

Record of Cabinet decisions

Tuesday, 29 June 2010

3.00pm to 4.20pm

Date of publication: 30 June 2010

Subject to call-in these decisions will be effective from 8 July 2010

Present:	Councillor Rodney Chambers	Leader of the Council	
	Councillor Alan Jarrett	Portfolio Holder for Finance and Deputy Leader	
	Councillor Jane Chitty	Portfolio Holder for Strategic Development and Economic Growth	
	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: Neil Davies, Chief Executive, Rose Collinson, Director of Children and Adults, Robin Cooper, Director of Regeneration, Community and Culture, Stephanie Goad, Assistant Director Communications Performance and Partnerships, Mick Hayward, Chief Finance Officer, Wayne Hemingway, Cabinet Coordinator, Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy and Governance and Deborah Upton, Assistant Director, Housing and Corporate Services

Leader's announcements

The Leader announced that there were two urgent items for consideration at the meeting: Housing Revenue Account (HRA) Reform Prospectus (agenda item 13) and Public Spending Reductions (agenda item 14).

Apologies for Absence

Apologies were received from Councillors Janice Bamber (Customer First and Corporate Services) and Howard Doe (Housing and Community Services).

Record of Decisions

The record of the meeting held on 8 June 2010 was agreed and signed by the Leader as correct.

Declarations of Interest

There were none.

Statement of Accounts 2009/2010

This report provided details of the Council's draft Statement of Accounts for 2009/2010. The Council is required under the Accounts and Audit Regulations 2003 (as amended) to produce an annual statement of accounts that is subject to scrutiny by the external auditors. The auditor will give an opinion on the accounts, and additionally interested parties have the right to inspect the accounts and make representations to the auditor.

It was reported that the final accounts showed a revenue surplus of £2.2 million. It was noted that the final position was a significant achievement and a reflection both of the successful efforts to maintain services at minimum cost and the robustness of the budgets that were originally set.

It was noted that the draft Statement of Accounts would be considered by the Audit Committee on 30 June 2010 for approval.

Decision number: ***Decision:***

79/2010 **The Cabinet noted the revenue and capital outturns as reported in sections 4, 5, 6 and 7 of the report and approved the actions taken in producing the Statement of Accounts as set out in these sections.**

80/2010 **The Cabinet recommended to the Audit Committee that it approves the draft Statement of Accounts for 2009/2010.**

Reasons:

There is a statutory requirement to approve the Statement of Accounts prior to 30 June 2010.

Treasury Management Outturn Annual Report

This report provided an overview of treasury management activity during 2009/2010. The report covered a number of issues including the Council's treasury position as at 31 March 2010, performance measurement, the strategy for 2009/2010, borrowing and investment rates, the borrowing outturn, compliance with treasury limits and prudential indicators, investment outturn and debt rescheduling.

It was noted that this report would be referred to Audit Committee on 30 June 2010 for consideration and approval.

**Decision
number:**

Decision:

81/2010

The Cabinet noted the content of the report and recommended it to the Audit Committee, in accordance with the CIPFA Code of Practice.

Reasons:

In line with CIPFA's Code of Treasury Management Practice an annual report must be taken to Cabinet detailing the Council's treasury management outturn within six months of the close of each financial year.

Local Air Quality Management

This report provided details of the outcome of the detailed assessment of air quality in Medway produced in August 2009 and the outcome of the 12-week statutory consultation which ended on 26 March 2010 on the declaration of three Air Quality Management Areas (AQMAs) (including the revocation of the existing six AQMAs).

The report set out the background to the assessment and included the responses to the consultation in paragraph 4 of the report. The report had been discussed by the Regeneration, Community and Culture Overview and Scrutiny Committee on 1 June 2010 and its comments and recommendations were set out in paragraph 4 of the report.

A Diversity Impact Assessment (DIA) screening exercise had been completed and it was noted that no adverse impact had been identified.

**Decision
number:**

Decision:

82/2010

The Cabinet agreed that the current Air Quality Management Areas be revoked and the three new Air Quality Management Areas be declared as follows:

- **Central Medway**
- **High Street, Rainham**
- **Pier Road, Gillingham.**

Reasons:

The Council has a duty to designate Air Quality Management Areas where the Air Quality Objectives are unlikely to be met.

