

## **Record of Cabinet decisions**

**Tuesday, 15 January 2013**

**3.00pm to 4.10pm**

**Date of publication: 16 January 2013**

**Subject to call-in these decisions will be effective from 24 January 2013  
The record of decisions are subject to approval at the next meeting of the Cabinet**

<b>Present:</b>	Councillor Alan Jarrett	Deputy Leader and Portfolio Holder for Finance
	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:** 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  
Julie Keith, Head of Democratic Services  
David Quirke-Thornton, Assistant Director, Adult Social Care

### **Apologies for Absence**

Apologies for absence were received from Councillor Rodney Chambers (Leader) and Councillor David Brake (Adult Services).

### **Record of Decisions**

The record of the meeting held on 18 December 2012 was agreed and signed by the Deputy Leader as correct.

### **Declarations of Disclosable Pecuniary Interests**

There were none.

## **Provisional Local Government Settlement 2013/2015**

### **Background:**

This report provided Cabinet with details of the provisional Local Government settlement announced by Government on 19 December 2012.

The settlement covered the concluding 2-year period of the Spending Review 2010 and was the first settlement under the new arrangement for business rates which would come into place on 1 April 2013.

It was noted that the overall settlement figure, as announced as the 'Start-up Funding Assessment', was £1.906 million better than that forecast in the draft budget report for 2013/2014, and £0.963 million better than the forecast for 2014/2015. This excluded grants such as the Dedicated Schools Grant (DSG) and other Department for Education (DfE) schools based grants, Public Health Grant, New Homes Bonus, Adult Learning and a number of more minor grants.

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

**The Cabinet noted the provisional settlement as an essential part of the budget setting process for 2013/14.**

### **Reasons:**

These provisional levels of grant form a fundamental component of the 2013/14 budget, and their announcement is a further stage in the process of preparing a balanced budget.

## **Technical Reforms of Council Tax**

### **Background:**

This report provided details of the Government's technical reforms to Council Tax. This followed royal assent of the Local Government Finance Act 2012 on 31 October 2012, which set out the framework for the technical reforms and subsequent regulations and orders.

The report set out information and proposals regarding empty homes discount, Class A exemptions (dwellings undergoing major repair work), Class C exemptions (dwelling that is unoccupied and unfurnished), Class L exemptions (dwelling where mortgagor has had home repossessed by a bank or building society), empty homes, paying by instalments, information to be contained in demand notices, "rent a roof" solar photovoltaic installations on domestic properties and valuing annexes as part of the main dwelling.

## Cabinet, 15 January 2013

**Decision  
number:**

**Decision:**

- 1/2013** The Cabinet recommended that Council note the power to reduce the discount in respect of second homes from 10% to 0% but agree not do so at this time.
- 2/2013** The Cabinet recommended that Council note the removal of Class A & Class C properties from the list of exemptions and agree to replace them with new discounts of 100% for 12 months (Class A) and 100% for 3 months (Class C) respectively.
- 3/2013** The Cabinet recommended that Council note that no regulations have yet been issued to change the liable party in respect of properties where the mortgagee is in possession.
- 4/2013** The Cabinet recommended that Council note the power to levy an additional premium on those properties that have remained empty and unfurnished in excess of two years but agree not do so at this time.
- 5/2013** The Cabinet recommended that Council note the changes to the instalment scheme for Council Tax and possible consequences for the timetabling of future tax setting meetings.
- 6/2013** The Cabinet recommended that Council request officers to publish the information to be contained in demand notices electronically, only supplying hard copy as and when requested.
- 7/2013** The Cabinet recommended that Council note the changes relating to the valuation of solar panels and granny annexes.

**Reasons:**

To increase the amount of council tax liability in 2013/14, thus mitigating in part the additional costs attributable to the introduction of a local council tax reduction scheme, for those elements where the additional income will clearly exceed the cost of collection.

