

Record of Cabinet decisions

Tuesday, 9 February 2016

4.30pm to 6.15pm

Date of publication: 10 February 2016

**Subject to call-in these decisions will be effective from 18 February 2016
The record of decisions is subject to approval at the next meeting of the Cabinet**

Present:	Councillor Howard Doe	Deputy Leader and Portfolio Holder for Housing and Community Services (in the chair)
	Councillor David Brake	Portfolio Holder for Adult Services
	Councillor Rodney Chambers, OBE	Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships
	Councillor Jane Chitty	Portfolio Holder for Planning, Economic Growth and Regulation
	Councillor Phil Filmer	Portfolio Holder for Front Line Services
	Councillor Adrian Gulvin	Portfolio Holder for Resources
	Councillor Andrew Mackness	Portfolio Holder for Corporate Services
	Councillor Rupert Turpin	Portfolio Holder for Business Management

In Attendance: Neil Davies, Chief Executive
Wayne Hemingway, Democratic Services Officer
Richard Hicks, Director of Regeneration, Community and Culture
Perry Holmes, Chief Legal Officer/Monitoring Officer
Julie Keith, Head of Democratic Services
Tricia Palmer, Assistant Director, Organisational Services
Ian Sutherland, Deputy Director, Children and Adults Services
Phil Watts, Chief Finance Officer

Apologies for absence

Apologies for absence were received from Councillors Alan Jarrett (Leader) and Mike O'Brien (Children's Services).

Record of decisions

The record of the meeting held on 12 January 2016 was agreed and signed by the Deputy Leader as a correct record.

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Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

There were none.

Other interests

There were none.

Revenue Budget Monitoring 2015/2016

Background:

This report detailed the revenue budget forecasts as at the end of December 2015. Table 1 within the report contained a summary of the forecast position, which reflected the individual directorate monitoring summaries attached at Appendices 1 – 5 to the report.

It was noted that after agreed management action, the forecast overspend for 2015/2016 was estimated at £3.1m. This represented a more favourable position than the £5.9m reported to Cabinet on 24 November 2015.

The report explained that whilst the pressure on children's social care had continued to escalate, a review of treasury management budgets, together with a proposed change to the Council's policy in relation to the minimum revenue provision for repayment of debt, had significantly reduced the forecast overspend.

Decision number: ***Decision:***

11/2016 **The Cabinet noted the Round 3 revenue monitoring for 2015/16 and agreed the forecast position and proposed management action.**

Reasons:

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

Capital Budget Monitoring 2015/2016

Background:

This report detailed the capital monitoring forecasts as at the end of December 2015.

It was noted that the approved capital programme for 2015/16, and future years, was £125.9m, being £48.5m of brought forward schemes and £77.4m of new approvals.

The report included details of one new virement and three new additions since the second quarter period.

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The report consolidated the capital expenditure forecasts prepared by each directorate and more detailed information was provided in the appendix to the report. The accompanying narrative provided a brief description of each scheme, describing the progress of each and the outputs achieved.

Decision number: ***Decision:***

12/2016 **The Cabinet approved the budget virement proposal as set out in paragraph 4.1.1 of the report and noted the three new additions to the programme in paragraphs 4.1.2, 4.1.3 and 4.1.4 of the report, which are covered under the Chief Finance Officer's delegated authority on capital spending.**

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

Reasons:

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

Final Funding Formula for Mainstream Schools and Academies 2016-2017

Background:

This report provided details of the final funding proposals for Medway's schools and academies for 2016/2017. Officers, working with the Schools Forum, had consulted with schools and academies on the 2016/2017 options and arrangements. It was noted that the Schools Forum had recommended these options and arrangements to Cabinet in October 2015, which were approved. Following this, the provisional funding formula was submitted to the Education Funding Agency (EFA) and was approved, subsequently, in December 2015. Final pupil numbers and the total funding available through the Dedicated Schools Grant (DSG) had been confirmed by government.

The Schools Forum met on 13 January 2016 and its final recommendations to Cabinet were set out in paragraph 3 of the report.

