July 2012

target to 200

NI 117 – 16 to 18 year olds who are not in education, employment or training (NEET) – change the 2012/2013 target to 5.8%

LX5 – Working days lost due to sickness absence – change the 2012/2013 target to 7.00 days

REGEN 1c – Employment that has lasted 26 weeks – add 2012/2013 target: 100 new jobs.

Reasons:

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

Localism Act 2011 - Constitutional Issues

Background:

This report provided details of the Localism Act 2011 and the consequential decisions which were required relating to forms of governance; election and term of Executive Leaders, repeal of provisions regarding petitions and Councillor Call for Action (CCfA).

The Business Support Overview and Scrutiny had considered this report on 21 June 2012 and its recommendations were set out in an addendum report, tabled at the meeting. The Committee had also asked officers to provide information on alternative forms of governance and this information was set out in Appendix A to the report.

The Committee had recommended to Cabinet no change to the Council's petition scheme and changes to the Overview and Scrutiny rules to give effect to the revocation of the Councillor Call for Action scheme for non crime and disorder issues and the implementation of a requirement to enable any member of the Council who is not a Member of the relevant Overview and Scrutiny Committee to be able to refer matters to the Committee (with the exception of excluded matters).

Decision number:

Decision:

99/2012

The Cabinet recommended the following to Council, on 26 July 2012, for approval:

- (i) That at this stage the Council be recommended to make no change to the current arrangements regarding the form of governance but to note that Localism Act 2011 provides options to make**

Cabinet, 10 July 2012

changes;

- (ii) That a four year term of office for the executive Leader should be retained and agreement to the minor changes to the Council's executive arrangements as set out in Appendix B given the potential for further regulations being made by the Secretary of State;
- (iii) That no change should be made at this stage to the Councils petitions scheme even though the Localism Act revokes the duty to have a scheme for handling petitions, noting that the Business Support Overview and Scrutiny Committee has called for a report reviewing the arrangements for e-petitioning;
- (iv) That the changes to the overview and scrutiny rules as highlighted in Appendix C to give effect to revocation of the Councillor Call for Action scheme (for non crime and disorder issues) and the implementation of a requirement to enable any member of the Council who is not a member of the relevant Overview and Scrutiny Committee to be able to refer matters to the Committee (with the exception of excluded matters).

Reasons:

The Council is required to respond to the provisions of the Localism Act 2011 – this report will enable the Cabinet's views on the proposals to be reported to Council on 26 July 2012.

Covert Surveillance

Background:

This report sought approval of the Covert Surveillance Policy and Guidance under the Regulation of Investigatory Powers Act 2000 (RIPA).

It was noted that the Council had at its disposal a number of means of investigating and prosecuting offences and in some specific circumstances it may be necessary to undertake covert investigations. It was noted that the Office of Surveillance Commissioners had inspected the Council in 2009 and 2012 and following the recent inspection an action plan had been produced which included approval of a covert surveillance policy. Members were also informed that the law that related to covert surveillance was changing and the report detailed the law and the changes.

The Covert Surveillance Policy and Guidance would also be presented to the Audit Committee on 10 July 2012, with the Committee being requested to provide quality

Cabinet, 10 July 2012

assurance of the process used to obtain any covert surveillance evidence for the year 2012/13.

Members were advised of a number of proposed amendments to the Covert Surveillance Policy and guidance, which are set out below:

- Amendments to the Covert Surveillance Policy to take account of recent changes in the law and to more accurately reflect how the Council obtains communications data.

para 17.3 and 17.4 should read

”Judicial Approval for obtaining or disclosing communications data

17.3 Chapter 2 of Part 1 of RIPA (as amended by the Protection of Freedoms Act 2012, Part 2) sets out the specified grounds for authorising the acquisition and disclosure of communications data

Judicial Approval for directed surveillance and covert human intelligent sources (CHIS)

17.4 Part 2 of RIPA (as amended by the Protection of Freedoms Act 2012, Part 2) specifies the grounds for which authorisations can be granted for carrying out directed surveillance and for the use of CHIS.”

Para 17.7 – The threshold has now been introduced by SI 2012/1500 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012

- **GUIDANCE – COMMUNICATIONS DATA**

Para 11.1 Delete “within the council”

Para 11.2 Delete all after “SPOCs (Single Point of Contact) currently having.....” and replace with

“Medway Council currently uses the National Anti-Fraud Network (NAFN) as their SPOC. NAFN is a membership organisation open to all public sector bodies providing key benefits that support members to protect the public purse and deliver effective financial governance. It is recognised by the Home Office as an expert single point of contact for data requests under the Regulation of Investigatory Powers Act 2000 for the acquisition of Communications Data.”

It was noted that a Diversity Impact Assessment screening form had been undertaken and was attached at Appendix 2 to the report. This had shown that it was not necessary to undertake a full assessment on the draft policy.

Cabinet, 10 July 2012

Decision number:

Decision:

100/2012

The Cabinet agreed:

- a) **The Covert Surveillance Policy, as set out in Appendix 1 to the report as amended (see above).**
- b) **To receive an annual report on the operation of the Covert Surveillance Policy.**

The Cabinet noted that the Audit Committee would be asked to provide quality assurance of the process used to obtain any covert surveillance evidence for the year 2012/13.

