

Record of Cabinet decisions

Tuesday, 29 October 2013

3.00pm to 3.45pm

Date of publication: 30 October 2013

**Subject to call-in these decisions will be effective from 7 November 2013
The record of decisions are subject to approval at the next meeting of the Cabinet**

Present:	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
Dr Alison Barnett, Director of Public Health
Robin Cooper, Director of Regeneration, Community and Culture
Mick Hayward, Chief Finance Officer
Wayne Hemingway, Democratic Services Officer
Richard Hicks, Deputy Director, Customer Contact, Leisure, Culture, Democracy and Governance
Perry Holmes, Assistant Director Legal and Corporate Services/Monitoring Officer
Helen Jones, Assistant Director, Partnership Commissioning
Julie Keith, Head of Democratic Services
Barbara Peacock, Director of Children and Adult Services

Apologies for absence

An apology for absence was received from Councillor Rodney Chambers (Leader of the Council).

Cabinet, 29 October 2013

Deputy Leader's Announcement

The Deputy Leader and the Portfolio Holder for Front Line Services paid tribute to staff and the contractor for the successful launch of weekly recycling collections on Monday 28 October 2013 despite the extreme weather conditions and that these thanks be conveyed to staff and the contractor.

Record of decisions

The record of the meeting held on 1 October 2013 was agreed and signed by the Deputy Leader as correct.

Declarations of disclosable pecuniary interests and other interests

Disclosable Pecuniary Interests

There were none.

Other interests

Councillor Brake declared an interest in agenda item 9 (Establishment of a Subsidiary Company of Medway Norse for Grounds Maintenance) because his son was employed by the current grounds maintenance contractor (Landscape Group) for Bereavement Services. He chose to leave the room during consideration and determination of this item.

Councillor Filmer declared an interest in agenda item 9 (Establishment of a Subsidiary Company of Medway Norse for Grounds Maintenance) because he was a Director of Medway Norse. He chose to leave the room during consideration and determination of this item.

Councillor O'Brien declared an interest in agenda item 8 (Funding Formula for Mainstream Schools and Academies) because a close family member was employed by the Howard School.

Outline Business Case for the Expansion of Will Adams Pupil Referral Unit

Background:

This report provided details of the outline business case (OBC) regarding the proposal to expand the Will Adams Pupil Referral Unit (PRU), Woodlands Road, Gillingham.

The report provided details of the eight options and recommended that option 8 be taken forward on a similar basis to option 5. This would involve the use of the recently vacated Outreach Centre which was adjacent to the PRU, with some of the facilities/provision scaled back to achieve a more affordable option. This offered the maximum compromise between budget availability and building content and would provide best value for money.

Cabinet, 29 October 2013

During discussion, it was noted that the Portfolio Holder for Children's Services (Lead Member) should be consulted on the detailed design work on the preferred option.

Decision number: **Decision:**

168/2013 **The Cabinet approved the Business Case, which had been based on the initial options appraisal and allow this project to proceed for more detailed design work on the preferred option, as set out in paragraph 4.1 of the report.**

Reasons:

Option 8 delivers the maximum compromise between budget availability and building content and 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. Every effort will be made to include additional elements identified during the discussions with the Headteacher and unit Staff prior to the tendering process.

Housing Revenue Account Development Programme

Background:

This report provided details of the first two individual work streams within the Housing Revenue Account (HRA) Development Programme and sought approval to appropriate land at Beatty Avenue, Gillingham, from the General Fund to the Housing Revenue Account. Full Council had agreed the overall programme as an addition to the Capital Programme at its meeting on 17 October 2013.

The proposals included development on a number of sites as set out in Appendix A to the report which would provide 23 affordable homes and on surplus general fund land in Gillingham which could provide 43 affordable homes.

An addendum report was tabled at the meeting which presented a revised table at 4.2.4 of the report. This provided details of the proposed accommodation on the surplus General Fund Land.

