

RECORD OF CABINET DECISIONS

Cabinet – 16 February 2010

Date of publication: 17 February 2010

Subject to call-in these decisions will be effective from 25 February 2010

PRESENT	Rodney Chambers	Leader
	Alan Jarrett	Deputy Leader/Finance
	Janice Bamber	Customer First and Corporate Services
	Rehman Chishti	Community Safety and Enforcement
	Jane Chitty	Strategic Development and Economic Growth
	Howard Doe	Community Services
	Phil Filmer	Front Line Services
	Tom Mason	Adult Services
	Les Wicks	Children's Services
	David Wildey	Children's Social Care

Also in Attendance:

Neil Davies (Chief Executive), Rose Collinson (Director of Children and Adults), Robin Cooper (Director of Regeneration, Community and Culture), Mick Hayward (Chief Finance Officer), Richard Hicks (Assistant Director, Customer First, Leisure, Culture, Democracy and Governance), Julie Keith (Head of Democratic Services), Anthony Law (Cabinet Coordinator) and Deborah Upton (Assistant Director, Housing and Corporate Services).

RECORD OF DECISIONS

The record of decisions from the meeting held on 26 January 2010 was agreed.

DECLARATIONS OF INTERESTS

Councillor Alan Jarrett declared a personal interest in agenda item 11 (A228 Stoke Crossing – Compulsory Purchase Order), as he is involved with an organisation with neighbouring land and retained his right to speak and vote.

CAPITAL AND REVENUE BUDGETS 2010/2011

Background:

This report presented proposals for the capital and revenue budgets for 2010/2011. The report included the proposed Housing Revenue Account (HRA) budget and associated capital programme for 2010/2011, including increases in rent and service charges from April 2010.

The Cabinet had considered initial budget proposals on 24 November 2009, which had been developed in accordance with the principles set out in the Medium Term Financial Plan 2010/2013. Budget proposals had then been referred to the Overview and Scrutiny Committees for consideration.

The Overview and Scrutiny Committees' views were set out in the report, together with the latest settlement information and an analysis of the movements on the budget since previously considered by Cabinet. It was noted that the Council Plan 2010/2013 had been developed alongside the budget setting process to ensure the link between resource and business planning was maintained.

The proposed capital programme for 2010/2011 and future years, if all proposals were adopted and assuming future years' funding, was approaching £116 million and the net revenue budget amounted to £378.8 million. This would be partly financed by a Council Tax rise of just below 3%, resulting in a Council tax of £1,124.55 for a Band D property.

The schedule of proposed fees and charges had been circulated separately to the agenda.

An addendum report was tabled at the meeting. This updated Members on the outcome of discussions at the Employment Matters Committee, the Schools Forum and MeRGe concerning the 2010/2011 budget. In addition, some amendments were required to the appendices in the original report.

To enable the Council to set a budget for 2010/2011 within the required timescale the Cabinet considered that decision 22/2010, set out below, was urgent and should therefore not be subject to call-in. In line with rule 16.11 of Chapter 4, Part 5 of the Constitution, call-in can be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. It was considered that the call-in provisions needed to be waived because of the urgent need to obtain a decision from the Secretary of State, ideally before the Council budget meeting on the 25 February 2010. It was noted that the Chairmen of both Business Support and Children and Adults Overview and Scrutiny Committees had agreed to call-in being waived on this matter.

Decision number:	Decision:
19/2010	<p>The Cabinet recommended to Council the capital budget proposals as set out in the revised Appendix 1, as attached to the addendum report, and recommended that Council consider the inclusion of the additional regeneration scheme referred to in paragraph 3.10 of the main report.</p> <p>The Cabinet noted the recommendations from the Overview and Scrutiny Committees, as summarised in Section 7 and detailed in Appendix 2 of the main report.</p>
20/2010	<p>The Cabinet recommended that Council consider the addition to the revenue budget of £52,500 for disabled parking bays referred to in paragraph 8.4 of the main report.</p> <p>The Cabinet noted the decision of Employment Matters Committee, set out in paragraph 2.2. of the addendum report, insofar as the council will not meet the additional cost of the ISA registration fee.</p>
21/2010	<p>The Cabinet recommended to Council that the net revenue budget summarised at Table 7 in the main report, amounting to £378.8 million, should be adopted and that this be partly financed by a 2.95% increase in Council Tax, equivalent to a Band D figure of £1,124.55.</p>
22/2010	<p>The Cabinet authorised the Chief Executive to request that the Secretary of State for Children, Schools and Families varies the level of the Central Expenditure Limit to accommodate the planned £700,000 addition for the recovery of costs arising from schools closures and agreed that this matter be dealt with in accordance with urgency provisions and therefore not subject to call-in.</p>
23/2010	<p>The Cabinet recommended to Council the fees and charges set out at Appendix 5 (circulated separately) incorporating the items referred to in Section 5 of the addendum report.</p>
24/2010	<p>The Cabinet agreed that the Chief Finance Officer be requested to calculate the formal requirements under Sections 32 and 33 of the Local Government Finance Act 1992 for resolution by special Council on 25 February 2010.</p>

