

RECORD OF CABINET DECISIONS

Tuesday, 9 March 2010

3.00pm to 3.50pm

Date of publication: 10 March 2010

Subject to call-in these decisions will be effective from 18 March 2010

PRESENT:	Councillor Rodney Chambers	Leader of the Council
	Councillor Alan Jarrett	Portfolio Holder for Finance and Deputy Leader
	Councillor Janice Bamber	Portfolio Holder for Customer First and Corporate Services
	Councillor Rehman Chishti	Portfolio Holder for Community Safety and Enforcement
	Councillor Jane Chitty	Portfolio Holder for Strategic Development and Economic Growth
	Councillor Howard Doe	Portfolio Holder for Community Services
	Councillor Phil Filmer	Portfolio Holder for Front Line Services
	Councillor Tom Mason	Portfolio Holder for Adult Services
	Councillor Les Wicks	Portfolio Holder for Children's Services
	Councillor David Wildey	Portfolio Holder for Children's Social Care
In Attendance:	Neil Davies	Chief Executive
	Rose Collinson	Director of Children and Adult Services
	Robin Cooper	Director of Regeneration, Community and Culture
	Mick Hayward	Chief Finance Officer
	Wayne Hemingway	Cabinet Coordinator
	Richard Hicks	Assistant Director, Customer First, Leisure, Culture, Democracy and Governance
	Julie Keith	Head of Democratic Services
	Deborah Upton	Assistant Director, Housing and Corporate Services

RECORD OF DECISIONS

The record of decisions from the meeting held on 16 February 2010 was agreed.

DECLARATIONS OF INTEREST

There were none.

STATUTORY PERIOD FOR REPRESENTATIONS AND OUTCOME OF THE CONSULTATION ON THE PROPOSAL TO CLOSE ST. JOHN'S CHURCH OF ENGLAND VOLUNTARY CONTROLLED INFANT SCHOOL

Background:

This report provided details of the formal objections relating to the Statutory Notice proposing to close St. John's Church of England Voluntary Controlled Infant School from 31 August 2010. The Cabinet originally considered a report on the formal objections on 15 December 2009. However, it agreed to instruct officers to reconsider the ratio of denominational places taking into account the Cabinet decision on St. Nicholas Church of England Voluntary Controlled Infant School and All Faiths Children's Community School (decision no. 205/2009), and that officers publish a new notice and proposal taking this into account.

The new Statutory Notice and full proposals were subsequently published on 11 January 2010 and the deadline for representations ended on 21 February 2010. The Council received 15 formal objections to the content of the first Statutory Notice in which the Council proposed to close St. John's CEVC School, a further 65 responses were sent to the Church of England Diocese of Rochester Board of Education, which were also passed onto Medway Council. A further 20 formal objections were received in response to the second Statutory Notice, including a formal objection from the Church of England Diocese of Rochester Board of Education. The majority of objections received had been from parents with children who currently attend the school. Responses were also received from the head teacher of the school and the governing body of the school and were appended to the report.

A diversity impact assessment had been completed and it was noted that this series of proposals had been designed to ensure primary age children across Medway were provided with opportunities within first class learning environments to succeed in learning.

Decision number:

39/2010

Decision:

The Cabinet agreed, in accordance with section 15(1) of the Education and Inspections Act 2006 that Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR, intends to discontinue St. John's Church of England Voluntary Controlled Infant School, 4 New Street, Chatham, ME4 6RH on 31 August 2010.

Reasons:

The suggested reasons for the decision are set out in paragraphs 4.1-4.2 of this report. In summary the main reasons are: the high level of surplus places at the school and the risk therefore to future viability; the need to ensure effective use of resources and in turn raise standards across schools; and the need to secure value for money in public services.

Cabinet, 9 March 2010

Rolls have fallen since 2003 and, though they are projected to rise to 2014, the school will remain small at less than 80 pupils.

The school's most recent OfSTED report in September 2009 commented, "St John's is providing a satisfactory education with strengths in some important areas... overall progress is satisfactory rather than good.

Small schools in Medway receive a curriculum protection element within their budgets: this is calculated on a sliding scale so that the smallest schools receive the highest payments. In the case of St. John's, this amounted to £47,274 in 2009/10. The school also attracts private donations – these have varied between £892 and zero in each of the last three years. Whilst St. John's has managed its budget well and remained in surplus, the school would quite clearly be unviable without the curriculum protection element of the budget which constitutes more than 10% of the school's total income.

If the school were to be closed and the pupils attended other schools in Medway, the saving in terms of fixed costs would be a minimum of £68,760 annually (at 2009/10 prices). An additional annual saving of £16,330 could be made depending on a decision about the use of the building and grounds.

Displaced pupils, who come from a relatively wide area of Medway, can be accommodated in local schools, if St. John's were to be closed.

