

# **COUNCIL**

**29 JULY 2010**

## **LEADER'S REPORT**

Rodney Chambers, Leader of the Council, will give a report on key developments since the last ordinary Council meeting on 17 June 2010.

He will include:

- Budget
- Summer events
- City status
- Green Flag awards
- Decisions made by the Cabinet on 29 June and 20 July 2010.



## 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**

<b>Present:</b>	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:***

- |                |   |
|----------------|---|
| <b>79/2010</b> | <b>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.</b> |
| <b>80/2010</b> | <b>The Cabinet recommended to the Audit Committee that it approves the draft Statement of Accounts for 2009/2010.</b>   |

### **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.

## Cabinet, 29 June 2010

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



## Cabinet, 29 June 2010

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

## Cabinet, 29 June 2010

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).

**Cabinet, 29 June 2010**

**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.

.....  
**Leader of the Council**

.....  
**Date**

**Wayne Hemingway/Anthony Law, Cabinet Coordinators**

Telephone: 01634 332509/332008

Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)



## Record of Cabinet decisions

**Tuesday, 20 July 2010**

**3.00pm to 4.03pm**

**Date of publication: 21 July 2010**

**Subject to call-in these decisions will be effective from 29 July 2010**

<b>Present:</b>	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 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, Robin Cooper, Director of Regeneration, Community and Culture, Mick Hayward, Chief Finance Officer, Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy and Governance, Anthony Law, Cabinet Coordinator, David Quirke-Thornton, Assistant Director, Adult Social Care, Deborah Upton, Assistant Director, Housing and Corporate Services

### **Leader's Announcements**

The Leader announced that in addition to the main agenda there were two supplementary agendas. The first gave details of the discussion by the Children and Adults Overview and Scrutiny Committee on the Youth Justice Plan. The second contained three urgent items which he had agreed to consider as urgent matters: Gateway 3 Contract Award Chatham Dynamic Bus Facility (agenda item 10), Gateway 3 Contract Award: Chatham Road and Public Realm Improvements - The Brook (agenda item 11) and A228 Stoke Crossing – Project Update (agenda item 16).

### **Apologies for Absence**

Apologies were received from Councillor Phil Filmer (Front Line Services).

## **Cabinet, 20 July 2010**

### **Record of Decisions**

The record of the meeting held on 29 June 2010 was agreed and signed by the Leader as correct.

### **Declarations of Interest**

Councillor Mike O'Brien declared a personal interest in agenda item 4 (Youth Justice Plan 2010 - 2011) as he was a Youth Court magistrate.

Councillor Jarrett declared a personal interest in agenda item 16 (A228 Stoke Crossing – Project Update) because he had an interest in a company which owns adjacent land.

### **Youth Justice Plan 2010 - 2011 (Policy Framework)**

This report outlined the Medway Youth Justice Plan 2010 – 2011, which detailed the following key objectives for the Medway Youth Offending Team (YOT) to March 2011:

- Reduce and prevent first time entrants into the Youth Justice System
- Reduce the use of custody as a sentencing outcome
- Ensure that YOT clients have access to both universal and specialist services
- Reduce the rate and severity of re-offending by those already subject to court orders
- Effectively manage risk, vulnerability and safeguarding issues within the YOT cohort
- Support partnership agencies in achieving their strategic objectives
- Work towards achieving the Every Child matters outcomes for all YOT clients
- Ensure that the YOT can continue to deliver quality services within a climate of uncertain public finances.

The Youth Justice Plan had been developed following a capacity and capability self assessment and discussions and consultations with partner agencies. It was also designed to address the following key areas: resourcing and value for money; structure and governance; partnership arrangements; and risks to future delivery. Areas for development and improvement had been incorporated into the plan.

As a policy framework document the Youth Justice Plan would be referred to Council on 29 July 2010 for approval.

It was noted that a diversity impact assessment had been carried out in May 2008 and reviewed as part of the capacity and capability assessment validation exercise. The screening form, attached to the report, indicated that a full diversity impact assessment was not required.

