

Record of Cabinet decisions

Tuesday, 12 February 2013

3.00pm to 4.50pm

Date of publication: 13 February 2013

**Subject to call-in these decisions will be effective from 21 February 2013
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 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
Neil Davies, Chief Executive
Stephanie Goad, Assistant Director Communications, Performance and
Partnerships
Mick Hayward, Chief Finance Officer
Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy
and Governance
Perry Holmes, Monitoring Officer
Anthony Law, Democratic Services Officer
Barbara Peacock, Director of Children and Adults Services

Apologies for absence

An apology was received from Councillor Phil Filmer (Front Line Services).

Record of decisions

The record of the meeting held on 15 January 2013 was agreed and signed by the Leader as correct.

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Declarations of disclosable pecuniary interests

There were none.

Capital and Revenue Budgets 2013/2014

Background:

This report presented proposals for the capital and revenue budgets for 2013/2014. The Cabinet had considered initial budget proposals on 27 November 2012, which had been developed in accordance with the principles set out in the Medium Term Financial Plan 2013/2016, and table 10 of the report summarised the budget changes since then.

The implications of the Local Government Finance Settlement were set out in the report. This highlighted that Medway's Start-up Funding Assessment, which now replaced the Formula Grant, was calculated as £105.430 million and represented a decrease of 3.65% over the equivalent adjusted sum for 2012/2013 with a further decrease of 8.6% for 2014/2015.

The proposed revenue budget of £348.511 million was based on a Council Tax increase of 1.99%. It was noted that considerable effort had been made to achieve a balanced budget without seriously impacting on direct services to the public.

It was reported that proposals to leave national conditions for staff pay and allowances were ongoing and the result of these negotiations would be reported to the Employment Matters Committee on 19 February 2013 and be reported to Council on 21 February 2013.

The proposed capital programme for 2013/2014, incorporating existing schemes and new funding announcements to date, was £48.224 million. An overall summary and a summary by directorate of the proposed capital programme were attached at Appendix 2 to the report.

The report explained that the Council Plan had been developed alongside the budget setting process to ensure the link between resource and business planning was maintained. The Council Plan was considered as a separate item on the agenda.

It was noted that budget proposals had been referred to all the Overview and Scrutiny Committees for consideration. The Overview and Scrutiny Committees' views were detailed in the report, with the recommendations of the Business Support Overview and Scrutiny Committee set out for Cabinet consideration.

The summarised Housing Revenue Account was set out in Appendix 4 to the report with the capital component in Appendix 2 to the report. A report setting out details of proposed rents for 2013/2014 was considered as a separate item on the agenda. The schedule of fees and charges was attached at Appendix 5 to the report.

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The report set out the requirements under equality legislation and a Diversity Impact Assessment, that aggregated the impact of reductions in funding to services, was attached at Appendix 6 to the report.

The Cabinet agreed to consider this report as an urgent item to enable its recommendations to be forwarded to the Budget Council meeting on 21 February 2013.

Decision number: ***Decision:***

The Cabinet noted the recommendations from overview and scrutiny committees as summarised in Section 8 and detailed in Appendix 1 of the report.

25/2013 The Cabinet recommended to Council the capital budget proposals, as set out in Appendix 2 of the report.

26/2013 The Cabinet recommended to Council that the net revenue budget summarised at Table 11 of the report, amounting to £348.511 million, should be adopted and that this be funded by a 1.99% increase in Council Tax for 2013/2014 with the equivalent Band D figure at £1,141.47.

27/2013 The Cabinet recommended to Council the fees and charges set out at Appendix 5 to the report.

28/2013 The Cabinet agreed that the Chief Finance Officer be requested to calculate the formal requirements under Sections 30 to 36 of the Local Government Finance Act 1992 for resolution by Special Council on 21 February 2013.

Reasons:

The Constitution requires that Cabinet's budget proposals must be forwarded to Council for consideration and approval.

