

RECORD OF CABINET DECISIONS

Tuesday, 30 March 2010

3.00pm to 4.20pm

Date of publication: 31 March 2010

Subject to call-in these decisions will be effective from 12 April 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
	Angela Drum	Head of Legal
	Richard Hicks	Assistant Director, Customer First, Leisure, Culture, Democracy and Governance
	Anthony Law	Cabinet Coordinator

RECORD OF DECISIONS

The record of decisions from the meeting held on 9 March 2010 was agreed.

DECLARATIONS OF INTEREST

Councillor Phil Filmer declared a personal interest in agenda item 13 (Gateway 3 Contract Award: Waste Disposal and Collection Services), as his company had some business dealings with one of the tenderers. He advised that he had declared a personal interest when waste contract reports had been considered before but given the crucial stage of decision making and in order to avoid any

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suggestions of partiality he would not join in the debate and decision on this item. Councillor Filmer withdrew from the meeting for this item.

Councillor Doe declared a personal interest in agenda item 4 (Medway Sustainable Community Strategy), as during the discussion reference was made to recent developments concerning Café Sunlight and he is the Chairman of the NHS Medway Strategic Partnership Board. He retained his right to speak and vote.

Councillor Jarrett declared a personal interest in agenda item 4 (Medway Sustainable Community Strategy), as during the discussion reference was made to recent developments concerning Café Sunlight and he is a member of the NHS Medway Strategic Partnership Board. He retained his right to speak and vote.

MEDWAY SUSTAINABLE COMMUNITY STRATEGY 2010-2026 (POLICY FRAMEWORK)

Background:

This report presented the Sustainable Community Strategy 2010-2026 for consideration and recommendation to Council on 15 April 2010.

The Sustainable Community Strategy, as set out at Appendix A, would become the overarching strategy for Medway that included the long term vision, values, ambitions and priorities for improving the well-being of the area. It would provide the policy context for the major public sector agencies, the activities of stakeholder groups in the area and inform the Local Development Framework.

The report outlined the process undertaken in preparing the final draft of the Sustainable Community Strategy, which had included consultation with a wide range of organisations in the public, private and community sectors. Based on this consultation, together with evidence underpinning existing Medway strategies and from analysis of performance data and needs assessments, a long-term vision consisting of six ambitions and four key principles had been developed.

During the debate reference was made to recent developments surrounding the provision of services by Café Sunlight.

It was noted that a Diversity Impact Assessment Screening form and a full assessment had been carried out as part of the final strategy preparation.

An outline action plan was presented at Appendix C to the report. This took the priorities and key actions, as contained within the strategy, and clarified the lead partnership and agencies for key actions. It was noted that detailed action planning based on the outline action plan would take place to ensure connectivity with the organisation's business, budget planning and operational delivery.

It was noted that the Business Support Overview and Scrutiny Committee had considered the strategy on 16 March 2010. The committee had noted the draft Sustainable Communities Strategy and recommended it for approval by Cabinet, the Local Strategic Partnership Board and Council.

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An addendum report updated Members on the outcome of a Rapid Sustainability Appraisal of the Sustainable Community Strategy and the consideration of the strategy by the Local Strategic Partnership Board on 23 March 2010. Recommendations arising from the appraisal and the Local Strategic Partnership Board were set out and it was proposed that these be incorporated within the documents prior to their submission to Council for approval.

***Decision Decision:
number:***

51/2010 The Cabinet recommended to Council the Sustainable Community Strategy, as set out at Appendix A of the main report, and the Action Plan, as set out at Appendix C of the main report, subject to the Assistant Director, Communications, Performance and Partnerships being delegated authority to amend these documents to reflect the recommendations arising from the Rapid Sustainability Appraisal and the Local Strategic Partnership Board, as set out in the addendum report.

Reasons:

The Sustainable Community Strategy is based on a thorough analysis of current Medway strategies and needs assessments and has undergone significant consultation including with Members.

Local Authorities are required by law to have a Sustainable Community Strategy.

BEST STREET/HIGH STREET MASTERPLAN CHATHAM

Background:

This report sought approval to undertake consultation on a masterplan for the Best Street/High Street area of Chatham. A copy of the masterplan had been circulated separately as part of the supplementary agenda.

It was noted that the draft masterplan was underpinned by a number of specific principles concerning retail provision, cultural/leisure/community provision, employment space and street scene improvements. Details of these were set out in the report.

The report gave details of the consultation programme that would follow the practices contained within the Council's Statement of Community Involvement. The Regeneration, Community and Culture Overview and Scrutiny Committee would consider the results of the consultation exercise before final proposals were submitted to Cabinet.

