

## Record of Cabinet decisions

**Tuesday, 27 November 2012**

**3.00pm to 4.55pm**

**Date of publication: 28 November 2012**

**Subject to call-in these decisions will be effective from 6 December 2012  
The record of decisions are subject to approval at the next meeting of the Cabinet**

<b>Present:</b>	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  
Dr Alison Barnett, Director of Public Health  
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  
Barbara Peacock, Director of Children and Adults Services

### **Apologies for absence**

There were none.

### **Record of decisions**

The record of the meeting held on 30 October 2012 was agreed and signed by the Leader as correct.

## Declarations of disclosable pecuniary interests

There were none.

## Localising Support for Council Tax

### Background:

This report detailed the outcome of the consultation for the delivery of a local Council Tax Support scheme and sought Members' approval to draw up a scheme, which would then be presented to Cabinet on 18 December 2012 for consideration and referral to Council.

It was noted that as part of the Spending Review 2010 the Government made a policy commitment to localise support for council tax by 2013/14 accompanied by a declared intention to reduce expenditure by 10%. The implications of the Welfare Reform Act 2012 and Local Government Finance Act 2012 were set out in the report, which included the requirement for the Council to establish a scheme for the financial year beginning 1 April 2013.

The Cabinet had agreed on the contents of consultation on 4 September 2012. Consultation had then taken place from 10 September 2012 to 4 November 2012 on both the preferred scheme (attached at Appendix A to the report) and other additional options that had been identified and considered as part of the process of developing a scheme (attached at Appendix B to the report). It was reported that in total 557 survey questionnaires were completed either by phone, on paper or the web and a further 92 letters from individuals and 2 from organisations responding to the survey were received.

The report summarised the outcome of the consultation process, with further details provided within the appendices to the report.

The report also gave details of the announcement by the Department for Communities and Local Government on 18 October 2012 that an additional £100m would be made available for one year to support local authorities in developing council tax support schemes. Details of qualifications for this grant was given and it was noted that acceptance of the transitional grant and a cap on the benefit reduction of 8.5% would cost the Council a net £1.4 million.

It was also reported that a full Diversity Impact Assessment would be completed and submitted with the proposed scheme to Cabinet on 18 December.

### **Decision number:**

### **Decision:**

**189/2012**

**The Cabinet agreed to instruct officers to draw up a local council tax support scheme based upon the preferred scheme, which was subject to consultation, and report this**

**back to Cabinet on 18 December 2012.**

**Reasons:**

The majority of respondents to the consultation were in agreement with the principles of the scheme.

The scheme balances the need for supporting those currently in receipt of council tax benefit and the ability of the Council to fund the scheme within the current budgetary constraints.

**Capital and Revenue Budget 2013/2014**

**Background:**

This report presented the Council's draft revenue budget for 2013/2014. In accordance with the Constitution, Cabinet was required to develop initial budget proposals approximately three months before finalising the budget and setting council tax levels at the end of February 2013.

The draft budget was based on the principles contained in the Medium Term Financial Plan 2013/2016 approved by Cabinet in October 2012 and reflected the formula grant assumptions for 2013/2014 announced as part of the consultation on the Resource Review this year.

It was reported that the initial budget proposals showed a current forecast budget gap of £11.950 million, which was significantly greater than predicted in the Medium Term Financial Plan. The report set out details of the recent funding announcements; this included the £2 million lost revenue from Council Tax associated with the 'freeze' announcement, the additional £2 million lost in delivering additional resources for 2 year olds through the Dedicated Schools Grant and the £7 million top-slice of formula grant for Local Authority Central Spend Equivalent Grant (LACSEG).

It was noted that the Council would not know the definitive position in regard to Government support until the final settlement in January 2013, although the provisional settlement due in late December would provide greater certainty.

Budget proposals incorporating pressures were set out within the report and accompanying appendices. In relation to the capital budget proposals for 2013/2014 it was noted that, at this stage, it had been assumed that future investment would be restricted to the existing approved Capital Programme, supplemented by the Council's expectations in relation to Government grant.

The report also set out details of the main factors and assumptions that would form the basis of the 2013/2014 Housing Revenue Account budget.

It was noted that Diversity Impact Assessments would be undertaken and reported to Members as part of the budget and service planning process as the impact of the financial settlement on Council services became clearer.

## Cabinet, 27 November 2012

The Cabinet accepted this report as urgent to facilitate the budget consultation process in accordance with the timescales in the Constitution.