### **Rochester Railway Station Relocation and New Car Park Provision**

**Background:**

This report provided details of proposals to redevelop part of the Corporation Street car park as a component of a scheme to relocate Rochester Station and provide

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access to the Riverside development whilst providing additional replacement parking facilities for shoppers, businesses and rail users. Funding for the scheme was announced in the Network Rail National Infrastructure Plan in early January 2013 and represented a £26-£28 million investment in Rochester.

The report set out the benefits of the relocated station including; an increased platform and concourse capacity to cater for 12 car trains, rather than 9 as at present; quicker more frequent/more reliable service up and down the line to and from London to Medway and beyond; station better located for Rochester town centre and Rochester Riverside; the ability to better integrate with other modes of transport and a new pedestrian subway (to be funded by Network Rail) to link the new station with the Rochester Riverside site and Rochester town centre.

The report also provided details of the existing car parking spaces in the locality, the demand for spaces following the relocation and the proposal to accommodate all these additional spaces in a new car park to be constructed within the Rochester Riverside site and located close to the new subway, which Network Rail would build to link the site to the new station and Rochester town centre.

It was also noted that the site was included in the Rochester Riverside collaboration agreement with the Homes and Communities Agency (HCA) (formerly SEEDA) and therefore the HCA's consent would be needed before the site could be disposed of or any rights granted across the site.

A timetable setting out the milestones for the delivery of the new station was tabled at the meeting.

The Cabinet accepted this report as urgent in response to the Network Rail announcement on the scheme and to enable officers to start work on the proposals as soon as possible.

**Decision  
number:**

**Decision:**

**8/2013**

**The Cabinet agreed to delegate authority to the Assistant Director of Legal and Corporate Services, in consultation with the Leader, to:**

- (a) Declare surplus part of the Corporation Street Car park site and to dispose of it to Network Rail to use as a site for a new station;**
- (b) Grant any necessary rights over the Council's land to enable the Station to be built; and**
- (c) Amend the Collaboration Agreement to reflect the inclusion of part of the Corporation Street Car Park as part of the Rochester Riverside site.**

**Reasons:**

To ensure that the new station can be developed on the site and that there is no consequential net loss of parking spaces.

**Eastgate House Heritage Lottery Fund - Stage 2 Award**

**Background:**

This report provided details of the successful bid to the Heritage Lottery Fund (HLF) for a stage 2 application for Eastgate House, Rochester. The Council had been awarded £1.28 million from the HLF towards the £2.156 million project and the report detailed the remaining funding sources, including the Council's Capital Programme including prudential borrowing.

The aim of the scheme, a key project within the Council's Cultural Strategy and Council Plan, was to conserve Eastgate House and open it up as a distinctive, valued and vibrant community resource for Medway and its visitors. When completed, the project will transform access to and visitors' experience of this local landmark and create a sustainable future.

A Diversity Impact Assessment screening was undertaken on the proposals, as set out in appendix 1 to the report. This indicated that a full assessment was not required.

**Decision number:**

**Decision:**

9/2013

**The Cabinet:**

- (a) noted the position with the Eastgate House Stage 2 Grant Award;**
- (b) authorised the Director of Regeneration, Community and Culture to enter into a grant agreement to deliver the Eastgate House HLF Project and;**
- (c) recommended to Full Council on 24 January 2013 that the Eastgate House HLF Project be added to the Council's Capital Programme, and approve the Prudential Borrowing.**

**Reasons:**

Eastgate House is a key project within the Council's Cultural Strategy and Council Plan. The HLF Stage 2 Grant Award provides a unique opportunity to deliver the Eastgate House project that will result in the creation of a key visitor attraction and safeguards an important Grade I Listed building.

## **Proposals for the Development of Additional Primary Age Provision in Gillingham**

### **Background:**

This report provided details of the need for additional primary age provision in the Gillingham area. The report updated the needs identified in the School Organisation Plan 2011-2016, using the latest school census and health data. It also highlighted actions already in place and those required in the future to ensure the Council complied with its statutory duty to provide sufficient good school places.

