

RECORD OF CABINET DECISIONS

Tuesday, 8 June 2010

3.00pm to 3.40pm

Date of publication: 9 June 2010

Subject to call-in these decisions will be effective from 17 June 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 Jane Chitty	Portfolio Holder for Strategic Development and Economic Growth
	Councillor Howard Doe	Portfolio Holder for Housing and Community Services
	Councillor Phil Filmer	Portfolio Holder for Front Line Services
	Councillor Tom Mason	Portfolio Holder for Adult Services
	Councillor Mike O'Brien	Portfolio Holder for Community Safety and Enforcement
	Councillor Les Wicks	Portfolio Holder for Children's Services
	Councillor David Wildey	Portfolio Holder for Children's Social Care
In Attendance:	Rose Collinson	Director of Children and Adults
	Robin Cooper	Director of Regeneration, Community and Culture
	Neil Davies	Chief Executive
	Richard Hicks	Assistant Director, Customer First, Leisure, Culture, Democracy and Governance
	Julie Keith	Head of Democratic Services
	Anthony Law	Cabinet Co-ordinator

LEADER'S ANNOUNCEMENTS

The Leader welcomed visitors from the Japan Local Government Office, who were touring Medway to find out more about how local government worked.

RECORD OF DECISIONS

The record of decisions from the meeting held on 20 April 2010 was agreed.

DECLARATIONS OF INTEREST

Councillor Jarrett declared a personal interest in agenda item 11 Gateway 3 Contract Award: A228 Stoke Crossing, as he had an interest in a company which owns adjacent land.

Councillor Filmer declared a personal and prejudicial interest in agenda item 11 Gateway 3 Contract Award: A228 Stoke Crossing because his company has business dealings with one of the tenderers and left the meeting for the duration of the discussion.

PETITIONS AND E-PETITIONS

This report set out details of the new duty, as set out in the Local Democratic, Economic Development and Construction Act 2009, to establish a scheme for handling petitions and informing local people what action would be taken to address their concerns. It was noted that the 2009 Act had set standards and included the facility for electronic petitions.

A new scheme for handling petitions was set out in Appendix B to the report, which was largely based on the model scheme in the statutory guidance. It also incorporated recommendations from the Business Support Overview and Scrutiny Committee, which were set out in the report.

The scheme set out guidelines for submitting petitions, an explanation of what the council would do upon the receipt of a petition and the possible responses along with details of what the council would do when a petition was received. It also included an appeal facility if the response was considered inadequate by the petition organisers. Further details of the new provisions for petitions to call a full Council debate and for calling officers to account were set out.

Decision number:

Decision:

67/2010

The Cabinet agreed to defer consideration of the new petitions scheme whilst the Leader writes to the Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government, seeking clarity on the government's future intentions for the duty for Councils to establish a scheme for handling petitions as set out within the Local Democracy, Economic Development and Construction Act 2009.

Reasons:

To seek clarity on the government's future intentions for the duty for Councils to establish a scheme for handling petitions as set out within the Local Democracy, Economic Development and Construction Act 2009. Petitions would continue to be

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processed in line with the existing petition scheme as currently set out within the Constitution.

CABINET ADVISORY GROUPS

This report sought agreement to the re-establishment of seven Cabinet Advisory Groups to assist in the key areas of corporate parenting, the local development framework, the local transport plan, regeneration and the Council's procurement arrangements.

These groups have no decision-making powers and consist of both executive and non-executive councillors. In some instances they also include external representatives.

The report set out details of the role of each group, their size and membership.

Decision number:

Decision:

68/2010

The Cabinet agreed the re-establishment of the Cabinet Advisory Groups with the terms of reference set out in the report and appointment of members to these bodies, as set out in Appendix 1 to the report, for 2010/2011 subject to replacing Councillor O'Brien with Councillor Royle on the Corporate Parenting Group.

Reasons:

The re-establishment of these groups will support the Cabinet in decision-making and the development of policies.

RECRUITMENT FREEZE

This report presented information on three vacancies that officers had requested approval to commence recruitment for, following the process agreed by Cabinet on 7 January 2003.

Decision number:

Decision:

69/2010

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

- (a) Performance and Compliance Officer x2**
- (b) Welfare Benefits Co-ordinator.**

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Reasons:

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

GATEWAY 1 OPTIONS APPRAISAL: CONNEXIONS SERVICES PROVISION

This report set out the options appraisal for the procurement of the Connexions Services provision in Medway.