Decision number: ***Decision:***

13/2016 **The Cabinet instructed officers to implement the new funding formula for schools and academies and approve the Final Funding Formula 2016-2017, as set out in paragraph 3.5 of the report.**

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Reasons:

The Council is required to implement the funding formula changes from 2016-2017 in accordance with the School and Early Years Finance (England) Regulations 2014. This is a Cabinet function.

Housing Revenue Account Capital and Revenue Budgets 2016/2017

Background:

This report provided details of the proposed Housing Revenue Account (HRA) capital and revenue budgets for 2016/2017 including rent, garage rent and service charges levels. The report gave a breakdown of the factors taken into account in terms of formulating the budgets for 2016/2017 including the implications of Universal Credit being introduced in Medway on a cascade approach from October 2015.

The report also provided an update on the HRA Business Plan explaining that it would be reviewed in 2016 to take account of new regulations due in 2016.

It was noted that tenants had been informed of rent charge adjustments, as set out in section 13 of the report.

The Business Support Overview and Scrutiny Committee considered this report on 2 February 2016 and its comments were set out in an addendum report.

A Diversity Impact Assessment had been carried out on the proposed budgets as set out in Appendix D to the report.

Decision number: ***Decision:***

The Cabinet noted the recommendations from the Business Support Overview and Scrutiny Committee.

14/2016

The Cabinet recommended to Council:

- a) **That the rent cycle move from a 50 week rent payment year to a 52 week rent payment year for both the housing stock and garages.**
- b) **A proposed rent decrease of 1% for the housing stock as set out in Appendix A to the report (based upon 52 collection weeks).**
- c) **A rent increase of 2% for garages.**
- d) **That the service charges and increases as set out in Appendix B to the report for 2016/17 be approved.**

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- e) **That the revenue budget for the HRA Service for 2016/17 as per Appendix C to the report be approved.**
- f) **That the provision for the repayment debt continues to be based on a minimum revenue payment of 2% on the 2016/17 HRA opening outstanding debt.**
- g) **To increase the 2016/17 HRA housing building development programme amount by the available Right To Buy (RTB) 1-4-1 capital receipts and the funds remaining from 2015/16 Minimum Revenue Provision (MRP) payment as set out in paragraph 9.5 of the report.**

Reasons:

The Council is required to carry out a 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.

Council Plan 2016/17 - 2020/21

Background:

This report provided details of the proposals for the new Council Plan 2016/17 – 2020/21. This included the Plan's objectives, key performance indicators, programmes and ways of working.

The report noted the intention to develop a more focused Council Plan that concentrated on the Council's strategic 'transformational' activity. The intention was to deliver programmes over the life of the plan that would have a significant impact for local residents, whilst ensuring the services that matter most to local residents would be preserved.

The Business Support Overview and Scrutiny Committee considered the report on 2 February 2016 and its comments were set out in an addendum report. In addition, a revised Appendix 2 to the report was included in the addendum report, which included additional commentary explaining the rationale of the targets set for each indicator.

A Diversity Impact Assessment of the new Council Plan had been prepared with the report, in line with the Council's established procedure for new strategic documents, as set out in Appendix 3 to the report.

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Decision number:

Decision:

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee on the Council Plan priorities, outcomes, programmes and indicators.

15/2016

The Cabinet reviewed the component parts of the Council Plan 2016/17 – 2020/1 and recommended for approval to Full Council on 25 February 2016:

- **Priorities and outcomes (as shown in the diagram in paragraph 3.3 of the report and within Appendix 1 to the report)**
- **Programmes (Appendix 1 to the report)**
- **Indicators and associated year 1 targets (revised Appendix 2 to the report)**
- **Ways of working to underpin how the Council operates (paragraph 4 of the report).**

Reasons:

It is a requirement of the Council's policy framework rules that proposals are considered by Overview and Scrutiny and Cabinet prior to final consideration and approval by the Full Council.

Capital and Revenue Budgets - 2016/2017

Background:

The Cabinet agreed to accept this report as an urgent item to enable its recommendations to be forwarded to the Council Budget meeting on 25 February 2016. It was not possible to include this report in the main agenda as it was decided to wait for the anticipated announcement of the Final Settlement on 3 February 2016. In the event, this did not transpire.

This report presented proposals for the capital and revenue budgets for 2016/2017.

