

Record of Cabinet decisions

Tuesday, 9 August 2016

3.00pm to 4.08pm

Date of publication: 10 August 2016

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

Present:	Councillor Alan Jarrett	Leader of the Council
	Councillor Howard Doe	Deputy Leader and Portfolio Holder for Housing and Community Services
	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

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In Attendance: Neil Davies, Chief Executive
Dr Andrew Burnett, Interim
Director of Public Health
Richard Hicks, Director of
Regeneration, Culture,
Environment and
Transformation
Perry Holmes, Chief Legal
Officer/Monitoring Officer
Julie Keith, Head of
Democratic Services
Carrie McKenzie, Head of HR
and Organisational Change
Alex Saul, Democratic
Services Officer
Ian Sutherland, Deputy
Director, Children and Adults
Services
Phil Watts, Chief Finance
Officer

Apologies for absence

An apology for absence was received from Councillor Mike O'Brien.

Record of decisions

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

Declarations of disclosable pecuniary interests and other interests

Disclosable pecuniary interests

Councillor Filmer declared an interest in agenda item 13 (Update on Medway Norse) because he was a Director of Medway Norse. He left the room during consideration of this item.

Other interests

Councillor Mackness stated that he would introduce item 12 on the agenda which provided an update on the activities of Medway Commercial Group (MCG) Limited. He declared that he was the Chairman of MCG.

Call-In: Various Land Proposals

Background

This report advised the Cabinet of the outcome of a call-in considered by the Business Support Overview and Scrutiny Committee on 7 July 2016, in relation to Cabinet decision (87/2016) to close, appropriate, declare surplus and dispose of various council owned properties, applying for planning permission and entering into any necessary agreements in relation to the re-provision of services and undertaking the procurement of development/alternative facilities where appropriate.

The report had originally been considered by Cabinet on 7 June 2016 and the Business Support and Overview Scrutiny Committee referred two matters back to Cabinet for reconsideration as set out in the report, in relation to Hook Meadow Community Centre, Library and Changing Rooms and the White Road Community Centre.

Decision number:

Decision:

97/2016

The Cabinet reconsidered decisions 87(iii) and (iv)/2016 and agreed to delegate authority to the Chief Legal Officer, in consultation with the Portfolio Holder for Resources and the Leader;

- To close the Hook Meadow Community Centre, Library and Changing Rooms, Chatham, and declare them surplus, appropriate them and dispose of them on the best terms reasonably obtainable whilst entering into any necessary agreements concerning the re-provision of the community facilities at Hook Meadow, as set out in paragraph 3.3 of the report.**
- To close the White Road Community Centre, Chatham, declare it surplus, appropriate it and dispose of it on the best terms reasonably obtainable whilst entering into any necessary agreements concerning the re-provision of the community facilities on the White Road Community Centre site, as set out in paragraph 3.4 of the report.**

Reasons

To respond to the recommendation from Business Support Overview and Scrutiny Committee to reconsider its decisions in respect of Hook Meadow Community Centre, Library and Changing Rooms and White Road Community Centre.

To reduce revenue costs, obtain capital receipts and to bring forward land for much needed housing development.

Procurement Strategy 2016-21

Background

The purpose of this report was to provide details of the new Procurement Strategy 2016-21 for the Council. The new Strategy reports on the successes of the previous Strategy and maintains targets and expands to include new targets. The challenges of supporting the local economy and delivering value for money remain as valid now as they were in the original strategy and for that reason the new strategy follows a similar format to the previous strategy.

In order to ensure that the Strategy was relevant, the draft strategy had been shared at the annual Meet the Buyer event which was attended by 500 businesses. In addition, the Business Support Overview and Scrutiny Committee undertook pre-decision scrutiny on the Strategy, on 7 July 2016, details of which were set out in paragraph 7 of the report.

<i>Decision number:</i>	<i>Decision:</i>
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98/2016	The Cabinet noted the comments made by the Business Support Overview and Scrutiny Committee and approved the procurement strategy 2016-21, as set out in Appendix A of the report.
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Reasons

The new Strategy will continue the good work of the previous Strategy but with additional objectives to account for the changing financial and legislative landscape.

Benefit Fraud Sanction Policy

Background

This report sought to establish a policy for the Council's approach to prosecution and other sanctions in respect of housing benefit and residual council tax benefit fraud.