**Decision  
number:**

**Decision:**

- 190/2012**      **The Cabinet instructed officers to continue to lobby ministers and Government for a more equitable share of resources for Medway.**
- 191/2012**      **The Cabinet agreed that officers work with Portfolio Holders to come up with solutions to bridge the funding gap.**
- 192/2012**      **That Cabinet agreed to forward the provisional draft budget to Overview and Scrutiny as work in progress inviting them to offer comments on the proposals outlined.**

**Reasons:**

It is the responsibility of Cabinet to develop draft budget proposals for consideration by overview and scrutiny committees. These draft proposals are the first stage of the budget consultation process leading to further discussion by Cabinet on 12 February 2013 and formal council tax setting on 21 February 2013.

### **Protecting Health: The Annual Public Health Report of the Director of Public Health 2011/12**

**Background:**

This report presented the Annual Public Health Report of the Director of Public Health for 2011/12.

This year's report focused on health protection, the branch of public health concerned with protecting the public from communicable diseases and other environmental threats. The first section covered communicable diseases including childhood infections, sexually transmitted infections and human immunodeficiency virus (HIV) infection. The second dealt with the prevention of communicable disease through immunisation. The final section covered environmental threats to health, which had the potential to worsen health inequalities such as poor air quality, noise and poor housing.

The report included recommendations to Medway Council and its partners within the new public health system:

- To improve immunisation rates particularly for Measles, Mumps and Rubella (MMR) and seasonal flu,
- To promote uptake of chlamydia screening in sexually active 15-24 year olds,

## Cabinet, 27 November 2012

- That Medway Council in developing its vision and strategy for public health considers how it can ensure that public health benefits are realised across the breadth of the Council's responsibilities.

It was noted that from April 2013 Medway Council would have new responsibilities for ensuring that plans were in place to protect the health of the population.

It was noted that the Health and Adult Social Care Overview and Scrutiny Committee had considered the report on 9 October 2012 and details of the Committee's comments were set out in section 3 of the report.

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

**193/2012      The Cabinet noted the comments of the Health and Adult Social Care Overview and Scrutiny Committee, noted the Annual Public Health Report and instructed the Director of Public Health to work with Council officers on developing a process to ensure that public health benefits are realised across the Council's responsibilities.**

**Reasons:**

This year's Annual Public Health Report focuses on health protection and the Cabinet acknowledged its role in considering how the Council, with partners, can work within the new public health system.

### **Development of a Joint Health and Wellbeing Strategy for Medway**

**Background:**

This report outlined the development of the Medway Joint Health and Wellbeing Strategy in line with the requirements of the Health and Social Care Act 2012.

The Joint Health and Wellbeing Strategy aimed to improve the health and wellbeing of the population in Medway and was directly informed by the enhanced Joint Strategic Needs Assessment (JSNA) 2012. The strategy incorporated five strategic themes:

1. Give every child a good start
2. Enable our older population to live independently and well
3. Prevent early death and increase years of healthy life
4. Improve physical and mental health and wellbeing
5. Reduce health inequalities

The report explained that consultation on themes and the development of priority actions to deliver on these themes was carried out. This included an online consultation and a stakeholder event. The outcome was reviewed by the Shadow Health and Wellbeing Board on 31 July 2012 and strategic themes confirmed. A list

## Cabinet, 27 November 2012

of priority actions drawn from the JSNA and the consultation process were considered and scored under each theme using appropriate criteria. One priority action was agreed under each theme as a focus for action for 2013/14.

It was noted that the Shadow Health and Wellbeing Board on 11 September 2012 and Health and Adult Social Care Overview and Scrutiny Committee on 9 October 2012 had considered the Strategy. Their comments were set out in the report.

Members were advised that the monitoring and outcomes framework was being further developed and officers were working on developing robust delivery plans for the identified priority actions. An all Member Briefing on the new public health role of the Council had also been arranged and meetings were being held to ensure the themes identified in the Joint Health and Wellbeing Strategy were reflected in all the Council's work.

A Diversity Impact Assessment screening form was attached as Appendix 6 to the strategy. It was noted that this had it found it was not necessary to undertake a full impact assessment.

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

**194/2012**      **The Cabinet noted the comments of the Health and Adult Social Care Overview and Scrutiny Committee and approved the Joint Health and Wellbeing Strategy for Medway.**

### **Reasons:**

The strategy sets out the health and wellbeing issues for the community based on evidence from the Medway Joint Strategic Needs Assessment, what can be done to address them and what outcomes are intended to be achieved. The decision also discharges the statutory duty through the Health and Wellbeing Board to prepare and adopt a Health and Wellbeing Strategy.

### **Update on Domestic Abuse**

#### **Background:**

This report updated Members on work undertaken since January 2012 in making improvements to domestic abuse services within Medway and on the way forward for this service.

