

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.

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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

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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**

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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**

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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

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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.

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**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.

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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.

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**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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