All schools' budgets are allocated from a ring-fenced grant to the Council from central government, called the dedicated schools grant (DSG). It follows that a subsidy to one school inevitably leads to a reduction in funding to others. Both major political parties have indicated that public expenditure will be reduced significantly following next year's general election, although at this stage the extent to which this will affect education expenditure is uncertain. In these circumstances, the need to secure value for money in public services is crucial.

St. John's has no nursery and there is no space to develop one on the school site. Equally, children leaving St. John's undergo a transition to junior school, the majority going on the Balfour Junior. After four years, children undergo a further transition when they transfer to secondary school. The already small size of the school means that reducing the published admission number below 30 is not a viable option.

The independent review of the primary curriculum, published in 2009, commissioned by DCSF and carried out by Sir Jim Rose, identifies the management of transfer from one phase to the next as a key issue in children's achievement. It follows that the removal of such transitions is likely to improve outcomes for children.

For all the above reasons, officers recommended the closure of St. John's Church of England Voluntary Controlled Infant School.

ADJOURNMENT

The Leader adjourned the meeting following the above item in accordance with section 10.2.3 of the Council Rules for a period of 10 minutes.

SCHOOL ADMISSION ARRANGEMENTS 2011/2012 AND IN-YEAR ADMISSION SCHEME 2010/2011

Background:

This report provided details of the scheme on how the Council would co-ordinate applications to schools, and the arrangements on the detailed entry arrangements to community and voluntary controlled schools. This included a scheme for coordinating in-year admission arrangements, which had been developed for 2010/2011 to meet the requirement of the Co-ordination Regulations 2007.

The report provided details of the consultation process undertaken concerning the arrangements and schemes which ran from 15 December 2009 to 9 February 2010 in accordance with the requirements of the Schools Admissions Code to consult for a minimum of 8 weeks.

The proposals had also been considered by the Children and Adults Overview and Scrutiny Committee on 11 February 2010 and its comments were set out in paragraph 5 of the report.

A Diversity Impact Assessment (DIA) had been carried out on the proposals and the findings indicated that the policy did not need a full diversity impact assessment in this area.

Decision number: **40/2010**

Decision:
The Cabinet agreed to the determination of the following schemes and arrangements as shown in the appendices to the report:
The coordinated scheme for secondary admissions 2011-2012;
The arrangements for admission in 2011 for community and voluntary controlled secondary schools;
The coordinated scheme for primary admissions 2011-2012;
The arrangements for admission in 2011 for community and voluntary controlled primary schools and;
The in-year admissions schemes for primary and secondary admissions 2010-2011.

Reasons:

The Council is required to undertake a detailed consultation exercise prior to the determination of its school admission arrangements and schemes. The decisions take into account the responses from consultation.

COUNCIL PLAN THIRD QUARTER PERFORMANCE REPORT 2009/2010

Background:

This report presented details of Council performance for the third quarter of 2009/2010. In particular it included performance against indicators and actions agreed in the Council Plan 2009/2012.

Performance on 73 key measures of success were reported this quarter – 41 (56%) were on track (rated green), 15 (21%) were off target but assessed as capable of reaching target within the year (rated amber), and 17 (23%) were off target and required improvement (rated red). However, it was noted that 7 of these 17 were behind target but showing an improving trend towards target. Details of proposed remedial action was set out in appendix 1 to the report.

Decision Decision: number:

The Cabinet noted performance for the third quarter of 2009/2010.

Reasons:

Full and accurate performance reporting to elected Members is consistent with best practice, and will allow Members to monitor the Council's performance during the year.

CHATHAM DYNAMIC BUS FACILITY

Background:

This report provided details of an urgent decision recently made by the Leader following concerns raised relating to the use of delegated authority concerning the Chatham Dynamic Bus Facility.

Following Cabinet's decision on the bus facility on 24 November 2009, the Director of Regeneration, Community and Culture was acting as both the applicant for the planning permission and also had delegated authority to consider any objections and determine whether or not to appropriate the public open space for the bus facility. Therefore, the Leader had made an urgent, non-key, decision to reassign this delegated authority to the Assistant Director, Housing and Corporate Services in place of the Director of Regeneration Community and Culture.

Decision Decision: number:

The Cabinet noted the use of the Leader's urgency powers to amend the delegation from the Director of Regeneration, Community and Culture to the Assistant Director (Housing & Corporate Services).

Cabinet, 9 March 2010

Reasons:

To ensure that the objectors do not consider that there is a perception of conflict of interest.

RECRUITMENT FREEZE

Background:

This report presented information on a vacancy 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 post and included supporting Portfolio Holder comments.

Decision number:

41/2010 **The Cabinet agreed to unfreeze the following post, as detailed in Appendix 1 to the report, to enable officers to commence the recruitment process:**

**Children and Adults
Care Director/Raise Trainer.**

Reasons:

The post presented to Cabinet supports the efficient running of the Council.

GATEWAY 1 OPTIONS APPRAISAL: SCHOOLS AND OTHER ESTABLISHMENTS WASTE COLLECTION CONTRACTS

Background:

This report provided details on the progress made to date with the procurement of the schools and other establishments waste contracts and provided recommendations for progressing this procurement in the shorter term and longer term.