Amherst Hill Design Brief

This report provided details of the draft Amherst Hill Design Brief which had been produced by the Council to satisfy a Local Plan requirement that a design brief must guide the development of the site and ensure that the site be developed in a manner appropriate to its sensitive setting and prominent location. It was intended that the brief be subject to consultation and subsequently adopted as a Supplementary Planning Document (SPD).

The report gave details of the site, which was located at the Chatham Lines, and owned by Defence Estates, and had been allocated for residential use in the Local Plan. The proposed public consultation would last for 6 weeks, exceeding the minimum level of public involvement, to ensure a level of engagement that was adequate to fully address the concerns of local residents. It would include a leaflet drop in the local area and a public exhibition.

Decision number: **Decision:**

83/2010 The Cabinet approved statutory consultation on the draft Amherst Hill Design Brief commencing in mid-July 2010 for 6 weeks.

Reasons:

To allow progress towards adoption of the brief as a Supplementary Planning Document (SPD) and to ensure that the site is developed in a manner that minimises the visual impact on Fort Amherst and the local area.

Redesignation of Rivermead School

This report provided details of a proposal to redesignate Rivermead School from a Hospital School to a Community Special School catering for statemented SEN pupils with complex needs aged 11-19.

The School currently provided education in three distinct ways: for children at the Medway Maritime Hospital; for children who needed home tuition as they were too ill to attend school and for children attending the school site at Forge Lane, Gillingham.

The report noted that some informal discussions had taken place with the school's Headteacher and Governing Body and that they were fully supportive of the proposals.

Decision number: **Decision:**

84/2010 The Cabinet authorised officers to proceed with an initial informal consultation period to allow views to be expressed on the proposal to make a prescribed alteration to Rivermead School from a Hospital School to a

Community Special School catering for statemented SEN children with complex needs aged 11-19 on 1 September 2011.

Reasons:

To minimise the following risks:

- a risk to the future viability of Rivermead if redesignation does not take place
- a risk that it could undermine the Council's need to ensure the most effective use of resources, and in turn raise standards across all schools.

The proposal is in line with the Medway vision as stated in 'Special Educational Needs – An inclusive policy and strategy for Medway 2009-2014', which is consistent with the Every Child Matters framework and flows from the Medway Children and Young People's Plan.

The policy states the fundamental principles for SEN in Medway to be:

- a child with special educational needs should have their needs met
- the special educational needs of most children will normally be met in a mainstream school
- children's needs will be met in an appropriate provision
- the views of the child should be sought and taken into account
- parents/carers have a vital role to play in supporting their child's education, and
- children with special educational needs deserve full access to a broad, balanced and relevant curriculum with clear post-16 progression routes and options.

Without the restrictions its current designation as a hospital school places upon it, the proposal would enable Rivermead to embrace these principles, which it is expected will improve the outcomes for the young people who subsequently attend the school.

End of Year Performance Report 2009/2010

This report provided details of the Council's performance for 2009/2010 with particular reference to performance against indicators and actions agreed in the Council Plan 2009/2012. This included performance against the six priorities and two core values in the Council Plan and performance achieved against individual detailed actions and performance indicators relating to those priorities.

It was noted that of 116 key performance indicators, 64 had achieved or outperformed the annual target, 17 were below target but within acceptable variance limits and 35 had performed below target.

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The report had been considered by the Overview and Scrutiny Committees and this was summarised in paragraph 4 of the report.

Decision number: **Decision:**

The Cabinet noted the performance for 2009/2010.

Reasons:

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

Recruitment Freeze

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:**

85/2010 The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report, to enable officers to commence the recruitment process:

Regeneration, Community and Culture

- a) **Head of Safer Communities**
- b) **Head of Waste Services**

Business Support

- c) **Service Support Assistant**
- d) **Benefit Development Officer.**

Reasons:

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

Gateway 3 Contract Award: Completion of Decent Homes Programme 2010/2011

This report set out the details of the Council's contract for the Decent Homes Programme 2010/2011. An exempt appendix provided the anticipated value of works. The Council was required to ensure that 100% of its housing stock met

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decent homes standards (set by government) by December 2010. Awarding the 2010-11 Decent Homes works as recommended would ensure that this target would be achieved.

It was noted that the Procurement Board had considered the report on 9 June 2010 and supported the recommendations as set out in the report.