The report set out detailed information on the forecast of pupil numbers and the options to address the shortage of places in the Gillingham area, including proposals for Saxon Way Primary School, Brompton Westbrook Primary School and Thames View Primary School.

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

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

### ***Decision:***

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|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>10/2013</b> | <b>The Cabinet agreed that Saxon Way Primary School be expanded from 1 form of entry (FE) to 2FE, and that a feasibility study be undertaken to explore this option further to decide upon the accommodation and phasing requirements. These will be developed in consultation with the proposed academy sponsor; the conversion process to academy status is underway and is subject to Secretary of State approval.</b> |
| <b>11/2013</b> | <b>The Cabinet agreed that Thames View Primary School be approved as a back up option should Saxon Way Primary School prove for any reason not to be a viable solution, or indeed should further additional accommodation be required in the future and discussions to this effect have been held with the head teacher at Thames View Primary School.</b>                                                                |
| <b>12/2013</b> | <b>The Cabinet agreed that Brompton Westbrook Primary School be permanently expanded to enable a published admission number (PAN) of 60 to be accommodated, commencing from September 2013, and that a feasibility study be undertaken to assess how best to phase the building works in the most cost effective way and causing minimal disruption to the education of the children.</b>                                 |
| <b>13/2013</b> | <b>The Cabinet agreed to authorise the Director of Children and Adults, in consultation with the Portfolio Holder for</b>                                                                                                                                                                                                                                                                                                 |

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**Children's Services, to commence the statutory processes at the appropriate times required for the expansions of Saxon Way and Brompton Westbrook primary schools, as well as Thames View Primary School should it become necessary.**

### **Reasons:**

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

Approval in advance to commence the necessary statutory processes will ensure the council complies with its statutory duty to follow the full consultation process when proposing changes to school organisation.

### **Outcomes of Consultation for the Proposed Amalgamation of Sherwin Knight Infant and Junior Schools**

#### **Background:**

This report outlined the outcomes of the initial consultation period on the Council's proposals to amalgamate Sherwin Knight Infant School with Sherwin Knight Junior School by way of prescribed alterations. The consultation process ran for six weeks from 10 September 2012 to 21 October 2012 and the report provided details of the consultation responses, a public meeting, an observer panel and a drop-in session.

The Children and Young People Overview and Scrutiny Committee considered this report on 11 December 2012 and its views were set out in paragraph 9 of the report.

A Diversity Impact Assessment (DIA) screening form was attached as Appendix 4 to the report. The DIA looked at how the proposed changes could impact upon various groups. This showed that there could potentially be some impact upon certain groups, however it showed that any impacts were expected to be positive.

#### **Decision number:**

#### **Decision:**

**14/2013**

**The Cabinet noted the responses to the consultation together with the advice and analysis from officers and the recommendations from the Children and Young People Overview and Scrutiny Committee and agreed to proceed to formal representation, when statutory notices and full proposals as set out in section 3 of this report would be published.**

**15/2013**

**The Cabinet agreed to delegate authority to the Director of Children and Adults, in consultation with Portfolio Holder for Children's Services, to determine whether to approve the proposals at the end of the statutory consultation**

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period, if no objections were received. However if any objections were received during that time then a report would be prepared and placed before Cabinet for determination.

### Reasons:

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

### Outcomes of Consultation for the Proposed Amalgamation of Swingate Infant and Spinnens Acre Junior Schools

#### Background:

This report outlined the outcomes of the initial consultation period on the council's proposals to amalgamate Swingate Infant School with Spinnens Acre Junior School by way of prescribed alterations. The consultation process ran for six weeks from 10 September 2012 to 21 October 2012 and the report provided details of the consultation responses, a public meeting, an observer panel and a drop-in session.

The Children and Young People Overview and Scrutiny Committee considered this report on 11 December 2012 and its views were set out in paragraph 9 of the report.

