

Record of Cabinet decisions

Tuesday, 6 August 2013

3.00pm to 3.55pm

Date of publication: 7 August 2013

**Subject to call-in these decisions will be effective from 15 August 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 Phil Filmer	Portfolio Holder for Front Line Services
	Councillor Peter Hicks	Portfolio Holder for Community Safety and Customer Contact
	Councillor Mike O'Brien	Lead Portfolio Holder for Children's Services
	Councillor Kelly Tolhurst	Portfolio Holder for Educational Improvement

In Attendance: Neil Davies, Chief Executive
Robin Cooper, Director of Regeneration, Community and Culture
Stephanie Goad, Assistant Director Communications, Performance and
Partnerships
Mick Hayward, Chief Finance Officer
Wayne Hemingway, Democratic Services Officer
Richard Hicks, Deputy Director, Customer First, Leisure, Culture, Democracy
and Governance
Perry Holmes, Assistant Director Legal and Corporate Services/Monitoring
Officer
Julie Keith, Head of Democratic Services
David Quirke-Thornton, Deputy Director, Children and Adults Services

Apologies for absence

There were none.

Cabinet, 6 August 2013

Record of decisions

The record of the meeting held on 9 July 2013 was agreed and signed by the Leader as correct.

Declarations of disclosable pecuniary interests

Councillor David Brake, Portfolio Holder for Adult Services, declared a Disclosable Pecuniary Interest (DPI) in agenda item 4 (Disbursement of Recovered Funds) because a close family member was employed by Temple Mill Primary School. Councillor Brake withdrew from the meeting during the consideration of this item.

Disbursement of Recovered Funds

Background:

This report provided details of a reference from the Audit Committee which considered a report on 11 July 2013 regarding the investigation into the misappropriation of funds from Temple Mill Primary School by the former school business manager.

Following internal audit enquiries in January 2011 into potentially unusual payments from the school's bank account, the school business manager admitted that she had abused her position through misuse of school funds and subsequently repaid £41,656 to the school's account to cover the improper payments identified at that time. She was suspended from duty and subsequently dismissed from her post on grounds of gross misconduct.

Further investigations identified widespread misuse of the school's funds. The total amount involved was established to be over £200,000, including the sums repaid voluntarily. At sentencing, a compensation order for £170,000 was awarded in the Council's favour.

The Audit Committee considered four options regarding the allocation of the recovered monies and recommended to Cabinet the provision of training on governance issues (option 4), as this would reduce the risk of a similar fraud occurring elsewhere in Medway.

The Leader stated that he (together with Councillor O'Brien) had recently met with the Headteacher and Chair of Governors of Temple Mill Primary School where he had been informed of the school's request to address the Audit Committee regarding the issues. The Leader also stated that further consideration of this issue by the Audit Committee be held in the public domain.

Cabinet, 6 August 2013

Decision number: **Decision:**

129/2013 **The Cabinet requested that the Audit Committee re-examines all existing evidence relating to the issues at Temple Mill School and reviews any new information that has become available before making a further recommendation to Cabinet.**

Reasons:

To gain a greater understanding of the issues surrounding this case before making a final decision on the allocation of the recovered funds.

Revenue Budget Monitoring 2013/2014

Background:

This report gave details of the forecast outturn for the 2013/2014 financial year based on actual income and expenditure to June 2013 (the end of the first quarter).

It was noted that on 21 February 2013 the Council had set a budget requirement of £348.511 million for 2013/2014, with a Council Tax increase of 1.99%.

This was the first quarterly report and it indicated, after management action, the outturn forecast for 2013/2014 stood at a potential overspend of £4.6 million. Directorate management teams would continue to focus attention on identifying management action to contain expenditure within the overall budgets.

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:**

130/2013 **The Cabinet noted the result of the first round of quarterly revenue monitoring for 2013/2014 and instructed Directors to come forward with further proposals for management action to reduce the potential deficit.**

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.

Cabinet, 6 August 2013

Capital Budget Monitoring 2013/2014

Background:

This report gave details of the capital monitoring position for the period to June 2013 (the end of the first quarter), with a forecast outturn for 2013/2014.

The approved capital programme for 2013/2014 and future years was £76.8 million, consisting of £41.6 million in respect of brought forward schemes and £35.2 million in respect 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 £52.5 million of the programme was forecast for spend during 2013/2014.

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 the spending forecasts summarised at Table 1 in the report.

The Cabinet noted the virements outlined at paragraph 4.2.5 of the report.

The Cabinet noted the increase to the total Academies programme, reflecting the final ringfenced grant figure following changes to the assumptions in the gateway 3 reports.

The Cabinet noted the additions to the capital programme made under delegated powers as outlined in paragraphs 4.2.3 and 4.3.3 of the report.

Reasons:

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

2013/2014 Q1 Performance Monitoring

Background:

This report provided a summary of performance of the Council's key measures of success for 2013/2014 as set out in the Council Plan 2013/2015. This included measures of performance for the key measures of success and benchmarking against other Local Authorities.

Cabinet, 6 August 2013

The report also provided a summary of performance against the Council's four priorities and two values together with examples of success.

The report noted that 33 out of 62 Council Plan Key measures of success were on target/exceeded their target, which compared with 44 out of 79 in 2012/13; 20 out of 51 of key measures of success improved over the short term (compared with the previous quarter); 25 out of 52 of key measures of success improved over the long term (compared with average performance over previous four quarters); 92% (373/405) were satisfied with their phone contact with Medway Council (GovMetric); 65% (1,507/2,321) were satisfied with their face to face contact; 52% (295/572) were satisfied with their web contact and; 65% (270/418) of complaints were dealt with within 10 working days.