The Council is required by statute to set a budget and council tax levels by 11 March each year.

Council Plan 2013 - 2015

Background:

This report presented the Council Plan 2013-2015 for consideration and referral to Council on 21 February 2013 as a Policy Framework document.

The Council Plan was the organisation's overarching business plan. It would form an essential part of the Council's performance management framework, setting out the priorities, commitments, measures and targets against which progress would be

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judged. It was noted that the Plan had been developed alongside the 2013-14 capital and revenue budget proposals, in order to align the Council's business planning and budget setting process, and adjusted to take account of recent financial and service developments.

The Business Support Overview and Scrutiny Committee considered this report on 7 February 2013 and the views of the Committee were set out in an addendum report together with officer comments.

It was noted that a Diversity Impact Assessment screening had been undertaken on the draft plan and this was attached at Appendix 3 to the report. It was found that there was no need to carry out a full assessment. It was however noted that officers would continue to assess and monitor the plan, both prior to its agreement by Council and throughout the life of the plan, to ensure compliance with all statutory requirements.

Decision number: ***Decision:***

The Cabinet noted:

- (a) the comments of the Business Support Overview and Scrutiny Committee as set out in the Addendum report;**
- (b) that quarterly monitoring reports for 2013-14 will:**
 - 1. Ensure clear explanations in relation to the comments set out within the addendum report at paragraph 2.2 (iii) Common Assessment Form and 2.2 (iv) measures relating to vulnerable adults and children;**
 - 2. Consider the addition of a satisfaction measure for Community Officers once the current review of the service has been implemented and new baseline surveys of customers have been undertaken.**

29/2013 The Cabinet recommended the Council Plan 2013-2015 (Appendix 1 to the report), and the 2013-14 Target Planning document (Appendix 2 to the report) to Full Council for approval as part of the Council's Policy Framework, subject to the inclusion of

(i) brief comments on the constitution of the Citizens Panel;

(ii) the comments on the INSPIRER project as set out in paragraph 2.2 (ii) of the Addendum report;

and Council agreeing,

(iii) that a measure indicating outcomes achieved for children be added later to the Council Plan.

30/2013 **The Cabinet recommended that Council delegate to the Chief Executive, in consultation with the Deputy Leader who is portfolio holder for performance and business planning, authority to deal with any necessary changes to align the plan to the agreed budget.**

Reasons:

Strong business planning processes and a clear strategic framework are regarded as best practice, and will enable the organisation to demonstrate how it is using resources to meet locally specific objectives.

Housing Revenue Account Capital and Revenue Budgets 2013/2014

Background:

This report provided details of the Housing Revenue Account (HRA) revenue and capital budgets for 2013/2014. It also set out details of the proposed rent and service charges levels for 2013/2014.

The report summarised the proposals for 2013/2014 as they related to rent, service charges, performance management, expenditure assumptions, housing repairs and borrowing and headroom. A revised Appendix A was tabled at the meeting that adjusted the overall rent averages. It was noted that the proposed average rent increase was £2.82 per week or 3.53% and an average service charge (excluding housing related support eligible charges) increase of 38p per week or 5%.

The Business Support Overview and Scrutiny Committee had considered this report on 31 January 2013. It was noted that the committee had supported the recommendations set out in the report and details of the discussion at the meeting were set out in section 11 of the report.

Decision number: ***Decision:***

The Cabinet noted the recommendations from the Regeneration, Community and Culture Overview and Scrutiny Committee, as set out at section 11 of the report.