It was noted that the Cabinet had considered initial budget proposals on 24 November 2015, which had been developed in accordance with the principles set out in the Medium Term Financial Plan which had identified a potential revenue shortfall of some £13.8 million for 2016/2017.

It was noted that under new arrangements announced in the Spending Review 2015 upper tier local authorities would be able to increase council tax by up to 4.0%, providing that the additional 2.0% was ring-fenced for social care. The budget proposed by Cabinet would be based upon the Council availing itself of this additional flexibility and raising council tax by 3.994% in 2016/17.

The report provided details of the revenue budget proposals noting that that these would almost have balanced the 2016/17 budget. However, an issue created by the

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increase in the Non-Domestic Rates (NDR) appeals provision meant that there was still a need to identify further savings to close the residual £3.363 million gap in 2016/17. Options were being considered and it was anticipated that the budget presented to Council on 25 February 2016 would be balanced and be underpinned by a robust set of assumptions.

The proposed capital programme for 2016/2017, incorporating existing schemes and anticipated funding allocations, was £144.501 million. An overall summary and a summary by directorate of the proposed capital programme were attached at Appendix 4 to the report.

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 in Appendix 1 to the report.

The schedule of fees and charges was set out in Appendix 6 to the report.

The report set out the requirements under equality legislation and it was noted that Diversity Impact Assessments would be completed for the budget proposals in advance of Full Council on 25 February 2016.

Decision number: ***Decision:***

The Cabinet noted the recommendations from overview and scrutiny committees as summarised in Appendix 1 to the report.

16/2016 The Cabinet recommended to Council the capital budget proposals, as set out in Appendix 4 to the report.

17/2016 The Cabinet recommended to Council that the net revenue budget summarised at Appendix 2 to the report, amounting to £319.620 million, should be adopted and that this be funded by a 3.994% increase in Council Tax for 2016/17 with the equivalent Band D figure at £1,234.89. Final proposals to address the £3.363 million gap would be reported to Council on 25 February 2016.

18/2016 The Cabinet recommended to Council the fees and charges set out at Appendix 6 to this report.

19/2016 The Cabinet requested the Chief Finance Officer to calculate the formal requirements under Sections 30 to 36 of the Local Government Finance Act 1992 for resolution by Special Council on 25 February 2016.

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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.

Treasury Management Strategy 2016/2017

Background:

This report provided details of the Council's Treasury Management Strategy for 2016/2017. The report provided details of the Minimum Revenue Provision (MRP) and the Policy Statement for 2016/17 as set out in Appendix 1 to the report. A change to the MRP Policy was proposed for application in 2015/16 as well as for future years for the reasons set out in paragraph 14 of the report.

It was noted that the Treasury Management Strategy for 2016/17 covered the following issues:

- Capital plans and the prudential indicators
- The MRP strategy
- The current treasury position
- Treasury indicators which will limit the treasury risk and activities of the Council
- Prospects for interest rates
- The borrowing strategy
- Policy on borrowing in advance of need
- Debt rescheduling
- The investment strategy
- Creditworthiness policy
- Policy on use of external service providers.

Proposed amendments to Treasury Management Practices included the following:

- Approved Countries
- Treasury and Prudential Indicators.
- The Authorised Limit and Operational Boundary
- MRP Policy
- Reassignment of officer duties reflecting current departmental structure
- Removal of references to the use of external fund manager Investec.

These elements covered the requirements of the Local Government Act 2003, the CIPFA Prudential Code, Communities and Local Government Guidance on Minimum Revenue Position (CLG MRP Guidance), the CIPFA Treasury Management Code and CLG Investment Guidance.

The Audit Committee considered this report on 12 January 2016 and its comments were set out in paragraph 15 of the report.

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A Diversity Impact Assessment had been undertaken on the Treasury Management Strategy, as set out in Appendix 7 to the report.

Decision number:

Decision:

The Cabinet noted the comments of the Audit Committee.

- 20/2016** The Cabinet recommended to Full Council approval of the proposed changes in the Minimum Revenue Provision Policy (Appendix 1 to the report), to take effect from the 2015/16 financial year onwards.
- 21/2016** The Cabinet recommended to Full Council the Treasury Management Strategy as set out in the report and Appendices 1-6 to the report.
- 22/2016** The Cabinet approved the amendments to the Treasury Management Practices as set out in Appendix 8 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 and has responsibility for the implementation of the Treasury Management Practices and associated schedules.