25/2010 **The Cabinet, in respect of the Housing Revenue Account, recommended the following to Council on 25 February 2010 for approval:**

- a) **The proposed Revenue and Capital Budgets for 2010/2011, inclusive of an average rent increase of £0.99 per week (based upon 50 collection weeks and equating to an increase of 1.46%);**
- b) **That service charges for 2010/2011 reflect the costs incurred in providing that service, where possible, and that costs increase by no more than 5.0% over that charged in 2009/2010. The average increase will be 1.72% and**
- c) **That garage rent charges are held at 2009/2010 levels.**

26/2010 **The Cabinet noted the comments of MeRGe summarised in Section 1 of the addendum report and requested the Assistant Director of Housing and Corporate Services to consider ways to deliver efficiencies in the costs of the Housing Revenue Account.**

Reasons:

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

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

COUNCIL PLAN 2010/2013

Background:

This report presented the Council Plan 2010-2013 prior to consideration by Council on 25 February 2010.

The Council Plan had been developed alongside the 2010/2011 capital and revenue budget proposals in order to align the Council's business planning processes with the budget setting process. This enabled the Council to demonstrate how it was using resources to meet locally specific objectives. Given the relationship with the budget it was proposed to the Council that delegated authority was given to amend the Council Plan, if necessary, to reflect the final budget agreed by Council on 25 February 2010.

It was noted that the Council Plan would form an essential part of the Council's performance management framework, setting out the outcomes against which progress would be measured. The priorities and outcomes had remained

largely the same as those approved in 2009, as they were still current and appropriate. Lower level actions and indicators had however been amended to respond to progress made and changes to the local and national context.

The Business Support Overview and Scrutiny Committee had considered the Council Plan on 2 February 2010 and the committee's comments were set out in the report.

It was noted that a Diversity Impact Assessment screening had been undertaken on the draft plan. It was found that there was no need to carry out a full assessment, as the plan complied with the requirements of the legislation.

Decision number: ***Decision:***

27/2010 **The Cabinet recommended the Council Plan 2010/2013 to Full Council for approval.**

28/2010 **The Cabinet recommended to Council that the Assistant Director of Communications, Performance and Partnerships is delegated authority, in consultation with the Portfolio Holder for Customer First and Corporate Services, to make minor changes to the Plan prior to publication (if necessary) to reflect the final budget as agreed by Council on 25 February 2010.**

Reasons:

Strong business planning processes and a clear strategic framework are regarded as best practice, and will enable the organisation to demonstrate how it is using resources to meet locally specific objectives. It will also enhance performance against Comprehensive Area Assessment and Use of Resources inspection frameworks.

TREASURY MANAGEMENT STRATEGY 2010/2011

Background:

This report presented the Council's Treasury Management, Investment Strategy and Minimum Revenue Provision Policy Statement for consideration and referral onto Council. Treasury Management Practices and associated Schedules were also set out.

The report set out details of the changes that had arisen from the new CIPFA code and Department of Communities and Local Government consultation in light of the Icelandic banking situation and financial crisis. Revised reporting arrangements for treasury management were detailed and Appendix 4 to the report set out consequential revisions to the Constitution.

The Business Support Overview and Scrutiny Committee had considered the report on 2 February 2010. The committee's comments and recommendation were set out in the report.

Decision number:

Decision:

The Cabinet noted the comments from the Business Support Overview and Scrutiny Committee as set out in the report.

29/2010

The Cabinet recommended to Council the Treasury Strategy and associated policies and strategy statements, including the proposed variations to the Constitution set out in Appendix 4 of the report, for approval.

The Cabinet noted the Treasury Management Practices, as set out in Appendices 9 and 10 of the report.

Reasons:

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

MEDWAY COUNCIL SUPPORTING PEOPLE STRATEGY

Background:

This report set out details of the 2010 – 2013 Supporting People Strategy. The strategy set the vision and direction for services and support for vulnerable people who have housing-related support needs over the next three years.

The report gave details of the stakeholder consultation undertaken to ensure the strategy reflected the diverse needs and priorities of people living across Medway. It was also noted that the Health and Adult Social Care Overview and Scrutiny Committee had considered the strategy on 21 January 2010 and the report set out details of Members' comments. Members were advised that the strategy and supporting documentation had been reviewed and revised accordingly.