Members were advised that the existing contractual arrangement would end on 31 March 2011 and that it was proposed to tender externally for a new Connexions Contract that would run from April 2011 until March 2014. The report noted that the Connexions Services contributed to the priorities within the Medway Children and Young People's Plan and that commissioning the delivery of Connexions Services was a contractual obligation for all education authorities that was funded by the government.

It was noted that the Procurement Board had considered this report on 12 May 2010 and supported the recommended open market procurement.

An exempt appendix provided information relating to the budget provision and estimated costs for the contract.

Decision number:

Decision:

70/2010

The Cabinet agreed to the preferred option (3) set out in the report, open market procurement for the Connexions Services provision in Medway from April 2011.

Reasons:

The existing contract ends in March 2011. Going out to tender currently provides best value. The market for the provision of this service is currently strong. Young people will continue to receive an impartial, consistent and accessible service.

GATEWAY 1 OPTIONS APPRAISAL: MERCURY ABATEMENT AND IMPROVEMENTS TO MEDWAY CREMATORIUM

This report set out the options appraisal for a procurement process that would make improvements required by legislation and works intended to improve the facilities for service users at the Medway Crematorium.

It was noted that the Procurement Board had considered this report on 12 May 2010 and supported the recommended procurement option.

An exempt appendix provided information relating to the budget provision and estimated costs for the contract.

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**Decision
number:**

Decision:

71/2010

The Cabinet agreed to the commencement of the procurement process for the proposal to provide new cremators, mercury abatement up to the level of 100% and to provide additional car parking space together with larger chapel accommodation (option 4 in the report).

Reasons:

The provision of abatement equipment is required through legislation. The current cremators are coming to the end of their economic life and the chapel accommodation is too small for service users. There is also insufficient car parking space for current demand and additional car parking would be required as a condition of enlarging the chapels.

GATEWAY 1 OPTIONS APPRAISAL: TREE MAINTENANCE CONTRACT

This report set out the options appraisal for the procurement of a new tree maintenance contract, to commence from July 2011 for a period of 5 years plus an extension, subject to performance and market suitability, for a period (or periods) of up to 2 years.

It was noted that the contract covered safety related work to deal with dead trees or branches, obstructions to roads, other tree hazards and an emergency response service. The contract also facilitated the completion of tree work to deal with legitimate customer requests for service and complaints.

It was noted that the Procurement Board had considered this report on 12 May 2010. In addition to recommendations concerning the treatment of inflation provision in the new tree maintenance contract, the Procurement Board had supported the recommended open market procurement option.

An exempt appendix provided information relating to the budget provision and estimated costs for the contract.

**Decision
number:**

Decision:

72/2010

The Cabinet agreed to the preferred option (1) in the report, open market procurement for the tree maintenance contract from 1 July 2011.

Reasons:

By commencing procurement of the tree maintenance contract now, service continuity can be adequately planned and financial award decisions made through the 2011 budget setting process.

GATEWAY 3 CONTRACT AWARD: RENEWAL OF BUS SERVICE CONTRACTS SEPTEMBER 2010

This report recommended the granting of delegated authority to the Assistant Director Housing and Corporate Services for the award of contracts for new Yellow Bus school transportation routes and supported bus service routes.

It was noted that the current contracts would expire in August 2010 and delegated authority to award the contracts, following consultation with the Procurement Board, would avoid any risk of the current contracts ending prior to the implementation of these new contracts.

An addendum report advised Members of the discussions and recommendations following a petition referral at the Regeneration, Community and Culture Overview and Scrutiny Committee meeting held on 1 June 2010. The Overview and Scrutiny Committee recommended that Cabinet note its strong support for the petitioners request to establish a bespoke bus service for children travelling between St Mary's Island and secondary schools in Chatham and Rochester. The Committee had also requested that Cabinet considers subsidising this route (even by way of yellow bus scheme) if no bus company had shown an interest in providing this service.