Outcomes of Consultation for the Proposed Prescribed Alterations at Bligh Infant and Junior Schools

Background:

This report provided details of the outcome of the informal consultation period on the Council's proposals to enlarge the premises at Bligh Infant and Junior Schools, by way of statutory prescribed alterations. This followed the Cabinet's decision in January 2015 to approve proposals to consult.

The first stage in the statutory process required the Council to hold a period of informal public consultation, this took place over a four-week period between 2 and 29 November 2015, and the results of this were set out in sections 4 and 5 of the report. The report also provided details of a public meeting to discuss the proposals, which were set out in paragraph 7 and Appendix 4 to the report.

The Children and Young People Overview and Scrutiny Committee discussed this report on 19 January 2016 and its comments were set out in paragraph 8 of the report.

A Diversity Impact Assessment (DIA) screening form, as set out at Appendix 2 to the report, highlighted how the proposed changes could impact upon various groups. It

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showed that there could potentially be some impact upon certain groups, however, any impacts were expected to be positive.

Decision number: **Decision:**

- 23/2016** **The Cabinet noted the responses to the informal consultation together with the advice and analysis from officers and the comments of the Children and Young People Overview and Scrutiny Committee and agreed to instruct the Director of Children and Adults Services to commence the period of statutory representation for the proposed changes to Bligh Infant and Junior Schools, as set out in paragraph 11.1 of the report, when statutory notices and full proposals will be published.**
- 24/2016** **The Cabinet agreed to delegate authority to the Director of Children and Adults Services, 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 are received. However, if any objections are received during that time then a report will be prepared and presented to Cabinet for determination.**

Reasons:

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

Dementia Gap Analysis and Joint Commissioning Plan

Background:

This report provided details of progress achieved since the publication of the Dementia Strategy in 2015 and set out the main findings following a more detailed needs and supply analysis of the current provision in Medway.

This exercise analysed population, needs, activity and costs data, and conducted extensive discussions with people with dementia and their carers across Medway, as well as other key stakeholders across the system. The report also set out an action plan to take the work forward to the next stage of development.

The Health and Adult Social Care Overview and Scrutiny Committee considered this report on 26 January 2016 and its comments were set out in paragraph 6 of the report. The Health and Wellbeing Board was scheduled to consider the report on 15 March 2016.

The report noted that a Diversity Impact Assessment would be carried out when required to support the detailed implementation plan and redesigned care packages.

Decision number: **Decision:**

The Cabinet noted the progress achieved since the publication of the Medway Dementia Strategy and the Dementia Commissioning Action Plan as set out in Appendix A to the report.

Reasons:

This report provides a summary of progress achieved since the development of the Medway Dementia Strategy and sets out some key actions going forward, with a view to full implementation of the Dementia Strategy. The Dementia Commissioning Action Plan takes this forward to the next stage of development, whilst taking account of the main findings following a more detailed needs and supply analysis of the current provision in Medway.

Proposal About Queen Street/Slicketts Hill Car Parks, The Brook, Chatham

Background:

This report provided details of a proposal to seek developer interest in developing a council owned car park whilst retaining car parking facilities and proposed that Cabinet delegate authority to appropriate the car park for planning purposes and to enter into any necessary agreements in relation to developing the car park. The report provided details of previous decisions made in respect of the site and why those decisions had not been implemented.

It was noted that the site could be appropriated for planning purposes, and the Council could undertake a procurement process to seek a developer for the site, who would be prepared to develop the site whilst retaining the existing level of Council parking spaces plus sharing the profit from the development. Development options would be subject to planning restrictions and ground conditions.

Decision number: **Decision:**

25/2016 The Cabinet agreed to delegate authority to the Chief Legal Officer in consultation with the Leader and the Portfolio Holder for Resources to:

- (i) Appropriate the site for planning purposes.**

- (ii) To carry out a procurement exercise to seek a developer to provide a mixed use development, with a retained Council car park on the best terms reasonably obtainable.**

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- (iii) **Enter into any necessary agreements to secure the development of the site and preserve the Council's ability to use the car park after the development has taken place.**

Reasons:

To bring forward the site for development, whilst retaining the car park and income.