Decision number: **Decision:**

169/2013 **The Cabinet agreed to proceed with the option to develop additional housing on Housing Revenue Account (HRA) sites, as set out in paragraph 4.1 of the report and the option to develop additional housing on one General Fund site at Beatty Avenue, Gillingham, as set out in paragraph 4.2 of the report.**

Cabinet, 29 October 2013

- 170/2013** The Cabinet agreed to delegate authority to the Assistant Director of Legal and Corporate services in consultation with the Portfolio Holder for Finance and Deputy Leader to appropriate the land at Beatty Avenue from the General Fund to the Housing Revenue Account (HRA).
- 171/2013** The Cabinet agreed to delegate authority to the Director of Regeneration Community and Culture in consultation with the Portfolio Holder for Housing and Community Services to add further sites to the HRA site programme as they become available, as set out in paragraph 4.1.7 of the report.

Reasons:

This proposed development programme would both improve and add to the HRA's existing housing stock, which will benefit existing tenants and Medway residents that qualify for affordable housing.

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 September 2013 (the end of the second 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 second quarterly report and it indicated, after management action, the outturn forecast for 2013/2014 stood at a potential overspend of £4.4 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:**

- 172/2013** The Cabinet noted the forecast position following the second 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.

Cabinet, 29 October 2013

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 2013/2014

Background:

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

The approved capital programme for 2013/2014 and future years was £81.6 million, consisting of £41.6 million in respect of brought forward schemes and £40 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 £53.8 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.

During discussion, Cabinet Members paid tribute to the work undertaken by officers on the Education Capital Programme.

Decision number: **Decision:**

The Cabinet noted the spending forecasts summarised at Table 1 in the report.

The Cabinet noted the new approvals and virements outlined at paragraphs 4.2.3 and 4.3.1 in the report and authorised under Chief Officer delegations.

173/2013 The Cabinet recommended to Council the addition to the capital programme outlined at paragraph 4.2.2 in the report.

Reasons:

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

Funding Formula for Mainstream Schools and Academies

Background:

This report provided details of the proposed funding arrangements for Medway's Schools and Academies through the Dedicated Schools Grant following consultation and initial consideration by the Schools Forum on 9 October 2013.

It was noted that the changes to the funding formula for 2014/2015 would create some gains or losses for individual schools, however it was reflected that schools would need a period of time to adjust to lower levels of funding so the government had set the Minimum Funding Guarantee (MFG) at minus 1.5% for 2014/2015 (the same as 2013/14). This meant that a school could not have a cut in funding of more than 1.5% per pupil per year over this period.

The Schools Forum's recommendations were set out in paragraph 4.2 of the report.

Decision number:

Decision:

174/2013

The Cabinet instructed officers to implement a new funding formula for schools and academies as follows:

- (i) To allocate 5.2% of the schools block funding through the Deprivation factors, as set out in paragraph 3.5 of the report.**
- (ii) To include the new Sparsity factor within Medway's funding formula, as set out in paragraph 3.8 of the report.**
- (iii) To set the Lump Sum amount at the same level for both primary and secondary phases, as set out in paragraph 3.9 of the report.**
- (iv) To continue to cap the gains from the funding formula at 1.5% per pupil, as set out in paragraph 2.8 of the report.**

Reasons:

The Council is required to implement the funding formula changes from 2014-15 in accordance with the regulations and to inform the Education Funding Agency of the new formula by 31 October 2013.

Establishment of a Subsidiary Company of Medway Norse for Grounds Maintenance

Background:

This report provided details of a proposal to set up a subsidiary company of Medway Norse. This would enable the Council to benefit from all of its spend on grounds maintenance services being in one place. The report also stated that this would provide opportunities for economies of scale and therefore savings from that spend and a sufficient base to compete for external contracts across the southeast creating income for the Council.