## Cabinet, 20 July 2010

The Children and Adults Overview and Scrutiny Committee had considered the Youth Justice Plan on 12 July 2010 and details of their consideration and recommendations were set out in an addendum report.

**Decision number:**      **Decision:**

**94/2010**      **The Cabinet recommended the Youth Justice Plan, as set out at Appendix 1 of the report, to Council for approval.**

### **Reasons:**

To ensure that Medway Council and other agencies have effective strategies for addressing youth offending behaviour that has positive benefits for society. The Medway Youth Justice Plan has been reviewed by overview and scrutiny, been consulted on with key partners and the adoption of a new plan seeks to address the underlying causes of youth crime.

### **Annual Review of the Community Safety Partnership Plan 2009 - 2012 (Policy Framework)**

This report provided details of the progress towards developing a new Community Safety Partnership Plan 2009-2012. The Police and Justice Act 2006 had placed a statutory requirement to produce an annual rolling three year plan, underpinned by an annual strategic assessment, for the purpose of reducing crime and disorder and combating substance misuse.

The six priorities for 2009-2012, which had been reviewed and refreshed, were: Tackling Substance Misuse, Tackling Anti Social Behaviour, including criminal damage, Reducing Repeat Business of Violent Crime, Improving Local Street Scene, Reducing your worry of crime and disorder and Improving your confidence in Medway Community Safety Partnership.

The plan had been considered by the Regeneration, Community and Culture Overview and Scrutiny Committee on 6 July 2010 and the Committee's views were set out in section 6 of the report.

As a policy framework document the revised Community Safety Partnership Plan 2009 – 2012 would be referred to Council on 29 July 2010 for approval.

The outcome of a diversity impact assessment screening was attached to the report. It was noted that a full diversity impact assessment would be required as part of the planning process when the plan is rewritten in 2012.

**Decision number:**      **Decision:**

**95/2010**      **The Cabinet noted the comments of the Regeneration, Community and Culture Overview and Scrutiny Committee**

## Cabinet, 20 July 2010

**and recommended the Community Safety Partnership Plan to Council for approval, with the inclusion of the additional section on the enforcement of uncovered skip vehicles.**

### **Reasons:**

The Police and Justice Act 2006 requires the production of an annual rolling three year plan.

The Community Safety Partnership Plan forms part of the Policy Framework and the Constitution requires the Cabinet to finalise its proposals for the Council to consider having taken into account any proposals from Overview and Scrutiny.

### **Waste Strategy Stocktake**

This report provided an update on the initiatives contained within Medway's Waste Strategy 2005-2020.

Medway's current Waste Strategy had been published in 2005 to guide and forecast Medway's progress in its duties, operations and targets through to 2020. It was noted that it was appropriate to review Medway's progress and offer updated or additional advice, reflecting that the waste sector was in continual flux due to changes in consumerism, market conditions, legislation, economic and environmental drivers as well as technological developments. Section 3 of the report commented on the progress to date of each initiative originally set out within the 2005 document, whilst section 4 provided advice on future actions.

At the request of the Regeneration, Community and Culture Overview and Scrutiny Committee, the Waste Contract Task Group had considered this matter on 10 June 2010 and the group's views were set out in section 7 of the report.

### **Decision number:**

**96/2010**

### **Decision:**

**The Cabinet noted the report and agreed that a more comprehensive review of the waste strategy, along with all waste collection arrangements, should be submitted once the performance of new contracts can be fairly evaluated, the outcome and impacts of the government's consultation on pending legislation is known and a clearer picture can be formulated on the impacts of the carbon agenda on waste.**

### **Reasons:**

This report provided an update on each initiative agreed within Medway's Waste Strategy 2005-2020. A more comprehensive review will ensure that all targets are smart, measurable and realistic as well as being based on necessary outcomes.



## The Future of the Strood Environmental Enhancement Scheme

This report set out details of the Strood Environmental Enhancement Scheme and explained that the scheme, which had not been progressed in the absence of a funding stream, now acted as a constraint against growth and development. It was therefore recommended that the Strood Environmental Enhancement Scheme be abandoned, to allow transport options to be developed as an outcome of the evolution of masterplanning for Strood rather than a driver for it.