Annual Public Health Report of the Director of Public Health - 2014/2015

Background:

This report provided details of the Annual Public Health Report of the Director of Public Health for 2014/15. The report focused on the health of Medway's infants and young children and made recommendations for Medway Council and partners.

The projected benefits of producing the report include the following:

- Contribute to improving the health and well-being of Medway's youngest children across their entire life course
- Giving all children the best start in life and thereby reducing health inequalities
- To inform the planning and monitoring of local programmes and services that impact on the health of young children in Medway.

The Children and Young People Overview and Scrutiny Committee considered this report on 19 January 2016 and its comments were set out in section 4 of the report. The Health and Wellbeing Board considered the report on 4 February 2016 and its comments were set out in an addendum report.

The Portfolio Holder for Adult Services reported that Dr Alison Barnett, Director of Public Health, would be leaving Medway in mid-February to take up a new job as Deputy Centre Director for Public Health England South East. He thanked Alison, on behalf of the Cabinet, for her work in Medway since 2008 and wished her well for the future.

The Portfolio Holder for Adult Services also undertook to look into the issue of stillbirths.

Decision number: **Decision:**

The Cabinet noted the Annual Public Health Report and the priorities identified for improving the health and wellbeing of children.

Reasons:

The production of the Annual Public Health Report is a statutory requirement.

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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).

Details of the posts were set out within Appendix 1 to the report.

Decision number:

Decision:

26/2016

The Cabinet agreed to unfreeze the following post, as detailed in Appendix 1 to the report and tabled at the meeting:

Business Support Department

- a) **Administration Support Officer**
- b) **Electoral Services Assistants x 5**
- c) **Senior Press Officer**

Children & Adults

- d) **Dynamic Project Lead**
- e) **Senior Commissioning Officer**
- f) **Casual Clerks x 6**
- g) **SEN Manager**

Regeneration, Community and Culture

- h) **Housing Finance Assistant**
- i) **Housing Support Assstant.**

Reasons:

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

Chatham Waterfront

Background:

This report provided details of progress towards the regeneration of the Chatham Waterfront site, together with proposals to continue negotiations with third party landowners to acquire interests in the site and to agree/pay compensation. The

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report also set out proposals to pursue, in parallel with negotiations, the obtaining of statutory powers of compulsory purchase to acquire the land and appropriation of the Council's own land to ensure that all necessary land interests are acquired and to enable regeneration to take place.

It was noted that the site was an area located at a key gateway to Chatham Town Centre, facing onto the River Medway, Medway Street, the bus station and the Pentagon Shopping Centre. The acquisition and development of the site was a major regeneration focus enabled by funding from the Growing Places Fund.

An exempt appendix provided details of negotiations with the landowners and details of the risks as provided by the Council's legal external advisors.

**Decision
number:**

Decision:

27/2016

The Cabinet agreed to delegate authority to the Director of Regeneration Community and Culture, in consultation with the Chief Legal Officer, the Leader of the Council, the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships and the Portfolio Holder for Planning, Economic Growth and Regulation to:

- (a) Continue negotiations with landowners to acquire outstanding interests in the land hatched and cross hatched black on the attached plan ("the Plan").**
- (b) Continue to pursue developer interest in the land to secure its regeneration.**
- (c) Seek advice on the active marketing of the site for regeneration and advice on the prospects of such development proceeding in a reasonable time frame.**
- (d) Prepare a compulsory purchase order (CPO) for any or all of the remaining interests in the site within the area shown on the Plan pursuant to the Council's powers under S226 of the Town and Country Planning Act 1990.**
- (e) Make the CPO to secure any or all interests required for the regeneration of the site shown on the Plan.**
- (f) Submit the CPO to the Secretary of State requesting the confirmation of the CPO.**
- (g) Respond to objections and continue negotiations with landowners following making of the CPO.**
- (h) Give undertakings and assurances if advised to and to acquire by agreement any outstanding interests.**