Reasons:

The Council takes on board the recommendations of the Office of Surveillance Commissioners' Inspector that it is best practice to adopt a policy

Amalgamation of Sherwin Knight Infant School with Sherwin Knight Junior School

Background:

This report outlined the proposals for the amalgamation of Sherwin Knight Infant School with Sherwin Knight Junior School by way of statutory prescribed alterations, and requested that the Cabinet approved a period of informal consultation.

The report gave details of the Council's School Organisation Principles and advised that Sherwin Knight Infant and Junior Schools were federated with a single governing body, but operated under the leadership of separate head teachers. It was noted that the infant school head teacher had tendered her resignation and the chair of the federated governing body contacted the Council in May 2012, requesting that amalgamation be considered.

The report provided details and analysis of the proposals and a timetable for the consultation process. It was proposed that Cabinet consider the outcome of informal consultation on 15 January 2013.

It was noted that a diversity impact assessment would be completed and reported to Members.

Decision number:

Decision:

101/2012

The Cabinet approved officers proceeding to a period of informal consultation, to obtain the comments and opinions of interested stakeholders.

Cabinet, 10 July 2012

Reasons:

To comply with the approved School Organisation Plan 2011-16, which states that “all Infant and Junior Schools should be amalgamated over time”.

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

Amalgamation of Swingate Infant School with Spinnens Acre Junior School

Background:

This report outlined the proposals for the amalgamation of Swingate Infant School with Spinnens Acre Junior School by way of statutory prescribed alterations, and requested that the Cabinet approve a period of informal consultation.

The report gave details of the Council’s School Organisation Principles and advised that the governing bodies of Swingate Infant School and Spinnens Acre Junior School had sent a joint letter to the Children and Adults directorate in December 2011 requesting amalgamation. It was also noted that the governing body had undertaken consultation and no objections had been received; they were therefore progressing with the actions required to effect the federation from September 2012.

The report provided details and analysis of the proposals and a timetable for the consultation process. It was proposed that Cabinet consider the outcome of informal consultation on 15 January 2013.

It was noted that a diversity impact assessment would be completed and reported to Members.

Decision **Decision:** **number:**

102/2012 The Cabinet approved officers proceeding to a period of informal consultation, to obtain the comments and opinions of interested stakeholders.

Reasons:

To comply with the approved School Organisation Plan 2011-16, which states that “all Infant and Junior Schools should be amalgamated over time”.

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

Overview and Scrutiny Referral: Disposal of King Street Car Park, Rochester

Background:

This report set out a referral from the Business Support Overview and Scrutiny Committee regarding the disposal of part of the King Street car park, Rochester for development.

It was noted that the Cabinet had agreed in March 2008 to the disposal of various properties, which had included King Street car park. This had been called-in and considered at a meeting of the Business Support Overview and Scrutiny Committee. The Cabinet subsequently agreed to dispose of 50% of the King Street car park area, retaining the remainder for public parking. It was also noted that, in order to establish that the surplus part of the site was suitable for residential development, outline planning permission for eight apartments had been sought which had been refused by the Planning Committee on 7 March 2012. A copy of the planning application and decision notice were attached to the report.

Details of the consideration and referral from the Business Support Overview and Scrutiny Committee on 21 June 2012 were set out, together with officer comments.

Decision number: **Decision:**

103/2012 The Cabinet agreed that it defer the implementation of decision 130/2008 to dispose of 50% of King Street car park in Rochester until after the development, and occupation, of the old police station site in Rochester and that officers re-evaluate the use of this car park and car parking in the local area and report back to Cabinet for re-consideration of this matter in twelve months time.

Reasons:

The car park has been unable to acquire outline planning permission and remains with a low value and un-sold. There is pressure on parking in the surrounding area due to recent and future developments and the local business community requires easily available parking in the immediate vicinity especially during this difficult economic time.

Proposed New Supermarket and Community Hub in Strood: Update

Background:

This report provided an update on the proposed disposal of land and the possible development of a new supermarket and Community Hub in Strood town centre. This had previously been discussed at Cabinet on 4 October 2011, and subsequently Council on 20 October 2011.

Cabinet, 10 July 2012

Members were advised that the purchaser had now advised that they were not prepared to be obliged to build the Hub (as this would also oblige them to build the store whether it wanted to or not) as a condition of the land sale and that it would only build the Hub if it built a new store on the site.

It was reported that whilst the decisions had not been explicit in stating that the sale of the land was conditional upon the purchaser agreeing to build the Community Hub, it was clear from the reports to Cabinet and Council that the main objective was to secure a new Community Hub. It was also noted that the planning consent, which had been obtained for the development, showed the Hub and the store as an integrated part of the same scheme.

Members were advised that under the terms of the purchaser's suggested amendments to the transaction, the Council would still receive a substantial capital receipt from the sale of surplus property assets but the Council may not be able to secure the construction of or the use of the Hub.

Decision number:

Decision:

104/2012

The Cabinet recommended to Full Council that it delegates authority to the Assistant Director of Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to enable the disposal of the Temple Street Car Park and the adjoining yard (as shown edged black and hatched black on the plan attached to the report), upon the best terms reasonably obtainable.

Reasons:

To realise a capital receipt from the sale of surplus property assets.

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.

Cabinet, 10 July 2012

**Decision
number:**

Decision:

105/2012

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) Service Manager - Children's Referral and Assessment Team**

Regeneration, Community and Culture

- b) BRIDGE + Ecotec 21 Project Officer**
- c) ICM (Innovation Centre Medway) Assistant x 2 – 1 FT + 1 PT**
- d) Receptionist/Administrator**

Reasons:

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

.....
Leader of the Council

.....
Date

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