Decision number: **Decision:**

- 86/2010** **The Cabinet agreed to continue the 2010/2011 Capital works under its existing contract with Mears, on the basis of the discount on their existing contract rates.**
- 87/2010** **The Cabinet agreed that the Monitoring Officer may grant a waiver to Contract Rules to continue with the existing consultant project team on their existing tendered rates.**
- 88/2010** **The Cabinet delegated authority to the Assistant Director, Housing and Corporate Services, in consultation with the Portfolio Holders for Finance and Housing and Community Services, to agree a further discount with Mears for ongoing capital works that may be required following the completion of the Asset Strategy and subsequent capital programme of works.**

Reasons:

- To ensure Decent Homes target is achieved by the December 2010 deadline.
- To maintain continuity of works and maximise value for money using the existing tendered contract.
- To continue to build the trust and confidence of tenants now that the decent homes programme has recommenced.
- To retain a high performing principal Contractor and project team.
- To mitigate risk issues in relation to the existing Mears Contract.

Housing Revenue Account (HRA) Reform Prospectus

This report provided details of the Council's proposed response to the Government's proposals for the reform of the Housing Revenue Account (HRA) subsidy system. This would include the dismantling of the current system, to give each authority a one-off adjustment of debt and to allow rents and right to buy receipts to be retained locally. The Council's proposed response was set out in appendix 2 to the report.

The Cabinet accepted this as an urgent item as Communities and Local Government (CLG) required a response by 6 July 2010.

The Mayor, in the absence of the Chairman of the Business Support Overview and Scrutiny Committee, agreed that the taking of these decisions could not be

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reasonably deferred, in accordance with Rule 16 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution).

The Vice-Chairman of the Business Support Overview and Scrutiny Committee, in the absence of the Chairman, agreed to waive call in on this report on the basis that this matter is reasonable in all the circumstances and to it being treated as a matter of urgency in accordance with Rule 16.11 of the Overview and Scrutiny Rules (Part 5 of Chapter 4 in the Constitution).

Decision number: **Decision:**

- 89/2010** **The Cabinet agreed to delegate the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, to finalise the response on the prospectus on HRA self financing, to be submitted to CLG by 6 July 2010.**
- 90/2010** **The Cabinet agreed that this decision is considered urgent and therefore should not be subject to call-in.**

Reasons:

That the consultation response in appendix 2 to the report be submitted to CLG to ensure that Medway Council's views are taken into account.

Public Spending Reductions

This report provided details of the recent announcements made by the Chancellor of the Exchequer concerning the emergency reductions of £6.2 billion in public spending and the further announcements in the emergency budget presented to Parliament on 22 June 2010 and provided details of the Council's proposals in relation to the implications for Medway's budgets.

The Cabinet considered this as an urgent item as the immediate reductions applied to the current budget and any delay in implementing recommendations increased the pro rata impact for the remainder of the year, and made achievement more difficult.

The Mayor, in the absence of the Chairman of the Business Support Overview and Scrutiny Committee, agreed that the taking of these decisions could not be reasonably deferred, in accordance with Rule 16 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution).

The Vice-Chairman of the Business Support Overview and Scrutiny Committee, in the absence of the Chairman, agreed to waive call in on recommendation 7.2 in the report on the basis that this matter is reasonable in all the circumstances and to it being treated as a matter of urgency in accordance with Rule 16.11 of the Overview and Scrutiny Rules (Part 5 of Chapter 4 in the Constitution).

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**Decision
number:**

Decision:

- 91/2010** **The Cabinet recommended to Full Council to:**
- (i) agree the proposals set out in this report and its appendices to redress the budget shortfall**
 - (ii) approve the use of reserves accruing from the underspend in 2009/10 to fund any necessary one-off costs in implementing the changes.**
- 92/2010** **The Cabinet authorised the Directors and Chief Executive to consider and determine all consultation responses received in respect of their Directorates.**
- 93/2010** **The Cabinet agreed that decision no. 92/2010 is considered urgent and therefore should not be subject to call-in.**

Reasons:

The budget reductions announced by the Government require changes to the budgets agreed by Council so as to avert an overspend occurring and bring the planned expenditure for the Council back in line with the funding available.

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Leader of the Council

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Date

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