The report gave details of various property assets, illustrated on a plan attached to the report, that with the abandonment of the scheme would no longer be required. It was proposed that most of the land held for the scheme was declared surplus and disposed of, with the remainder being held for a possible small scale road improvement and a new library.

It was noted that the Strood Regeneration Cabinet Advisory Group and the Regeneration, Community and Culture Overview and Scrutiny Committee had considered this report and their comments were set out in the report.

***Decision  
number:***

***Decision:***

- |                 |  |
|-----------------|--|
| <b>97/2010</b>  | <b>The Cabinet agreed that the Strood Environmental Enhancement Scheme be abandoned.</b>   |
| <b>98/2010</b>  | <b>The Cabinet agreed that the land at Station Road Strood, as edged black and numbered 1 on the plan attached to the report, be declared surplus and the Assistant Director Housing and Corporate Services in consultation with the Finance Portfolio Holder be delegated authority to dispose of it at best consideration.</b>   |
| <b>99/2010</b>  | <b>The Cabinet agreed that the site of 16/20 North Street Strood Street, as edged black and numbered 2 on the plan attached to the report, be declared surplus and the Assistant Director Housing and Corporate Services in consultation with the Finance Portfolio Holder be delegated authority to dispose of it at best consideration.</b>                                |
| <b>100/2010</b> | <b>The Cabinet agreed that the site of 31-35 North Street and the site of 4-18 at Edward Street Strood, as edged black and numbered 3 on the plan attached to the report, be declared surplus and the Assistant Director Housing and Corporate Services in consultation with the Finance Portfolio Holder be delegated authority to dispose of it at best consideration.</b> |
| <b>101/2010</b> | <b>The Cabinet agreed that 37-39 North Street and land rear of 39 North Street, as edged black and numbered 4 on the</b>   |

## Cabinet, 20 July 2010

**plan attached to the report, be declared surplus and the Assistant Director Housing and Corporate Services in consultation with the Finance Portfolio Holder be delegated authority to dispose of it at best consideration.**

- 102/2010** The Cabinet agreed that the land in Commercial Road Strood, as edged black and numbered 5 on the plan attached to the report, be declared surplus and the Assistant Director Housing and Corporate Services in consultation with the Finance Portfolio Holder be delegated authority to dispose of it at best consideration.
- 103/2010** The Cabinet agreed that the Commercial Road car park, as edged black and numbered 6 on the plan attached to this report, be declared surplus and the Assistant Director Housing and Corporate Services in consultation with the Finance Portfolio Holder be delegated authority to dispose of it at best consideration.

### **Reasons:**

To reduce revenue costs, realise capital receipts and gain much needed housing and regeneration for the Medway area.

### **Revenue Budget Monitoring 2010/2011**

This report gave details of the forecast outturn for the 2010/2011 financial year projected based on actual income and expenditure to May 2010.

It was noted that on 25 February 2010 the Council had set gross revenue spending at £625m and a General Fund net budget requirement of £182.713m for 2010/2011. The monitoring report indicated that after management action, the outturn forecast for 2010/2011 stood at a £1.597m overspend. After excluding the small forecast underspend on the dedicated schools grant funded services the overspend on the General Fund was £1.652m.

An analysis of the budget position for each directorate, including details of significant risks, were set out in the report and accompanying appendices.

Due to the economic climate the Cabinet considered a proposal to amend the recruitment freeze process so that all self-funded posts, externally funded posts and joint funded posts were no longer excluded from the recruitment freeze process.