A Diversity Impact Assessment has been carried out on the proposals, as set out in Appendix 2 to the report, which set out the steps which should help mitigate any effects on those in receipt of low income whilst documenting that the process would provide evidence to inform a review of both the policy and supporting DIA in twelve months' time.

<i>Decision</i>	<i>Decision:</i>
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number:

99/2016 The Cabinet agreed the Benefit Fraud Sanction Policy as set out in Appendix 1 to the report.

100/2016 The Leader agreed that the Employee Delegation Scheme be amended as set out in paragraph 7.2 of the report.

Reasons

Approval of the Policy will allow the Council to award administrative payments in respect of the overpayment of housing benefits and council tax.

Revenue Budget Monitoring 2016/2017 - Quarter 1

Background

This report detailed the revenue budget forecasts as at the end of June 2016. The report noted that after management action, the forecast outturn for 2016/17 was a potential overspend of £4.37m, with an expectation that this figure will be reduced further as the financial year progresses.

***Decision Decision:
number:***

101/2016 The Cabinet noted the result of the first round of revenue monitoring for 2016/17 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 2016/2017 - Quarter 1

Background

This report presents the capital monitoring information for the first quarter of the financial year, including outturn forecasts and reference to any new schemes for approval. The approved capital programme for 2016/17, and future years, is £106.2m, being £85.4m in respect of brought forward schemes and £20.8m of new approvals.

***Decision Decision:
number:***

The Cabinet noted the forecasts and the new schemes entering the programme identified in paragraph 4.2 of the

report.

102/2016 The Cabinet agreed the virement requested at paragraph 4.1 of the report and agreed to recommend to Council the new schemes funded from developer contributions, in paragraph 4.3 of the report.

Reasons

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

Debt Write Offs

Background

This report informed the Cabinet of the level of debt raised, collected and written off, as well as debt outstanding, as required by the constitution on an annual basis. The report provided details of the level of write offs made in respect of income due in respect of the following services;

- Business Rates
- Council Tax
- Housing Rents
- Social Care
- Sundry Debtors
- Car Parking.

The report also provided a summary of the various procedures in place for recovery of all broad categories of debt.

Decision **Decision:**
number:

The Cabinet noted the report.

Reasons

The Cabinet is required to receive this report on annual basis.

The Pentagon Centre and Mountbatten House, Chatham

Background

This report sought delegated authority for officers to complete the variation or surrender/re-grant of the existing head lease of the Pentagon Centre in order to

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facilitate improvement of the shopping centre and the development of Mountbatten House.

Consultation had taken place with officers from the Regeneration, Culture Environment and Transformation Directorate and no objections had been received.

<i>Decision number:</i>	<i>Decision:</i>
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103/2016	The Cabinet agreed to delegate authority to the Chief Legal Officer in consultation with the Leader, the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships and the Portfolio Holder for Resources to vary or enter into a surrender/re-grant of the existing leases at the Pentagon Centre with grant of a new lease or leases on the best terms reasonably obtainable.
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Reasons

In order to facilitate the development of the Pentagon Centre and Mountbatten House and realise a capital receipt.

Temple Waterfront

Background

This report advised Cabinet of the progress which had been made regarding the regeneration of Temple Waterfront and sought the necessary approvals to allow the disposal of the Council's land, thus facilitating its development. An earlier decision had been made, on disposal of part of this site, at Full Council on 14 January 2010, (item 524 refers.)

Public consultation was undertaken as part of the planning application process and the Council's intention to dispose of open space was advertised in 2012. Further public consultation would take place in respect of the developer obtaining reserved matters approval on the later phases and the proposed disposal of open space would be re-advertised when the extent of the area to be disposed of was clear.

<i>Decision number:</i>	<i>Decision:</i>
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104/2016	The Cabinet agreed to delegate authority to the Chief Legal Officer in consultation with the Leader and Portfolio Holder for Resources to:
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- **Declare surplus development land within the Council's ownership at Temple Waterfront, so that it can be disposed of on the best terms reasonable obtainable.**
- **Dispose of land at Temple Waterfront on the best terms reasonably obtainable.**
- **Advertise the loss of existing open space in accordance with s123(2A) of the Local Government Act 1972, to consider any objections and to determine whether or not to dispose of the land.**
- **Enter into any necessary agreements with the landowners to facilitate the development, including but not restricted to the variation or release of covenants on the land owned by Morgan Timber.**
- **Enter into any necessary development agreements (including the grant of necessary access or other consents) to facilitate the development.**

Reasons

The disposal of land at Temple Waterfront will generate a capital receipt and provide land for housing and commercial use.