31/2013 **The Cabinet recommended to Council:**
(a) The proposed revenue and capital budgets for 2013/2014, inclusive of an average rent increase of £2.82 per week (based upon 50 collection weeks and equating to an average increase of 3.53%); and a rent

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increase of 2.6% for garages;

- (b) **Service charges for 2013/2014 reflect the costs incurred in providing that service, where possible, and that where costs are not fully recovered, the uplift is such that costs can be fully recovered by 2014/2015, (excepting the Wardens Service Charge as set out in 4.2 of the report), using above inflation increases to do so as per Appendix B to the report. The average increase will be 5% or £0.38;**
- (c) **That officers develop proposals for utilising headroom with the intention to submit a further report later in the year;**
- (d) **To approve the repayment of debt based on a minimum revenue payment of 2% on outstanding debt.**

Reasons:

The Council is required to carry out an annual review of rents and notify tenants not less than 28 days prior to the proposed date of change. The Council is required under the Local Government and Housing Act 1989 to ensure that the Housing Revenue Account does not fall into a deficit position.

Treasury Management Strategy 2013/2014

Background:

This report presented the Council's Treasury Management Strategy for 2013/2014. The strategy incorporated the Treasury Management Policy Statement, Annual Investment Strategy and Minimum Revenue Provision Policy. Proposed amendments to the Treasury Management Practices were also set out.

The annual presentation of a Treasury Management Strategy was a requirement under the CIPFA Code of Practice on Treasury Management. It covered the various aspects of the treasury management function and was based on the treasury officers' views on interest rates, supplemented with leading market forecasts provided by the Council's treasury adviser, Sector.

The Business Support Overview and Scrutiny Committee had considered this report on 7 February 2013 and the views of the Committee were set out in an addendum report. An amended Appendix 3 was also tabled. This corrected some incorrect information and changed the upper limit percentage of fixed rate borrowing under 12 months from 50% to 75%, following a recent change in practice by CIPFA.

A Diversity Impact Assessment screening had been undertaken and was set out in Appendix 8 to the report. It was not necessary to proceed to a full impact assessment. It was noted that the Treasury Management Strategy did not directly impact on members of the public as it dealt with the management of the local

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authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.

Decision number: *Decision:*

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee.

32/2013 The Cabinet recommended to Council to increase the operational boundary and authorised limit to £4,000,000 and £4,400,000 respectively for other long term liabilities for 2012/2013, as set out in paragraph 3.8 of the report.

33/2013 The Cabinet recommended to Council the Treasury Management Strategy and associated policies and strategy statements as attached in Appendices 1-6 to the report.

34/2013 The Cabinet approved the amendments to the Treasury Management Practices as set out in Appendix 7 to the report.

Reasons:

Cabinet has the responsibility to make recommendations to Full Council on the approval of the Council's Treasury Management, Investment Strategy and Minimum Revenue Provision Policy Statement along with scrutinising the Treasury Management Practices and associated schedules.

Revenue Budget Monitoring 2012/2013

Background:

This report gave details of the forecast outturn for the 2012/2013 financial year based on actual income and expenditure to December 2012 (the end of the third quarter).

It was noted that on 23 February 2012 the Council had set a General Fund net budget requirement of £180.998 million for 2012/2013, with Council Tax frozen at 2010/2011 levels.

This was the third quarterly report and it indicated, after management action, the outturn forecast for 2012/2013 stood at a potential underspend of £224,000, which compared to a forecast overspend of £961,000 at quarter two.

The Cabinet accepted this report as urgent to enable it to receive and consider the first quarter budget monitoring information at the earliest opportunity.

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Decision number:

Decision:

The Cabinet noted the result of the third round of revenue monitoring for 2012/2013.

35/2013

The Cabinet approved the Housing Revenue Account repayment of debt based on a minimum revenue payment of 2% on outstanding debt (as detailed in paragraph 14.3 of the report).

Reasons:

Cabinet has the responsibility to ensure effective budgetary control to contain expenditure within the approved limits set by Council. Where a budget overspend is forecast, Cabinet supported by the corporate management team must identify measures to remove any excess expenditure.

Capital Budget Monitoring 2012/2013

Background:

This report gave details of the capital monitoring position for the period to December 2012 (the end of the third quarter), with a forecast outturn for 2012/2013.