It was noted that the Procurement Board had considered the report on 17 February 2010 and that the Board had supported the recommendations, as set out in the report.

Decision number:

42/2010 **The Cabinet agreed to discontinue the current OJEU process.**

43/2010 **The Cabinet noted the report and agreed a one-year temporary contract to allow comprehensive options**

appraisal and full consultation to be presented to the schools.

Reasons:

This procurement is intrinsically linked to that of the larger household waste collection and disposal contracts. All of the separated contracts must commence on the same day, currently programmed to be in September 2010, to ensure service continuity.

Advice from Eversheds and Strategic Procurement (in section 2 of the report) was that due to the huge amount of time since the original OJEU notice was published, it is best to conclude with current process and commence a new EU process (in due course).

In addition, the Council needed to revisit its requirements for schools and internal waste collection and disposal in light of other contractual arrangements for waste services, increasing costs and the needs of the schools and council buildings.

To mirror the short term arrangement, and following on from the proposed consultation with the schools, a second gateway one report will be returned to Cabinet detailing the proposed longer term arrangements. This will also allow internal dialogue to take place with facilities management regarding the internal waste collection arrangements and opportunities for saving to be made in joint procurement of services.

GATEWAY 1 OPTIONS APPRAISAL: CLINICAL WASTE COLLECTION AND DISPOSAL CONTRACTS

Background:

This report provided details of the review of strategic issues concerning the procurement of the clinical waste collection and disposal contract. It considered the options in terms of the methods of procurement to ensure that Medway maintained a quality service for its stakeholders.

It was noted that the Procurement Board had considered this report on 17 February 2010 and that the Board had supported the recommendations, as set out in the report.

Decision number:

- | | |
|----------------|---|
| 44/2010 | The Cabinet approved the discontinuation of the current OJEU procedure due to the resultant delays since the original OJEU notice period. |
| 45/2010 | The Cabinet approved the commencement of a new OJEU procurement process for the clinical waste requirements. |
| 46/2010 | The Cabinet approved the commencement of decision no. 45/2010, in conjunction with Kent County Council, as a joint procurement with Kent County Council as the lead authority. |

Reasons:

This procurement is intrinsically linked to that of the larger household waste collection and disposal contracts. All of the separated contracts must commence on the same day, currently programmed to be September 2010, to ensure service continuity.

Advice from Eversheds and Strategic Procurement (in section 2.2 of the report) is that due to the amount of time since the original OJEU notice was published, it was best to conclude with the current process and commence a new EU process.

In addition, the Council needed to revisit its requirements for clinical waste collection and disposal in light of other contractual arrangements for waste services.

GATEWAY 1 OPTIONS APPRAISAL: TWYDALL ACCESSIBILITY SCHEME

Background:

This report provided details of the options appraisal for the Twydall Accessibility Scheme. The reasons for the proposed scheme were reducing through vehicular traffic use of the local roads and reducing general traffic speed to around 20 mph, in the interest of improving road safety and pedestrian accessibility. The scheme was prepared towards the end of 2008 and proposed the introduction of traffic calming measures on most roads within the identified area, through the provision of speed cushions.

The Regeneration, Community and Culture Overview and Scrutiny Committee considered the report in December 2009 and its comments were set out in paragraph 2 of the report. A plan detailing the proposed scheme had been circulated separately to Members.

Decision number:

- 47/2010** The Cabinet approved the Twydall Accessibility Scheme at an estimated cost of £660,000.
- 48/2010** The Cabinet approved the offer of a grant of £330,000 from Sustrans towards the estimated capital cost of £660,000 for the Twydall Accessibility Scheme.
- 49/2010** The Cabinet approved the Twydall Accessibility Scheme as detailed on the plan, subject to any minor changes agreed by the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Frontline Services.

Reasons:

In order for the project to be progressed and delivered in agreement with Local Members, residents and Sustrans.

**GATEWAY 3 CONTRACT AWARD AND GATEWAY 4 CONTRACT REVIEW:
WALDESLADE PRIMARY SCHOOL REBUILD**

Background:

This report provided details of the development of this project since the Cabinet report of 24 August 2009 with an update on the first stage contractor's performance (Contract Management Gateway 4) and a recommendation for the appointment of the contractor for the main works (Contract Award Gateway 3).

The Cabinet accepted this as an urgent item to enable the contract for the main works to be let and to commence as soon as possible.

Decision Decision:

number:

50/2010 The Cabinet agreed to authorise the Director of Children and Adult Services, in consultation with the Portfolio Holder for Children's Services, to appoint Mansells as the second stage contractor for the main works.

Reasons:

This enables the project to proceed at the earliest opportunity. Delay to the project at this time will mean additional cost being incurred, continued occupation of temporary accommodation by the school, delay in commencement of works, and associated delay to completion.

.....
Leader of the Council

.....
Date

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

This page is intentionally left blank