Decision number:

52/2010 The Cabinet approved the draft masterplan proposals for the purposes of consultation, with the results being reported back to Cabinet together with final proposals at a later date.

Reasons:

A masterplan for Best Street/High Street Chatham, supported by the local community, will provide a basis for future planning decisions and help in regenerating the area.

ROCHESTER RIVERSIDE MANAGEMENT COMPANY

Background:

This report sought support for the structure of the proposed Rochester Riverside Management Company, and for the level of influence of Medway Council within the structure. The final approval would facilitate development on the site.

The proposed structure comprised of a two-tier approach with the Rochester Riverside Trust, a Charitable Company limited by guarantee, and a separate but wholly owned subsidiary Community Interest Company. The reasons for the two-tier structure and the proposals for the level of Council involvement in each organisation were set out in the report.

It was noted that the Trust would be responsible for the maintenance and replacement of the river wall and the company would be responsible for the management and maintenance of the public open spaces, non-adopted streets and the other functions.

The Regeneration, Community and Culture Overview and Scrutiny Committee had considered this report on 18 March 2010 and it was noted that the committee had supported the recommendations.

Decision number:

53/2010 The Cabinet recommended that Full Council on 15 April 2010:

- (a) approve the proposed two tier structure for the Rochester Riverside Management Company and the funding arrangements for the Rochester Riverside Trust;
- (b) agree that the level of local authority control in the Rochester Riverside Trust is less than 20% so that it can more easily achieve its charitable status and that

the level of control in the Community Interest Company is also less than 20%;

- (c) note the programme of Council approvals required prior to establishing the Management Company;
- (d) note the timescale for establishing and endowing the Rochester Riverside Trust and Community Interest Company;
- (e) that the Director of Regeneration, Community and Culture, in consultation with the Leader of the Council, is delegated the power to:
 - (i) finalise the articles of incorporation based on the principles set out in the draft articles attached to the report and to do anything necessary in order to establish and register the Rochester Riverside Trust and the Community Interest Company (including registration of the Trust as a charity); and
 - (ii) recruit and appoint the external trustees.

Reasons:

The decision is necessary so that the necessary Council approvals can be secured to permit the management company to be established. This in turn will allow the s106 obligation to be discharged thus removing a potential barrier to development starting at Rochester Riverside.

6 MONTHLY REVIEW OF THE COUNCIL'S CORPORATE BUSINESS RISK REGISTER

Background:

This report set out details of a 6 month review of the Council's corporate business risk register.

The Council's corporate business risk register, which had last been reviewed by Cabinet in November 2009, had been reviewed by 'risk owners' and the Corporate Management Team and the report set out a number of proposed amendments.

It was reported that the Business Support Overview and Scrutiny Committee had considered this report on 16 March 2010 and its recommendations concerning the waste contract and additional narrative where a risk's rating had been increased, were set out.

Decision number: *Decision:*

54/2010 The Cabinet approved the amendments to the Council's Risk register as detailed in Section 3 of the report and set out in Appendix B to the report and agreed to delegate authority to the Director of Regeneration, Community and Culture to incorporate, within the risk register, the risk of a potential legal challenge to the waste contract and additional narrative where a risk's rating had been increased.

Reasons:

The establishment of a corporate framework for risk management is recommended by CIPFA and SOLACE and will complement and support the work already being carried out within each directorate to manage risks.

PLAYBUILDER YEAR 2 SITES

Background:

This report presented the 11 sites for investment in Year 2 of the Playbuilder programme, funded by a grant of £597,789 from the Department for Children, Schools and Families.

The criteria for the grant set out that the play areas would focus on 8-13 year olds, ensuring sites were attractive to ethnic minorities, girls and provide better disabled access. The criteria also followed Play England design guidance based on natural play.

The proposed Year 2 sites for Playbuilder investment were set out in table 1 of the report. Appendix 1 to the report showed the geographical spread of the Playbuilder programme (Year 1 and 2) and other playground investment that had been made through the Big Lottery Fund Programme and the Member Priority Scheme.

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

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

Decision number: *Decision:*

55/2010 The Cabinet approved the 11 sites proposed for investment in Year 2 of the Playbuilder Programme, as set out in table 1 of the report.

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Reasons:

The proposed sites have been identified through a rigorous process including public consultation, assessment of existing play quality and indices of multiple deprivation.

REVENUE BUDGET MONITORING 2009/2010

Background:

This report gave details of the forecast outturn for the 2009/2010 financial year projected from the end of January monitoring information.