A Diversity Impact Assessment (DIA) screening form was attached as Appendix 3 to the report. The DIA looked at how the proposed changes could impact upon various groups. This showed that there could potentially be some impact upon certain groups, however it showed that any impacts were expected to be positive.

#### **Decision number:**

#### **Decision:**

- |                |                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>16/2013</b> | <b>The Cabinet noted the responses to the consultation together with the advice and analysis from officers and the recommendations from the Children and Young People Overview and Scrutiny Committee and agreed to proceed to formal representation, when statutory notices and full proposals would be published.</b>                                                                                                     |
| <b>17/2013</b> | <b>The Cabinet agreed to delegate authority to the Director of Children and Adults, in consultation with Portfolio Holder for Children's Services, to determine whether to approve the proposals at the end of the statutory consultation period, if no objections were received. However if any objections were received during that time then a report would be prepared and placed before Cabinet for determination.</b> |



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### Reasons:

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

### Covert Surveillance

#### Background:

This report provided details of an update to the Covert Surveillance Policy agreed by Cabinet on 10 July 2012. The report gave details of the first application for Judicial Approval and amended the policy to include a new procedure as set out in guidance issued by the Home Office following the introduction of obtaining Judicial Approval for Regulation of Investigatory Powers Act 2000 (RIPA) applications on 1 November 2012.

The report stated that the Environmental Services Team applied on 20 December 2012 for the first judicial order which was now required before covert surveillance could be undertaken. This order was approved.

A Diversity Impact Assessment screening form was undertaken on the original policy and it was considered that the existing screening covered the scope of the proposed amendments.

The Portfolio Holder for Community Safety and Customer Contact stated that he had informed Democratic Services of a couple of minor typographical errors in the covering report.

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

**18/2013      The Cabinet agreed the amendments to the Covert Surveillance Policy, as set out in Appendix 1 to the report.**

### Reasons:

The Council should up date its policy to keep up with the changes in law, specifically the Protection of Freedoms Act 2012 that came into force on 1 November 2012.

### 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).

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Appendix 1 to the report provided details of the posts, with details of one further post tabled at the meeting.

**Decision number:**

**Decision:**

**19/2013**

**The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report and tabled at the meeting, to enable officers to commence the recruitment process:**

**Business Support Department**

- (a) Political Assistant**
- (b) Democratic Services Officer**
- (c) Legal Support Assistant**

**Children and Adults**

- (d) Engagement Analyst**
- (e) Placement Officers x 3**
- (f) Specialist Partnership Commissioning Manager**
- (g) Assistant Director – Partnership Commissioning**

**Regeneration, Community and Culture**

- (h) Project Manager – Eastgate House.**

**Reasons:**

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

**Thin Client Technology**

**Background:**

This report provided details of a proposal to add the Thin Client Technology scheme to the Capital Programme for 2013/2014. Thin Client was a technology whereby all of the processing was carried out on servers in the data-centre rather than on the PC or laptop, which meant that the PC on the desktop could be replaced with a low power, more efficient device. This would achieve lower purchase and running costs with tighter security and would give staff greater opportunities to work more flexibly – sharing desks in the office, mobile working out of the office and on occasions, working at home.

This scheme had been approved at Gateway 1 (procurement commencement) in May 2012 as a category B medium risk procurement.

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

## Cabinet, 15 January 2013

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

**20/2013**      **The Cabinet recommended to Council that this project be included within the capital programme for 2013-2014.**

**Reasons:**

Thin client technology will achieve significant benefits, both cashable and non-cashable, for the Council.

Thin client technology will support the delivery of 'Better for Less' requirements.

**Gateway 3 Contract Award: Linked Service Centres - Outsourcing of Platters Farm Lodge**

**Background:**

This report provided details of the procurement exercise for the award of contract for the outsourcing of Platters Farm Lodge Linked Service Centre. Medway had three linked service centres (LSCs) that provided residential care and support for older people with dementia, adults with rehabilitation needs, respite for adults over 18 and day care for older people. The three LSCs were Platters Farm Lodge, Robert Bean Lodge and Nelson Court.