The report also noted that 22 out of 62 key measures of success were significantly below target; 27 out of 51 key measures of success have decreased in performance over the short term (compared with the previous quarter) and 24 out of 52 key measures of success had decreased in performance in the long term (compared with average performance over previous four quarters).

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

Decision number: **Decision:**

The Cabinet noted the first quarter performance against the Key Measures of Success used to monitor progress against the Council Plan 2013/15.

Reasons:

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

Recruitment Freeze

Background:

This report presented information on vacancies that officers had requested approval to commence recruitment for, following the process agreed by Cabinet on 7 January 2003 (decision number 9/2003).

Appendix 1 to the report provided details of the posts.

Cabinet, 6 August 2013

Decision number:	Decision:
131/2013	<p>The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report to enable officers to commence the recruitment process:</p> <p>Business Support</p> <ul style="list-style-type: none">(a) Electoral Services Assistant(b) Political Assistant to the Labour Group <p>Children and Adults Services</p> <ul style="list-style-type: none">(c) SEN Case Officer – Tribunals <p>Regeneration, Community and Culture</p> <ul style="list-style-type: none">(d) Neighbourhood Improvement Coordinator(e) Project Support Assistant – IMPRESS.

Reasons:

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

Various Property Matters

Background:

This report provided details of a number of property matters as follows: disposal of the Hook Meadow Snack Bar in Walderslade Road; acquisition of land in the Horsted Valley; Write-off of a bad debt in respect of Building Four at Chatham Waterfront and; disposal of land adjoining Station Approach, Strood.

The report set out the background and rationale for each of these proposals.

Decision number:	Decision:
132/2013	<p>The Cabinet agreed to declare the Hook Meadow Snack Bar surplus and delegated authority to the Assistant Director, Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to dispose of the Council's freehold interest for the best consideration reasonably obtainable.</p>

Cabinet, 6 August 2013

- 133/2013** The Cabinet agreed to delegate authority to the Assistant Director, Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to purchase the freehold land in Horsted Valley on the best terms reasonably obtainable and to identify a suitable budget to vire the funding from to pay for the purchase and restoration costs.
- 134/2013** The Cabinet agreed to approve the write-off of the £37,652.91 debt accrued by RAFA, as set out in section 2.5 of the report.
- 135/2013** The Cabinet agreed to delegate authority to the Assistant Director, Legal and Corporate Services, in consultation with the Portfolio Holder for Finance, to either dispose of the freehold of the land adjoining Station Approach to, or conclude a lease with, Network Rail for the best consideration reasonably obtainable.

Reasons:

These decisions will: realise a capital receipt and reduce future revenue costs from the disposal (Hook Meadow Snack Bar); safeguard designated open space land for public use (Land at Horsted Valley) and; enable expansion of the existing Station car parking and realise a capital receipt or create a rental income investment (Station Approach, Strood). With regards to Building Four, Chatham Waterfront, it is not considered practical or equitable to pursue the debt.

Outline Business Case: Saxon Way Primary School - Expansion to Two Forms of Entry

Background:

This report provided details of the business case, based on an initial feasibility study, for the expansion to 2 forms of entry at Saxon Way Primary School, Gillingham and sought permission to proceed to detailed design stage prior to Gateway 1 approval. The School Organisation Plan 2011-16 highlighted that in some areas of Medway, pressure on pupil places was expected, initially in Key Stage 1, including the Gillingham West area.

The report noted that Saxon Way Primary School was currently a one form of entry (1FE) primary school, it enjoyed a larger than average site, and was close to the major developments at Grange Farm and Victory Pier, as well as a number of smaller schemes. It was considered that expanding Saxon Way to a 2FE Primary school would be in accordance with Medway's preferred primary school size, and that from a geographical and capacity aspect, Saxon Way would be a good solution.

Cabinet, 6 August 2013

The report provided details of the business case which set out the preferred way forward in terms of the expansion of the school.

An exempt appendix set out the finance and whole life costings information, including costings for various options.

Decision number:

Decision:

136/2013

The Cabinet approved the outline business case and the preferred design option (3a) to allow more detailed design work to be undertaken.

Reasons:

Option 3 is the preferred choice of the design team. To be confident of the projected rising roll the preferred option is 3a, which, whilst slightly more expensive, allows us to be certain we are not building for unfilled spaces and in addition allows us to profile the spending across the whole capital programme more effectively.

This option also provides best value for money.

The cost estimates indicate that the preferred scheme, which will deliver the identified accommodation requirements, is the most cost effective solution.

Accurate cost estimates will be developed during the detailed design stage and presented for approval at Gateway 1 stage, prior to the tendering process.

Gateway 1 Procurement Commencement: Greenvale Infant School Phase 3

Background:

This report sought permission from the Cabinet to approve the commencement of the procurement process for a new build extension for the entrance and administration and a review of the existing accommodation to allow for two extra classrooms at Greenvale Infant School, Chatham.

The Procurement Board considered this report on 23 July 2013 and recommended that Cabinet approve the commencement of the procurement process.

An exempt appendix contained finance and whole-life costings information for this project.

Cabinet, 6 August 2013

**Decision
number:**

Decision:

137/2013

The Cabinet approved the commencement of the procurement process at Gateway 1 on the basis set out in paragraph 3.10 of the report, for progression to Gateway 2 of the procurement process and invite tenders for the building works.

Reasons:

The refurbished accommodation is required to enable the school to expand by 2FE. The budget for these works was approved by Cabinet on 12 June 2012 (decision 85/2012).

.....
Leader of the Council

.....
Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

Telephone: 01634 332509/332008

Email: democratic.services@medway.gov.uk