The proposed grounds maintenance services included: Greenspaces Corporate contract and Partnership arrangement (General grounds maintenance services and seasonal bedding); Bereavement services contract (General grounds maintenance services and grave digging); Highways (General grounds maintenance services including hedge and tree cutting and traffic management) and; Medway Norse (General grounds maintenance including golfing greens).

The report set out the governance arrangements for the subsidiary company which would include quarterly reporting to the Business Support Overview and Scrutiny Committee and six monthly reporting to Cabinet.

A Diversity Impact Assessment (DIA) screening had been undertaken on the proposals as set out in Appendix 1 to the report. It was noted that it had not been necessary to proceed to a full impact assessment.

Decision number:

Decision:

- | | |
|-----------------|---|
| 175/2013 | The Cabinet agreed to establish a subsidiary company that will be operational from 1 April 2014. |
| 176/2013 | The Cabinet agreed that the transfer should be for services described in paragraph 2.3 commencing 1 April 2014. |
| 177/2013 | The Cabinet agreed that regular reporting to Business Support Overview and Scrutiny Committee and the Cabinet by the subsidiary joint venture company, as per the timetable for reporting in relation to Medway Norse, takes place. |
| 178/2013 | The Cabinet agreed that the Director for Regeneration, Community and Culture Services determine the joint venture company name, in consultation with the Portfolio Holder for Housing and Community Services, following a consultation with Members. |
| 179/2013 | The Cabinet agreed that the Grounds Maintenance Operational Liaison Board be constituted (to support the |

subsidiary company) to meet with the same frequency as the current Operational Liaison Board for Medway Norse.

Reasons:

This arrangement will enable the council to better manage the spend on activities related to grounds maintenance and manage the quality of services that are delivered.

To allow the Council to take advantage of income opportunities and make efficient use of assets, workforce and knowledge.

Regular reporting will ensure transparency at all stages of the subsidiary joint venture company's development and to ensure that its activities are in keeping with the Council's priorities and operating model.

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:

180/2013

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

- (a) Head of Service Adult Learning
- (b) Head of Quality
- (c) Employer Liaison Coordinator
- (d) Senior Electoral Services Officer
- (e) MCSC Coordinator
- (f) Electoral Services Manager
- (g) Democratic Services Officer
- (h) Exchequer Officer/Contract Administrator

Children and Adults Services

- (i) School Support Assistant
- (j) SEN Team Co-ordinator
- (k) Support Services Assistant (Safeguarding)
- (l) Support Services Assistant (Safeguarding)

(m) Social Worker

Public Health Directorate

(n) Health Improvement Assistant x2

Regeneration, Community and Culture

(o) Economic Development Manager.

Reasons:

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

Gateway 1 Procurement Commencement: Eastgate House Refurbishment Works

Background:

This report sought permission to commence the procurement process for the refurbishment and conservation of the Grade I Listed Building, Eastgate House, High Street, Rochester, which represented the focal point of the Eastgate Conservation Area.

It was noted that the project would address the urgent conservation requirements of the house by transforming and securing the future of the building. A new lift, sensitively designed to complement the site, and the reinstatement of a demolished staircase would allow access for all to floors closed for decades. A robust Conservation Management Plan would ensure that decisions throughout the project and beyond would be taken with full consideration and understanding of the historical, social, aesthetic and communal significance of all areas of the house.

It was also noted that the project would introduce new galleries and education spaces to facilitate the Council's learning and participation aims. Significant improvements to visitor facilities would generate new opportunities for income generation, creating new jobs and ensuring sustainability of the project.

This Gateway 1 report had been approved for submission to Cabinet after review and discussion at Regeneration, Community and Culture Directorate Management Team meeting on 16 October 2013 and Procurement Board on 15 October 2013.

A Diversity Impact Assessment (DIA) screening had been undertaken and was attached at Appendix 1 to the report. It was noted that it had not been necessary to proceed to a full impact assessment.

An exempt appendix set out key information concerning finance and whole-life costing.