A Diversity Impact Assessment had been undertaken on the strategy. This had concluded that a full impact assessment was not necessary, however, a number of actions had been identified.

Decision number: **Decision:**

30/2010 **The Cabinet agreed the Supporting People Strategy as set out in Appendix 1 to the report.**

Reasons:

Putting People First relies on four elements to ensure that adult social care is transformed:

- (1) Choice and Control
- (2) Universal services
- (3) Early intervention and prevention
- (4) Social capital (Volunteering)

These four elements are interdependent in achieving the transformation of adult social care. Supporting People services contribute to enabling people to live independently in their local community. By supporting vulnerable people to maintain their tenancies, the council is widening opportunities for all citizens to be productive and responsible members of the community.

ALCOHOL STRATEGY

Background:

This report presented the Alcohol Strategy for Medway, which set out high-level objectives and key recommendations to reduce alcohol related harm in Medway by 2012.

It was noted that the strategy had been circulated to and benefited from input from the multi agency Drug and Alcohol Action Partnership Board, Community Safety Partnership and NHS Medway Board. Similar multi-agency input would assist in the development of a subsequent action plan.

An Equality Impact Assessment form had been completed and was attached to the report.

The Health and Adult Social Care Overview and Scrutiny Committee had considered the strategy on 21 January 2010 and it was noted that the strategy had been amended to reflect the committee's comments.

Decision number: **Decision:**

31/2010 **The Cabinet approved the Alcohol Strategy and agreed that it is disseminated widely to maximise multi-agency collaborative working.**

Reasons:

The Strategy enables Medway to direct its resources to key recommendations in order to maximise results. By adopting the strategy Medway will have engagement from all key partners and therefore be able to impact on alcohol related harm through partnership working.

GUN WHARF MASTERPLAN, CHATHAM***Background:***

This report sought approval to undertake consultation on a masterplan for Gun Wharf, Chatham. A copy of the masterplan had been circulated separately to the agenda.

It was noted that the ambition of the masterplan was to create an attractive civic and cultural quarter in Chatham, contributing to the wider regeneration of Chatham centre and waterfront.

The report set out the key proposals contained within the masterplan and gave details of the six week consultation programme. It was intended that the results of the consultation exercise would be considered by the Regeneration, Community and Culture Overview and Scrutiny Committee and Cabinet in June 2010.

Decision number: ***Decision:***

32/2010 **The Cabinet agreed that the draft masterplan proposals, as set out in Appendix 1 to the report (circulated separately), are approved for the purposes of public consultation within the local area, with the results being reported back to Cabinet along with final proposals at a later date.**

Reasons:

A masterplan for Gun Wharf, Chatham, supported by the local community, will provide a basis for future planning decisions and help in regenerating the area.

QUEEN STREET PLANNING OBLIGATIONS***Background:***

On 3 November 2009 the Cabinet had authorised the submission of a planning application for the Council's land at Queen Street, Chatham. The application, for outline planning permission for 118 residential units, was submitted and is scheduled for consideration by the Planning Committee on 10 March 2010.

This report explained that the application was subject to the Guide to Developer Contributions and that planning obligations are normally secured in accordance with the Section 106 of the Town and Country Planning Act 1990 by agreement between the landowner and the Local Planning Authority. The Council could not however, as landowner, enter into a planning obligation by deed with itself in its capacity as planning authority.

The report therefore requested that the Council undertakes, as landowner, to require as a condition of the land transfer that a developer enter into a Section 106 agreement securing the planning obligations agreed with and required by the Local Planning Authority.

This matter would be referred to Council after consideration by the Planning Committee on 10 March 2010, so that any changes required by the Committee could be reported.

Decision number: ***Decision:***

33/2010 **The Cabinet recommended to Council that the Council undertake, as landowner, to require as a condition of the land transfer that a developer enter into a Section 106 agreement securing the planning obligations, which will be set out in full in the report to Council.**

Reasons:

To enable the regeneration of part of Chatham centre in accordance with the Council's stated ambitions.

A228 STOKE CROSSING – COMPULSORY PURCHASE ORDER

Background:

This report sought agreement to recommend that Council makes a Compulsory Purchase Order (CPO) in respect of land required for the A228 Stoke Crossing bridge.

It was noted that the Cabinet had approved the line and layout of the proposed bridge on 15 December 2009. As a result, the exact land requirements had now been determined and the report set out details of the land and rights of access that were affected.

Plans showing all the land and rights to be acquired had been circulated separately to Members.