The report stated that ongoing commercial negotiations were taking place in relation to Robert Bean Lodge and Nelson Court and a further report about the outcome of these negotiations would be presented to Cabinet in February 2013.

A Diversity Impact Assessment screening was undertaken on the proposals to outsource Platters Farm Lodge, as set out in appendix 1 to the report.

This report was considered at the Procurement Board on 3 January 2013 and its comments were set out in paragraph 7 of the report.

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

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

**21/2013**      **The Cabinet approved the procurement contract award to Strode Park Foundation.**

**22/2013**      **The Cabinet agreed to delegate authority to the Assistant Director of Legal and Corporate Services in consultation with the Finance Portfolio Holder to grant a lease of Platters Farm Lodge for up to 25 years.**

## Cabinet, 15 January 2013

### Reasons:

The outsourcing of this service will provide best value because the contract award price is below unit cost for comparable services, (Unit Costs of Health and Social Care, PSSRU, University of Kent 2011) for rehabilitation & respite (intermediate care).

The recommended supplier has demonstrated an ability to maintain the quality of the service and innovate service development and improvement.

### **Gateway 5 Procurement Contract Management Report: Waste Collection and Disposal Contracts**

#### **Background:**

This report provided details of a review of progress of the waste collection and disposal contracts currently delivered by Veolia Environmental Services.

The contract delivered waste collection and street cleansing services (residual waste collection, recycling collection from kerbside and bring sites, materials recycling facility provision and end markets for all recycling materials, food and garden waste collection and street cleansing) and disposal of residual waste via a combination of landfill and energy from Waste, ensuring the Council met as a minimum, its landfill diversion targets as set down by Government.

This report was considered at the Procurement Board on 19 December 2012 and its comments were set out in paragraph 7 of the report.

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

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

#### ***Decision:***

**The Cabinet noted the progress made to date with the collection and disposal contracts.**

**23/2013**

**The Cabinet agreed option 3.3 'Continue with the current disposal and collection contracts with a requirement for further Gateway 5 reporting at end of year three'.**

#### **Reasons:**

This is on the basis of value for money and that Veolia have a track record of delivering high quality services for the residents of Medway with very high satisfaction levels recorded.

**Gateway 5 Procurement Contract Management Report: Household Waste Recycling Centres Annual Report**

**Background:**

This report provided details of a review of progress of the Household Waste Recycling Centre (HWRC) contract currently delivered by FCC Environment (formerly Waste Recycling Group – WRG) covering the management of the Council's three sites located at Ambley Road, off Hoath Way, Gillingham; Shawstead Road, Capstone, Chatham and Sundridge Hill, Cuxton.

The contract delivered: the management of three HWRCs; the haulage of all materials arising at the sites with the exception of waste electrical and electronic equipment (WEEE) and household batteries, which are covered by producer compliance schemes (PCS); the marketing and sale of materials arising at the sites with the exception of residual waste, wood waste and those detailed above; the provision and maintenance of containers necessary to provide the service to supplement those provided by the Council and; the provision of all plant and equipment necessary to provide the service including remote access to the CCTV system, an electronic data management system and an automatic number plate reader (ANPR) system at each site.

This report was considered at the Procurement Board on 19 December 2012 and its comments were set out in paragraph 7 of the report.

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

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

**The Cabinet noted the progress made to date with the collection and disposal contracts.**

**24/2013      The Cabinet agreed the preferred Option 3.3 'Continue With Current Contract and subject the contract to further Gateway 5 Reporting Requirements' as negotiations with the contractor regarding 2-year extension and efficiencies were completed.**

**Cabinet, 15 January 2013**

**Reasons:**

This is on the basis that this contract is providing value for money, and that FCC Environment has achieved their year two target of a 60% recycling rate at two of the three sites, narrowly missing it by less than 0.7% at the third site, while delivering high quality services for the residents of Medway with high satisfaction levels recorded.

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

.....  
**Date**

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