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- (i) Confirm the CPO as an unopposed Order if the CPO is returned to the Council for confirmation.
- (j) Instruct experts (including counsel) to represent the Council at any inquiry into the confirmation of the CPO or in any written representation process or process including a hearing.
- (k) Attend any inquiry into the CPO and to pay the costs of the planning inspectorate for the inquiry.
- (l) Advertise the confirmation of the CPO if it is confirmed by either the Council as an unopposed order or by the Secretary of State.
- (m) Serve notices to treat and enter, make vesting declarations and/or deed polls to secure all remaining interests in the site.
- (n) Seek to resolve issues of compensation by agreement or in default of agreement by reference to the Lands Chamber of the Upper Tribunal and/or by mediation.
- (o) Declare those areas of land within the area shown on the Plan as surplus to the purposes for which it is currently held.
- (p) Exercise the Council's powers of appropriation of the land within the area shown on the Plan already held by the Council to its planning purposes.
- (q) Negotiate any compensation due to beneficiaries of rights held over any land appropriated by the Council within the area shown on the Plan.

The Cabinet noted the human rights implications of proceeding with the powers of compulsory purchase and appropriation.

Reasons:

This will allow the Council's aspirations for the site to be realised within a reasonable timeframe as set out in the report.

South Thames Gateway Building Control Business Plan 2016/2019

Background:

This report provided details of the South Thames Gateway Building Control Partnership Business Plan for 2016/2019. The report set out the process for approval of the Business Plan including the necessary approvals required by each of the three partner Local Authorities with the South Thames Gateway Building Control Joint Committee having responsibility for final approval.

An executive summary of the Business Plan was set out in paragraph 3 of the report. The Business Plan and Delivery Plan were set out in an exempt appendix.

A Diversity Impact Assessment had been carried out on the proposals and was attached at Appendix A to the report.

Decision number: ***Decision:***

28/2016 **The Cabinet approved the proposed Business Plan for 2016/19 for the South Thames Gateway Building Control Partnership, as set out in the Exempt Appendix.**

Reasons:

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

Gateway 4 Procurement Post Project Completion Review: Housing Revenue Account (HRA) Development of Garage Sites for Additional Housing Stock

Background:

This report provided details of the performance of the contract awarded for the delivery of the first work stream for the construction of 23 affordable homes on a total of 10 locations in Medway, 9 of which were disused garage sites previously owned by the Housing Revenue Account (HRA).

An exempt appendix provided key information in respect of the financial analysis for the contract.

Decision number: ***Decision:***

The Cabinet noted the performance of the Housing Revenue Account (HRA) Development Garage Sites and achievement of the outputs described in sections 2 and 4 of the report.

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Reasons:

The contract, which started in July 2014, has successfully delivered the programme of works.

Gateway 4 Procurement Post Project Completion Review: Housing Revenue Account (HRA) Repairs and Maintenance Contract

Background:

This report provided a review of progress of the Housing Revenue Account (HRA) Repairs and Maintenance Contract currently delivered by Mears Limited, which consisted of all the works, including responsive repairs, gas servicing, void property works, external decoration, and the majority of capital works and direct management of call handling.

An exempt appendix provided key information in respect of the financial analysis for the contract.

Decision number: **Decision:**

The Cabinet noted the performance of the HRA Repairs and Maintenance Contract and achievement of the outputs described in sections 4 and 6 of the report.

Reasons:

The report appraised the procurement outcomes/outputs identified as important at Gateway 1 to the delivery of this procurement requirement and identified as justification for awarding the contract at Gateway 3. The overall performance of the contract in the first year had been excellent, with many of the performance targets and key performance indicators being achieved.

Exclusion of the Press and Public

Decision number: **Decision:**

29/2016 The Cabinet agreed to exclude the press and public from the meeting during consideration of agenda item 21 (Legal Claim Against Medway Council) because consideration of this matter in public would disclose information falling within paragraph 5 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 20 (Exclusion of Press and Public) and, in all the circumstances of the case, the Cabinet considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

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Legal Claim Against Medway Council

Background:

This report provided details of a claim against the Council.

Decision number:

Decision:
The Cabinet noted the stage reached within these civil proceedings and Counsel's advice.

30/2016 The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Corporate Services, to settle the litigation as detailed in this report should mediation be successful on the terms set out in paragraph 3.6 of the report, as amended at the meeting.

Reasons:

This proposal is based upon legal advice. Any settlement requires to be authorised by Cabinet.

.....
Leader of the Council

.....
Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

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