The monitoring report indicated that after management action, the outturn forecast for 2009/2010 stood at a £842,000 underspend, which after eliminating the dedicated schools grant forecast overspend of £200,000, would give an overall underspend on the general fund of over £1,042,000.

An analysis of the budget position for each directorate, including details of any significant issues, was set out in the report.

Decision number:

56/2010 The Cabinet noted the result of the ninth round of revenue monitoring for 2009/2010.

Reasons:

Cabinet has the responsibility to ensure effective budgetary control to contain expenditure within the approved limits set by Council. Where a budget overspend is forecast, Cabinet supported by the corporate management team must identify measures to remove any excess expenditure.

CAPITAL BUDGET MONITORING 2009/2010

Background:

This report gave details of the capital monitoring position for the period to January 2010, with a forecast outturn for 2009/2010 and future years.

The report commented on the delivery of the capital programme, which was now in excess of 200 individual schemes, and updated Members on a number of issues. The current forecast showed that £75 million of the programme was forecast for spend during 2009/2010 and the report provided details of four new schemes, which had been added to the Capital Programme under officers' delegated authority.

Following the adoption of the Capital Programme at Council on 25 February 2010, and in accordance with the council's Constitution, the Cabinet was requested to give formal approval for expenditure incurred against that 2010/2011 capital programme.

Decision number: **Decision:**

The Cabinet noted:

- a) The spending and funding forecasts summarised at Tables 1 and 2 of the report;
- b) Additions to the capital programme as detailed in section 5.1 of the report.

57/2010 The Cabinet authorised expenditure against the approved capital programme for 2010/2011 and future years.

Reasons:

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

GATEWAY 1 OPTIONS APPRAISAL: QUALITY PUBLIC TRANSPORT CORRIDORS PROJECT - CHATHAM HILL, ROCHESTER CORPORATION STREET, NORTH DANE WAY AND STROOD RIVERSIDE

Background:

This report sought approval to enter into a procurement process for four Quality Public Transport Corridor (QPTC) Project schemes, designed to create a step change in the quality, reliability and attractiveness of local bus services in Medway.

An exempt appendix set out details of the estimated costs and budget of the four Quality Public Transport Corridors Project schemes that would be subject to the procurement process.

It was noted that the Procurement Board had considered this report on 10 March 2010 and supported the recommendation, as set out in section 11 of the report.

Decision number: **Decision:**

58/2010 The Cabinet approved a procurement exercise for the construction of the four Quality Public Transport Corridor (QPTC) Project schemes as set out in the report.

Reasons:

This procurement process is part of a wider strategy to improve the reliability, quality and attractiveness of public transport across Medway.

COMBINED GATEWAY 1 OPTIONS APPRAISAL AND GATEWAY 3 CONTRACT AWARD: OCCUPATIONAL HEALTH SERVICE

Background:

This report considered the options appraisal for the procurement of the Occupational Health Service.

It was noted that the Procurement Board had considered this report on 10 March 2010 and the Board had supported the recommendation as set out in the report.

An exempt appendix considered the options appraisal for the procurement of the Occupational Health Service and provided financial information on the current contract, other proposed providers and also service quality information concerning the current provider.

Decision number:

59/2010 The Cabinet agreed that the contract for Occupational Health Services with AXA ICAS is ended and to waive contract rules to enable the Council to enter into a 4 year term contract with Kent County Council Staff Care Commercial Services (KCCSCCS) to provide an Occupational Health (OH) Service to the Council.

Reasons:

To ensure that the Council achieves value for money and high quality services from its Occupational Health provider.

GATEWAY 3 CONTRACT AWARD: WASTE DISPOSAL AND COLLECTION SERVICES

Background:

This report recommended approval for the award of the contracts for household waste collection and disposal services to Council on 15 April 2010.

An exempt appendix identified the tenderers for the contracts and provided details of the procurement and evaluation processes.

It was noted that the Procurement Board on 10 March 2010 and the Regeneration, Community and Culture Overview and Scrutiny Committee on 18 March 2010 had considered this report. Both Procurement Board and the Overview and Scrutiny Committee had supported the recommendations as set out in the report.

Decision number: **Decision:**

60/2010 **The Cabinet recommended the following to Council on 15 April 2010:**

Disposal of residual waste

To recommend the award of the contract for the disposal of residual waste to Company B as the most economically advantageous tender (MEAT).

The collection of residual waste and recycling and street cleansing service

To recommend the award of the contract for the collection/cleansing service to Bidder 1 Variant as the most economically advantageous tender (MEAT).

Reasons:

The solutions provided by the most economically advantageous tender (MEAT) bids provide the best combination of value for money and quality of service for the Council to deliver statutory waste services for Medway.

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Leader of the Council

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Date

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