It was noted that 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 (part of the Children's Trust arrangements). There was also a multi-agency commitment to the Kent and Medway Domestic Abuse Strategy 2010 – 2013.

## Cabinet, 27 November 2012

Cabinet had considered a report on 29 November 2011 containing an action plan for taking forward areas that were highlighted by the domestic advice review as being of high priority. This action plan had been reviewed and refined, with progress being tracked through the subgroup, which is accountable to the Community Safety Partnership. A copy of the updated plan was attached as Appendix One.

**Decision number:**

**Decision:**

**195/2012**

**The Cabinet noted the contents of the report and agreed that progress is reported to Cabinet every 12 months.**

### **Reasons:**

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

### **Disposal of 139A Palmerston Road, Chatham**

#### **Background:**

This report set out a proposal to declare 139A Palmerston Road, Chatham surplus, so that it could be disposed of for best consideration.

It was noted that the Council owned the freehold of the site, as shown on the plan attached to the report. The Lodge had been occupied until recently by a service tenant who was accommodated at the Lodge for the betterment of duties carried out at the cemetery. Now that the tenant had vacated the Lodge, it had become surplus to Council requirements as the duties undertaken at the cemetery were no longer required.

It was reported that the property could either be retained or sold. If sold a capital receipt would be obtained, which the Council could use towards funding service priorities/reducing debt and the disposal would also hopefully result in further investment in the Medway area. If the property was retained it was likely to remain empty, as the cost of bringing the property up to a standard so that it could be let as a council house was considered to be prohibitive when compared to the rental income.

**Decision number:**

**Decision:**

**196/2012**

**The Cabinet agreed that the site of the lodge/office at 139a Palmerston Road Chatham, (as shown approximately edged black on the plan attached to the report) be declared surplus and the Assistant Director of Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, be given delegated authority to dispose of it at**



**best consideration.**

**Reasons:**

To reduce revenue costs, realise a capital receipt and gain investment in the Medway area.

**Proposed Chatham Regeneration Board**

**Background:**

This report proposed to re-establish a Chatham Regeneration Board to ensure the Council was in a position to effectively progress regeneration in Chatham.

It was noted that in 2011 the Cabinet had agreed to subsume the Chatham Board, together with the Medway Regeneration Advisory Group and Strood Regeneration Cabinet Advisory Group, into a new Medway Regeneration Community & Culture Advisory Group. Since then however circumstances had substantially changed; this included the recruitment of a Strategic Regeneration Project Manager, meetings with representatives from the agency who control the Pentagon Shopping Centre and various funding streams which have enabled a series of projects to be progressed.

In these changed circumstances it was recommended that a renewed Chatham Regeneration Board be established with a remit to oversee regeneration in Chatham.

A revised Appendix 1 was tabled at the meeting. This set out the membership by designations rather than by individually named Members.

**Decision number:**

**Decision:**

**197/2012**

**The Cabinet approved the re-establishment of a Chatham Regeneration Board as a Cabinet Advisory Group, with the terms of reference and membership, as set out in the revised Appendix 1 tabled at the meeting.**

**198/2012**

**The Cabinet agreed to remove the regeneration of Chatham from the terms of reference of Medway Regeneration Community & Culture Advisory Group.**

**199/2012**

**The Cabinet delegated authority to the Chief Executive to finalise the membership of the Chatham Regeneration Board, in consultation with the Group Whips.**

**Reasons:**

A Chatham Regeneration Board will provide improved coordination and oversee progress of regeneration in Chatham.



## 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:

200/2012

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) Finance Assistant
- (b) Principal Accountant – Finance Support
- (c) Print Operative (x2)

#### Children and Adults

- (d) Data Monitoring Officer Legal
- (e) Direct Payment Monitoring Officer
- (f) Parenting Practitioner
- (g) Service Support Assistant (x2).

### Reasons:

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

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

### Background:

This report reviewed the progress of the Highways Minor Works contract currently undertaken by VolkerHighways.

This contract, which had been awarded in 2007, provided Medway with the majority of highway maintenance services required, including: winter service, emergency call outs, responsive maintenance, along with some planned maintenance and highway scheme implementation.

Permission was sought to extend this contract for one year (from 1 August 2016 to 31 July 2017) on the basis that this contract had provisions to extend, had fulfilled

## Cabinet, 27 November 2012

requirements in accordance with the service specification and associated contract terms and conditions and because no major issues had been identified which caused concern.