The approved capital programme for 2012/2013 and future years was £110.6 million, consisting of £83 million in respect of brought forward schemes and £27.6 million of new approvals.

The report commented on the delivery of the capital programme and updated Members on a number of issues. The current forecast showed that £73.670 million of the programme was forecast for spend during 2012/2013.

The Cabinet accepted this report as urgent to enable it to receive and consider the first quarter budget monitoring information at the earliest opportunity.

Decision number:

Decision:

The Cabinet noted:

- (a) The spending forecasts summarised at Tables 1 of the report;**
- (b) The budget virements and additions as detailed in paragraphs 4.2.2, 4.2.3 and 4.3.1 of the report.**

Reasons:

Cabinet has the responsibility to ensure effective budgetary control to contain expenditure within the approved limits set by Council.

Council Plan Monitoring 2012/2013 - Quarter 3

Background:

This report sets performance against the Council's Key Measures of Success for the third quarter of 2012/2013.

The report and Appendix 1 included an overview of priorities, which summarised the status of each Key Measure of Success. More detailed performance tables were attached at Appendix 2 to the report.

The Cabinet agreed to accept this report as urgent to enable Cabinet to receive and consider the latest performance monitoring information at the earliest opportunity.

Decision number: **Decision:**

The Cabinet noted the third quarter performance against the Key Measures of Success used to monitor progress against the Council Plan 2012/13.

36/2013 The Cabinet agreed to the removal of the Graffiti measure from the 2012/2013 Quarter 4 Performance Monitoring report for the reasons outlined in paragraph 8.9 of the report.

Reasons:

Regular monitoring of performance by management and Members is best practice and ensures achievement of corporate objectives.

School Admission Arrangements

Background:

This report provided details of the outcome of the consultation on the co-ordinated admission schemes and arrangements for primary and secondary schools.

The schemes set out how the Local Authority would co-ordinate the processing of applications to schools and set out the relevant entry arrangements (oversubscription criteria) for Community and Voluntary Controlled schools.

It was noted Academies, Voluntary Aided and Foundation schools undertook their own consultation on entry arrangements (oversubscription criteria), but had to co-ordinate with the Local Authority schemes.

The report also provided the outcome of consultation with regards to when the Medway Test will be delivered, together with the options considered for the primary and secondary admissions.

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The Children and Young People Overview and Scrutiny Committee had considered the report on 15 January 2013 and its comments were set out in paragraph 7 of the report.

Decision number: ***Decision:***

37/2013 **The Cabinet approved the Secondary Admissions co-ordinated scheme and admission arrangements. In addition the Cabinet approved option A (midweek testing over two days) as set out in the report for the Medway Test.**

38/2013 **The Cabinet approved the Primary Admissions co-ordinated scheme and admission arrangements, including the increase of the published admission number for Brompton Westbrook Primary School from 45 to 60.**

Reasons

The Council is required to undertake a detailed consultation exercise prior to the determination of its school admission arrangements and schemes. The decisions take into account the responses from consultation.

South Thames Gateway Building Control Partnership Business Plan 2012/17

Background:

This report provided details of the draft South Thames Gateway Building Control Partnership Business Plan for 2012/2017, which outlined how the building control function for Medway, Gravesham and Swale Councils would be delivered over the next five financial years.

The Business Plan was presented in two parts, with the first including 5 strategic objectives for 2012/2017 and the second setting out the action plans and targets to achieve the objectives.

It was noted that the South Thames Gateway Building Control Joint Committee had agreed on 13 December 2012 the draft South Thames Gateway Building Control Partnership's Business Plan for 2011/2014 for submission to the partner authorities.

A Diversity Impact Assessment screening form had been undertaken on the Business Plan and it was found that it was not necessary to carry out a full impact assessment.