Decision number:

Decision:

34/2010

The Cabinet recommended that the Council:

- a) resolves to make a Compulsory Purchase Order for the acquisition of the land and rights needed for the scheme as shown on the plans accompanying the report (circulated separately);**
- b) grants delegated powers to the Director of Regeneration, Community and Culture to finalise the details of the Compulsory Purchase Order and make the Compulsory Purchase Order including making minor variations to the areas to be acquired;**
- c) grants delegated powers to the Director of Regeneration, Community and Culture to finalise the details of the Side Roads Order and make the Side Roads Order including making minor variations to the areas to be included;**
- d) resolves to hold a joint Compulsory Purchase Order/Side Roads Order and Planning Inquiry should one be requested by the Secretary of State.**

Reasons:

In order to ensure the necessary land acquisitions can be made in a timely manner.

To avoid delay to the scheme that would take it outside the funding and delivery period.

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 and included supporting Portfolio Holder comments.

Decision number: **Decision:**

35/2010 **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report, to enable officers to commence the recruitment process:**

Children and Adults Services

- a) **Support Services Officer – Elaine Centre**
- b) **Support Services Officer – Woodlands Place.**

Reasons:

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

GATEWAY ONE OPTIONS APPRAISAL: GENERAL AND HOUSING DEBT ADVICE RECOMMISSIONING

Background:

This report provided background and context to the services that were currently being delivered, together with options for the future delivery of these services in Medway so that officers could proceed with the commissioning of both general advice and housing debt advice services.

The Procurement Board had considered this report on 27 January 2010 and supported the recommendations as set out.

The recommended option (option 4) proposed to exempt the general advice, courtdesk and debtline services from the contract rules so that the services continue to be delivered by the current provider. The new contract that would be awarded would be accompanied by a newly developed service specification that reflected the service improvements identified as part of stakeholder consultation. The domestic violence advice service would be subject to a competitive process.

Decision number: **Decision:**

36/2010 **The Cabinet agreed to proceed with the commissioning of advice services in Medway on the basis of option 4 in the report.**

Reasons:

Commissioning advice services is important in supporting Medway citizens that may have been adversely affected by the economic downturn. It enables the Council to be confident about the need to reshape the market in terms of generalist advice.

Supporting citizens through the provision of these services will in turn support the local economy, and through prevention, reduce the likelihood of demand for other more costly services. The delivery of these services using volunteers in addition to paid staff will ensure that those people who find themselves unemployed have an opportunity to maintain and develop their employability skills.

This option will ensure service continuity for general advice services across Medway whilst the market is being developed and will enable officers to gain a greater understanding of the outcomes and impacts of implementing the CLAC/CLAN model for future commissioning purposes. A competitive process for specialist advice will enable, smaller organisations with specific expertise to enter the market and to develop during the life of their contract. This will also enable more targeted support and advice with regards to debt and domestic violence.

Option 4 will ensure that best value is achieved for the Council and taxpayers. It will also ensure that Medway citizens have excellent, expert advice that will support them in managing challenging areas of their lives

**GATEWAY THREE CONTRACT AWARD: SUPPORTING PEOPLE
SUBSTANCE MISUSE FLOATING SUPPORT SERVICE*****Background:***

This report recommended the award of the contract for the Substance Misuse floating support service.

An exempt appendix identified the tenderers and set out the evaluation summary for the procurement of the substance misuse supported people contract.

The Procurement Board had considered this report on 27 January 2010 and supported the recommendations as set out in the report.

***Decision
number:******Decision:*****37/2010**

The Cabinet agreed to the contract being awarded to English Churches on the basis of the outcome of the procurement process for a period of 3 years with the provisions to extend for a further 1 year thereafter.

Reasons:

After the evaluation of all tenders received in accordance with the Council's published evaluation criteria, the tender submitted by the contractor was considered to be the most economically advantageous.

GATEWAY THREE CONTRACT AWARD: SUPPORTING PEOPLE ACCOMMODATION BASED EX-OFFENDER SUPPORT SERVICE

Background:

This report recommended the award of the contract for the Accommodation Based Ex-Offender Support Service.

An exempt appendix identified the tenderers and set out the evaluation summary for the procurement of the Accommodation Based Ex-Offender Support Service contract.

The Procurement Board had considered this report on 27 January 2010 and supported the recommendations as set out in the report.

Decision number: Decision:

38/2010 The Cabinet agreed to the contract being awarded to Ashdown Medway Accommodation Trust on the basis of the outcome of the procurement process for a period of 3 years with the provisions to extend for a further 1 year thereafter.

Reasons:

After the evaluation of all tenders received in accordance with the Council's published evaluation criteria, the tender submitted by the contractor was considered to be the most economically advantageous

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Leader of the Council

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Date

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