Decision number: ***Decision:***

73/2010 **The Cabinet agreed to delegate authority to award the contracts, as listed in section 2.1 of the report, to the Assistant Director of Housing and Corporate Services in consultation with the Procurement Board. The financial viability of the White Road Estate service would be assessed as part of the consideration by the Procurement Board and the Assistant Director, Housing and Corporate Services.**

74/2010 **The Cabinet noted the potential demand by over 50 children on St Mary's Island to attend Medway secondary schools by bus and agreed, subject to an evaluation of the tenders by the Assistant Director of Housing and Corporate Services and the Procurement Board, to run a trial charged service once in the morning and once in the afternoon during school terms but reserves the right to terminate the service if daily occupancy drops below an average 25 children per day. The service will be run initially from September 2010 until the end of the school academic year in 2011 when it will be reviewed. Funding will come from section 106 agreements.**

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Reasons:

The breakdown of the 100% final score (detailed at point 5.1 of this report) for each of the tenders put forward for each bus service was devised to obtain the best quality vehicle and operation of service, for the best price and as close to the delegated budget as possible.

GATEWAY 3 CONTRACT AWARD: A228 STOKE CROSSING

This report sought approval to the award of a contract for the construction of a bridge at Stoke Crossing on the A228.

The Cabinet considered that the decisions set out below were 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 could 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 noted that delays in obtaining the approvals would delay the start and that certain works, such as moving water voles to safe areas, were seasonal and could not be delayed. Members also noted that work needed to be planned and approved by the Environment Agency and delays to the start would put at risk the likelihood of committing all the Homes and Communities Agency (HCA) funding in the current financial year in accordance with the funding agreement. In addition, it was essential that methods of working near services and over the railway were clarified as soon as possible, so that there could be certainty prior to the steel being ordered; the costs of which were expected to rise.

It was noted that the Chairman of the Regeneration, Community and Culture Overview and Scrutiny Committee had agreed to call-in being waived on this issue.

Members were informed at the meeting that a funding agreement was in place to deliver this project that was signed by Government, as was the case with all projects. The money was awarded in March 2010 and the Council and Government had signed that agreement. It was also noted that all agreements state that funding was subject to funds being released by Parliament. Members were advised that, as of 8 June 2010, the council had not been made aware that the contract was not being honoured nor that Parliament had removed the funding for this project via the Homes and Communities Agency. Officers had contacted the Homes and Communities Agency on 8 June 2010, who had clarified that the situation had not changed since March 2010, as far as they are aware. On that basis this was within the Council's budgetary framework and prior to any award of the contract officers would ensure that funding remained in place.

A revised risk register was tabled at the meeting and an exempt appendix identified the tenderers for the contracts and provided details of the procurement and evaluation processes.

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Decision number: **Decision:**

- 75/2010** **The Cabinet agreed to waive contract rules to permit the following decision without the Procurement Board having first considered the report.**
- 76/2010** **The Cabinet agreed to accept the most economically advantageous tender submitted by Birse Construction as set out in the exempt appendix to the report.**
- 77/2010** **The Cabinet agreed that these decisions are urgent and therefore should not be subject to call-in.**

Reasons:

The decision to appoint the contractor who submitted the most economically advantageous tender will ensure that the project can proceed efficiently and avoid any risk that it may not be delivered within the required timescale.

GATEWAY 4 CONTRACT MANAGEMENT: CARERS SUPPORT SERVICES

This report updated Cabinet on the contract performance/management of the Carers Support Service and Community Based Advisory Services for Carers.

The report highlighted that performance issues were being addressed by the Social Care Commissioning Team and Care Management colleagues and sought agreement for the continuation of these contracts, which were expected to run until 31 March 2012. Members were advised that the existing service specification for Carers Support Services (respite) had been varied in order to allow equity of hours and to accommodate the needs of those carers currently on a waiting list.

It was noted that the Procurement Board on 31 March 2010 had considered and supported the recommendation as set out within the report.

Decision number: **Decision:**

- 78/2010** **The Cabinet approved the continuation of the given contracts and approved the variation to the Carers Support Services Contract, as set out in section 7.1 of the report.**

Reasons:

The continuation of these services are vital in enabling vulnerable adults to remain independent within their community. It is widely recognised that the caring responsibility can place great pressure on the carer. Therefore providing services that support carers by giving them a meaningful break, or providing advice,

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information and support that is responsive to their specific needs is essential in supporting carers and relieving pressures of the caring role.

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Leader of the Council

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Date

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