Cabinet, 29 October 2013

Decision number: **Decision:**

181/2013 **The Cabinet approved this project to progress to the invitation to tender stage.**

Reasons:

There is a design team and funding in place and the project meets the strategic needs of the Council.

Gateway 1 Procurement Commencement: Saxon Way Primary School - Expansion to Two Forms of Entry: Temporary Accommodation

Background:

This report sought permission to commence the procurement of temporary accommodation hire for 2 years (including enabling works) to allow Saxon Way Primary School, Gillingham, to expand to a two form of entry (2FE) listed as Option 3a on the outline business case as approved at Cabinet on 6 August 2013 (decision number: 136/2013).

The report provided details of the phasing of the works stating that two phases would only progress once the Council was sure that the expected number of students would materialise. Phase 1 would provide a purpose built staffroom, Planning Preparation and Assessment (PPA) room, a Special Educational Needs (SEN) group room and a speech, language and Special Educational Needs Coordinators (SENCO) office. A learning resource centre with ICT provision would also be created. Phase 2 would provide a single storey extension with four additional classrooms, required from September 2017 onwards.

This Gateway 1 report had been approved for submission to Cabinet after review and discussion at Children and Adults Directorate Management Team meeting on 1 October 2013 and Procurement Board on 15 October 2013.

An exempt appendix set out key information concerning finance and whole-life costing.

Decision number: **Decision:**

182/2013 **The Cabinet approved this Gateway 1 high risk report for progression to Gateway 2 of the procurement process for the further competition/mini tender within the Government Procurement Service Framework RM875 Modular Building Systems as set out in paragraph 4.1 of the report (preferred option).**

Cabinet, 29 October 2013

Reasons:

This will provide:

- Greater choice and flexibility;
- A quicker route to market;
- Procurement with confidence through a fully EU compliant offering.
- Reduced procurement costs and resources.
- Full compliance with building regulations including “part L/Section six” conservation of fuel and power.
- Up to sixty years design life with minimum maintenance costs.
- Covers both the hire of the modular building and the appropriate enabling or connection works.

Gateway 3 Contract Award: New Primary School in Chatham Refurbishment and Remodelling Works

Background:

This report sought permission from the Cabinet to award a contract following the procurement process for works to establish a new primary school in buildings on the former site of Bishop of Rochester Academy – West Campus site, Chatham.

This Procurement Gateway 3 Report had been approved for submission to the Cabinet after review and discussion at Children and Adults Directorate Management Team meeting on 1 October 2013 and the Procurement Board on 15 October 2013.

An exempt appendix set out detailed finance and whole costing information for this project and the detailed procurement process tender evaluation information.

Decision number:

Decision:

183/2013

The Cabinet approved the contract award to WW Martin Ltd.

184/2013

The Cabinet approved the virement set out in paragraph 2.1.1 of the exempt appendix to cover design, enabling works, construction works, professional fees and all associated project costs.

Reasons:

The preferred contractor provided the lowest price and highest quality overall and the urgency of remodelling this school is due to the shortage of primary school places within Medway.

Gateway 3 Contract Award: Greenvale Infant School - Phase 3 Works

Background:

This report sought permission to award a contract following the recently undertaken procurement process for the new build extension for the entrance and administration and a review of the existing accommodation to allow for extra classrooms at Greenvale Infant School, Chatham.

This Procurement Gateway 3 Report had been approved for submission to the Cabinet after review and discussion at Children and Adults Directorate Management Team meeting on 1 October 2013 and Procurement Board on 15 October 2013.

An exempt appendix set out detailed finance and whole costing information for this project and the detailed procurement process tender evaluation information.

Decision number:

Decision:

185/2013

The Cabinet approved the procurement contract award to Birkby Construction Ltd.