Medway Commercial Group Limited - First Year Quarter 1 Report

Background

This report outlined Medway Commercial Group Limited's (MCG) achievements and performance up to the first quarter in its first year of trading and its plans for future growth and development. The report provided details of the governance arrangements, a summary of operations, the MCG workforce, the corporate client function and the rebate for the Council.

Decision number:

Decision:

The Cabinet noted the achievements and performance of Medway Commercial Group Limited (MCG) for the first quarter of 2016.

Reasons

When Cabinet agreed to establish the Local Authority Trading Company (LATC) it was also agreed that regular monitoring reports would be provided to Cabinet.

Update on Medway Norse

Background

This report outlined the partnership's achievements and performance up to the final quarter in its third year of trading. Medway Norse provides services to the Council in three main areas – facilities management, grounds maintenance and Special Educational Needs (SEN) transport.

The Business Support Overview and Scrutiny Committee considered this report on 7 July 2016. The comments of the committee were set out in paragraph 4 of the report.

Decision number: ***Decision:***

The Cabinet noted the partnership's achievements and performance for the final quarter of its third year of trading.

Reasons

When Cabinet agreed to establish the joint venture company it was also agreed that regular monitoring reports would be provided to Cabinet.

Recruitment Freeze

Background

This report presented information on vacancies that officers had requested approval to commence recruitment for, following the process agreed by the 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:***

105/2016 The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report:

Business Support Department

- a) Paralegal – Legal Services (People)**
- b) Finance Assistant**

Regeneration, Culture, Environment and Transformation

- c) Assistant Director, Front Line Services
- d) PA to the AD Physical and Cultural Regeneration (0.75FTE)
- e) Administration Support Officer x 2
- f) Communications Account Manager x 2

Children and Adults

- g) LAC Health Co-Ordinator

Reasons

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

Gateway 3 Contract Award (Medium Risk): Strood Riverside Flood Defences Work - Preconstruction

Background

This report informed Cabinet of the award of a contract for the Strood Riverside Flood Defences Work – Preconstruction.

In August 2015, an appraisal was carried out to review the flood defence options at the proposed Strood Riverside development site in Canal Road, Strood, and identify a preferred solution.

In order to move the project forward this work needed to be developed to produce a phased detailed design and deliver the construction works.

Procurement Board considered this report on 6 July and the Monitoring Officer agreed the award of this contract.

Decision number:

Decision:

The Cabinet noted the award of contract to Balfour Beatty plc via the Scape Construction Framework.

Reasons

To ensure the Cabinet is informed of the award of the contract.

Gateway 5 Report (High Risk): Household Waste Recycling Centres Contract

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Background

This report informed Cabinet of the current delivery performance of the Household Waste Recycling Centre's (HWRC) contractors.

The contract has delivered by the incumbent FCC Environmental, previously known as Waste Recycling Group (WRG).

It was noted that an options report was due to be reported to Cabinet on 27 September 2016 regarding the next HWRC Contract.

Procurement Board considered this report on 6 July and supported the recommendation set out in the report.

Decision number:

Decision:

The Cabinet noted the delivery performance of the HWRC contract.

Reasons

This contract is providing value for money and, that FCC have exceeded their year's target of 60% recycling rate while delivering high quality services for the residents of Medway with high satisfaction levels recorded.

Gateway 5 Report (High Risk): Waste Collection and Disposal Contracts

Background

This report provided an update on progress of the contract currently delivered through the supplier(s) and asked Cabinet to agree to continue the contract to the end of its 2 year extension.

Procurement Board considered this report on 6 July and supported the recommendation set out in the report.

Decision number:

Decision:

106/2016

The Cabinet noted the progress made to date with the collection and disposal contracts and approved the continuation of the current disposal and collection contracts with a requirement for further Gateway 5 reporting at the end of year five.

Reasons

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The recommendations in paragraph 10 of the report were provided on the basis of value for money and that Veolia have a track record of delivering high quality services for the residents of Medway with very high satisfaction levels recorded.

Further to this, the contract had been well managed by the client department, through the adoption of contract management and the forming of a strong working relationship between Veolia and the Council.

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Leader of the Council

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Date

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