Decision number: ***Decision:***

39/2013 **The Cabinet approved the proposed Business Plan for 2012/2017 for the South Thames Gateway Building Control Partnership, as set out at Appendix 1 to the report.**

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Reasons

The constitution of the Joint Committee requires approval of the Business Plan for the following year by the Cabinet of each Partner Authority.

Community Infrastructure Levy

Background:

This report provided details of the forthcoming Community Infrastructure Levy (CIL), which would allow local authorities in England and Wales to raise funds from developers undertaking new building projects. The money could be used to fund infrastructure required within the Council's area.

In January 2012 Cabinet approved work commencing to enable the Council to achieve CIL Charging Authority status and this report sought approval to commence consultation on a preliminary draft charging schedule.

The CIL proposed rates for different types of development, which were set out at Appendix 2, and a timetable towards the proposed adoption of a CIL Charging Schedule was attached at Appendix 1 to the report.

It was noted that a Diversity Impact Assessment screening form had been undertaken on the proposals (attached at Appendix 3 to the report). This would be reviewed during the consultation process.

Decision number:

Decision:

40/2013

The Cabinet agreed that consultation on a "preliminary draft charging schedule", based on the rates set out in Appendix 2 to the report, takes place in Spring 2013.

41/2013

The Cabinet agreed that the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Strategic Development and Economic Growth be given delegated authority to agree the detailed wording in the consultation document.

Reasons

To enable a mechanism to be in place by April 2014 to collect CIL contributions from developers to support development.

Medway Private Sector Tenant Accreditation Scheme

Background:

This report sought approval to introduce a Medway Private Sector Tenant Accreditation Scheme.

It was reported that the aim of the scheme was to encourage tenants to sign up to a voluntary code of conduct, which encompassed tenants' responsibilities including payment of rent, looking after their property and anti-social behaviour. Compliance with the code of conduct would lead to accreditation, which tenants could use to confirm to future landlords that they were responsible tenants.

A Diversity Impact Assessment screening form was attached to the report. This had identified that no groups would be disadvantaged by the introduction of the scheme and it was found that it was not necessary to carry out a full impact assessment.

Decision number: *Decision:*

42/2013 **The Cabinet approved the introduction of the Medway Private Sector Tenant Accreditation scheme.**

Reasons

The Scheme will support tenants who want to demonstrate they are reliable and responsible when looking for private sector accommodation. It will help tenants secure better quality privately rented accommodation and support closer working with private sector landlords. The scheme will also support the Council's work in preventing and alleviating homelessness.

Chatham Waterfront: Growing Places Fund

Background:

This report seeks approval for the addition of £2.999m to the capital programme, to deliver land assembly, flood mitigation measures and the creation of public space at the Chatham Waterfront development, funded through an interest free loan via the South East Growing Places Fund.

The report examined three options for the delivery of the enabling works at Chatham, Waterfront. In summary, this included releasing development opportunities to the market, with a requirement for developers to undertake site preparation and infrastructure works; further prudential borrowing; and, delivering site preparation and infrastructure works through Growing Places Funding.

During the discussion on this item clarity was sought as to the agreed term for the repayment of loan, as the report referred to a 5-year repayment period whereas the

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bid to the South East Local Economic Partnership had been for 7 years. Members requested that this point be clarified for the report to Council on 21 February 2013.

Decision number:	Decision:
43/2013	The Cabinet recommended that Full Council approve the proposed investment of £2,999,000 Growing Places Finance, with the loan being repaid at the end of the 7-year period with future capital receipts being used to pay off the Growing Places Finance debt.
44/2013	The Cabinet recommended to Full Council that the Council enter into a loan agreement with Essex County Council, as accountable body for Growing Places Funding.
45/2013	The Cabinet agreed to delegate authority to the Assistant Director of Legal and Corporate Services in consultation with the Portfolio Holder for Finance to acquire third party land in the Chatham Waterfront area.

Reasons

To facilitate the delivery of the next phase of essential site preparation and infrastructure works for the Chatham Waterfront scheme.