It was noted that this Procurement Gateway 5 report has been approved for submission to the Cabinet after review and discussion at the Regeneration, Community and Culture Directorate Management Team meeting on 4 October 2012 and the Procurement Board on 31 October 2012.

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

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

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

**The Cabinet noted that VolkerHighways Asphalt resurfacing rates were the best rates of all seven authorities who contributed to the recent SE7 benchmarking exercise, showing that VolkerHighway offered good value for money.**

**201/2012      The Cabinet agreed the award of a fifth one (1) year extension to VolkerHighways for the Highways Minor Works Contract (from 1 August 2016 to 31 July 2017), in accordance with the conditions of contract, which was originally procured through the Council's procurement procedures.**

**Reasons:**

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

**Gateway 5 Contract Management Report: DCLG Weekly Collections Support Fund**

**Background:**

This report sought permission to amend the Collection Services and Street Cleansing Service contract currently being delivered and awarded to Veolia Environmental Services. This was to facilitate an increase in the frequency of recycling and organics kerbside collections from fortnightly to weekly. Further information relating to permissions was detailed within the report.

## Cabinet, 27 November 2012

It was noted that proposed changes in service delivery were subject to funding from the Department of Communities and Local Government's 'Weekly Collection Support Fund'. This challenge fund had been established by Government to encourage local authorities to retain or reinstate weekly rubbish collections. Medway Council had submitted a bid for both revenue and capital funding proposing an increase in both recycling and organics collections to weekly in line with black sack refuse collections.

An addendum report advised that, since the publication of the agenda, the Department for Communities and Local Government had confirmed that the bid had been successful subject to the terms and conditions. The Council would therefore receive funding totalling £14,029,901 over three years for the weekly collections services.

It was reported that this Procurement Gateway 5 report had been approved for submission to Cabinet after review and discussion at Regeneration, Community and Culture Directorate Management Team meeting on 25 October and the Strategic Procurement Board on 31 October 2012.

The Portfolio Holder and officers were thanked for their efforts in securing the funds.

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

***Decision number:***

***Decision:***

- |                 |  |
|-----------------|--|
| <b>202/2012</b> | <b>The Cabinet confirmed acceptance of the Department of Communities and Local Government offer of funding from the Weekly Collection Support Fund to enable Medway to introduce weekly recycling and organic waste collection and maintain the weekly residual waste collection service for a minimum of 5 years as per the funding criteria.</b>   |
| <b>203/2012</b> | <b>The Cabinet endorsed the publication of this commitment on the Council website and in associated literature produced to promote the weekly collection services.</b>   |
| <b>204/2012</b> | <b>The Cabinet recommended to Council that the capital purchase of the new refuse and recycling fleet, as funded by the allocation of this money, be included in the Capital Programme as soon as possible.</b>  |
| <b>205/2012</b> | <b>The Cabinet approved a contract variation that will facilitate an increase in the frequency of recycling and organics kerbside collections from fortnightly to weekly. The variation will involve a number of existing Bill of Quantities (BoQ) unit prices being incorporated within one encompassing unit price that reflects efficiency savings. This variation must also adequately cover the capital</b> |

## Cabinet, 27 November 2012

**purchase of vehicles through Veolia Environmental Services, which will extract their cost from the existing revenue budget and contract payment mechanism.**

**206/2012 The Cabinet agreed to delegate authority to the Assistant Director Legal and Corporate Services, in consultation with the Portfolio Holders for Frontline Services and Finance, to make any subsequent adjustments that may be required as a result of detailed terms of the funding.**

### **Reasons:**

The decisions are provided on the basis that this enhanced service will

- put the customer at the centre of everything we do by satisfying past and current research indicating that residents would welcome increased recycling collections;
- giving value for money by using external capital and revenue funding to create a scheme likely to save in excess of £1million in disposal costs over the lifetime of the current contract;
- help create a cleaner, greener environment by diverting more resources to recycling and composting while giving Medway a very real chance of hitting its 2015 recycling rate target of 45%.

### **Exclusion of the Press and Public**

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

**207/2012 The Cabinet agreed to exclude the press and public during consideration of agenda item 15 (Litigation Delegation) because consideration of this matter in public would disclose information falling within paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972 and, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.**

**Cabinet, 27 November 2012**

**Litigation Delegation**

**Background:**

This exempt report contained commercially sensitive and legally privileged information in respect of litigation.

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

**208/2012**      **The Cabinet agreed the recommendation as set out in paragraph 8.1 of the report.**

**Reasons:**

As set out in the report.

.....  
**Leader of the Council**

.....  
**Date**

**Wayne Hemingway/Anthony Law, Democratic Services Officers**

Telephone: 01634 332509/332008  
Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)

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