Reasons:

The project will deliver the objectives outlined in the business case and summarised in section 4.1 of the report, to support the Council's School Organisation Plan 2011 – 2016, approved by Cabinet on 12 June 2012 (decision number 85/2012), which highlights the need for more pupil places in the Chatham area.

Gateway 4 Procurement Post Project Completion Review: Elaine Primary School, Oaklands Primary School, Walderslade Primary School and Sir Joseph Williamson's Mathematical School

Background:

This report provided details of the review of the progress of the Elaine Primary School, Oaklands Primary School, Walderslade Primary School and Sir Joseph Williamson (SJW) Mathematical School works contracts which had been awarded between 2009-2011.

The report provided details of the contractor and works for each of the contracts and provided details of the outcomes of these works.

This Procurement Gateway 4 report had been approved for submission to Cabinet after review and discussion at Procurement Board on 15 October 2013.

An exempt appendix set out key information concerning finance and whole-life costing.

Cabinet, 29 October 2013

**Decision
number:**

Decision:

The Cabinet noted that the contracts were one-off contracts with no additional termed requirements, which were now complete and would therefore no longer be required (as set out as the preferred option within paragraph 4.1 of the report).

Reasons:

The contracts were one off procurements, which have now finished.

Gateway 4 Procurement Post Project Completion Review: Yes Medway Service

Background:

This report provided details of progress of the YES Medway Services contract (formerly Connexions) currently delivered through Medway Youth Trust. The Cabinet had awarded this contract on 12 June 2012 for the period 1 September 2012 – 31 October 2017 (with an option to extend until 31 October 2019). The report provided details of contract performance.

This Procurement Gateway 4 report had been approved for submission to the Cabinet following review and discussion at Children and Adults Directorate Management Team meeting on 1 October 2013 and Procurement Board on 15 October 2013.

An exempt appendix set out key information concerning finance and whole-life costing.

**Decision
number:**

Decision:

186/2013

The Cabinet agreed to continue with the current contract and subject contract to further Gateway 4 and/or Gateway 5 Reporting Requirements as detailed in paragraph 4.1 of the report.

Reasons:

This is based on the current performance of the service provider.

Exclusion of the Press and Public

Decision number: **Decision:**

187/2013 The Cabinet agreed to exclude the press and public from the meeting during consideration of the agenda item 18 (Business Case for Establishing a Communications Shared Service) because consideration of this matter in public would disclose information falling within paragraphs 3 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 17 (Exclusion of Press and Public) and, in all the circumstances of the case, the Cabinet agreed that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Business Case for Establishing a Communications Shared Service

Background:

This exempt report provided details of proposals for a shared communications service with East Sussex County Council that would provide communications services to the two Councils and deliver traded services to other local public sector bodies in the region.

The Business Support Overview and Scrutiny Committee considered this report on 19 September 2013 and its views were set out in paragraph 6 of the report.

It was noted that the Deputy Leader was acting on behalf of the Leader in accordance with paragraph 7.5 of Article 7 (The Leader and Cabinet) as set out in the Constitution.

Decision number: **Decision:**

188/2013 The Cabinet recommended that the Deputy Leader (in the absence of the Leader) delegate authority to the Assistant Director, Communications, Performance and Partnerships in consultation with the Portfolio Holder for Finance to proceed with the implementation of the communications shared service with East Sussex County Council as set out in the business case to launch in April 2014.

189/2013 The Deputy Leader, acting in the absence of the Leader, agreed to delegate authority to the Assistant Director, Communications, Performance and Partnerships in consultation with the Portfolio Holder for Finance to

Cabinet, 29 October 2013

proceed with the implementation of the communications shared service with East Sussex County Council as set out in the business case to launch in April 2014.

Reasons:

This will allow the Council to introduce an innovative shared approach to delivering communications that will increase the resilience of its communications service and generate traded income from its activities.

.....
Leader of the Council

.....
Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

Telephone: 01634 332509/332008
Email: democratic.services@medway.gov.uk

This page is intentionally left blank