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, with details of one further post tabled at the meeting.

Decision number:	Decision:
46/2013	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) Head of Business and Administration Support Services (b) HR Support Assistant

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- (c) Project Support Assistant**
- (d) Bikeability Officer**
- (e) Programme Coordinator**
- (f) Project Officer.**

Reasons:

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

Options for a Facilities Management Solution for Medway Council

This item was withdrawn.

Gateway 3 Contract Award: Outsourcing of Linked Service Centres - Nelson Court and Robert Bean Lodge

Background:

This report provided details of the procurement exercise for the award of contract for the outsourcing of Robert Bean Lodge and Nelson Court.

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, Robert Bean Lodge and Nelson Court.

The report gave details of the procurement tendering process undertaken and resultant options.

A Diversity Impact Assessment screening was undertaken on the proposals to outsource Robert Bean Lodge and Nelson Court, as set out in appendix 1 to the report.

It was noted that the Procurement Board had considered this report on 1 February 2013 and supported the recommendations as set out in the section 11 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.

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 can 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. The Cabinet agreed to accept this as an urgent item because of the need to prevent any further delay so that this procurement exercise can be concluded providing certainty for both the residents and staff of both of the services.

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It was noted that the Chairman of the Health and Adult Social Care Overview and Scrutiny Committee had agreed that the decisions proposed are reasonable in all the circumstances and to them being treated as a matter of urgency and to waive call-in.

Decision number:	Decision:
47/2013	The Cabinet approved the procurement contract award to The Agincare Group as outlined within the 'Procurement Contract Award Recommendation' section of the Exempt Appendix.
48/2013	The Cabinet delegated authority to the Assistant Director, Adult Social Care, in consultation with the Portfolio Holders for Finance and Adult Services, Assistant Director of Legal and Corporate Services and the Chief Finance Officer, to finalise the arrangements to ensure effective mobilisation of the service.
49/2013	The Cabinet recommended to Full Council that it delegates authority to the Assistant Director, Adult Social Care, in consultation with the Portfolio Holders for Finance and Adult Services, Assistant Director of Legal and Corporate Services and the Chief Finance Officer, to dispose of the Nelson Court and Robert Bean Lodge properties.
50/2013	The Cabinet agreed that these decisions are considered urgent and therefore should not be subject to call-in.

Reasons:

The outsourcing of these services will provide best value and maintain the quality of the service.

Delegated authority will enable mobilisation of the new provider to gather momentum so that service users have certainty about the future of the service and the authority can realise efficiencies as soon as possible.

Proposals for the Inspiration Centre at Strood Academy

Background:

This report advised Cabinet of the current position regarding the proposals for the Inspiration Centre and to facilitate this seeks authority to dispose of the Council's interest to the Strood Academy.

It was noted that Cabinet had previously approved, in August 2012, that officers progress detailed negotiations with Medway Youth Trust and Strood Academy Trust to agree the terms for the leases of the centre whilst safeguarding young people and

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the reputations of the parties involved. Strood Academy had formulated a proposal which was detailed within the report.

An exempt appendix advised Cabinet of Strood Academy's financial offer to acquire the Council's interest in the Centre.

**Decision
number:**

Decision:

51/2013

The Cabinet recommended that Full Council approve Strood Academy's proposal as set out in the report.

52/2013

The Cabinet recommended that Full Council declares the Council's interest in the Inspiration Centre at Strood Academy surplus to requirements and delegates authority to the Assistant Director, Legal and Corporate Services in consultation with Portfolio Holder for Finance to finalise the detailed negotiations and dispose of its interest in the Centre.

Reasons:

To facilitate the proposals received from Strood Academy and to enable the Centre to open and provide for the first class facilities identified in this report.

.....
Leader of the Council

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Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

Telephone: 01634 332509/332008

Email: democratic.services@medway.gov.uk