### **Decision number:      Decision:**

**The Cabinet noted the result of the first round of revenue monitoring for 2010/2011 and the proposed management action to reduce the potential deficit.**

## Cabinet, 20 July 2010

- 104/2010**      **The Cabinet recommended that Council approve a virement of £19,000 from the conversion of toilet facilities to the provision of 5-a-side facilities at Maidstone Sports Ground.**
- 105/2010**      **The Cabinet agreed that a report be submitted to Council to correct the error in rent setting and remedy the overpayment that had occurred.**
- 106/2010**      **The Cabinet agreed that the Recruitment Freeze process be extended with immediate effect to include all self-funded posts, externally funded posts and joint funded posts.**

### **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. The proposed virement to the specific scheme agreed by Council and the rent setting correction are matters that need to be referred to Council.

### **Capital Budget Monitoring 2010/2011**

This report gave details of the capital monitoring position for the period to May 2010, with a forecast outturn for 2010/2011 and future years.

It was noted that on 25 February 2010 the Council had approved a capital programme for 2010/2011 and future years of £116m. Having incorporated schemes rolled forward from the 2009/2010 capital programme and some further funding announcements the capital programme now approached £123m.

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 £100.1m of the programme was forecast for spend during 2010/2011.

### **Decision number:**

**The Cabinet noted the spending and funding forecasts summarised at Tables 1 and 3 of the report.**

### **Reasons:**

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

## Cabinet, 20 July 2010

### Gateway 3 Contract Award: Chatham Dynamic Bus Facility

This report set out details of the procurement of a contractor for the Chatham Dynamic Bus Facility.

It was noted that when the Gateway 1 report was considered by Cabinet in November 2009, it was confirmed that prior to entering into the main construction contract with the appointed contractor a further Gateway 3 report would be considered by Procurement Board and Cabinet, at such time as agreement was reached with the contractor on the contract sum. This report sought approval to delegate the appointment of Morgan Sindall for the main works contract for the construction of the Chatham Dynamic Bus Facility to the Assistant Director of Housing and Corporate Services in consultation with the Leader and the Portfolio Holder for Finance.

An exempt appendix provided details of the evaluation process, including a report from the Council's cost consultant.

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 considered that a call-in of the decision set out below would jeopardise the development programme and the ability for the project to be delivered within the funding period (before March 2011).

It was noted that the Chairman of the Regeneration, Community and Culture Overview and Scrutiny Committee had 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.

**Decision number:**

**Decision:**

**107/2010**

**The Cabinet agreed to authorise the Assistant Director of Housing and Corporate Services, in consultation with the Leader and the Portfolio Holder for Finance, to enter into a contract with Morgan Sindall for the main works contract for the construction of the Chatham Dynamic Bus Facility within the agreed budget provision.**

**108/2010**

**The Cabinet agreed that decision 107/2010 was considered urgent and therefore should not be subject to call-in.**

**Reasons:**

To enable the contract for the construction of the bus station to be awarded to Morgan Sindall so that the main works can commence.

**Gateway 3 Contract Award: Chatham Road and Public Realm Improvements - The Brook**

This report set out details of the procurement of the works contract to undertake the road widening and public realm works to the Brook.

The works would include demolition of a number of existing structures, road widening and realignment, construction of retaining structures, resurfacing and landscaping works. It was noted that these works form the final element of the phase 2 road improvements and public realm improvements to be carried out in Chatham within this funding period.

An exempt appendix provided details of the evaluation process, including a report from the Council's cost consultant.

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 considered that a call-in of the decision set out below would jeopardise the development programme and the ability for the project to be delivered within the funding period (before March 2011).

It was noted that the Chairman of the Regeneration, Community and Culture Overview and Scrutiny Committee had 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.

***Decision number:***      ***Decision:***

**109/2010**      **The Cabinet agreed to authorise the Assistant Director, Housing and Corporate Services, in consultation with the Leader and the Portfolio Holder for Finance, to enter into a contract with J Breheny for works to The Brook, as set out in the report.**

**110/2010**      **The Cabinet agreed that decision 109/2010 was considered urgent and therefore should not be subject to call-in.**

**Reasons:**

In order that the variation order can be issued to J Breheny Ltd as soon as the land required has been secured, and the final stage of the Phase 2 road improvements can be implemented.

### **Gateway 3 Contract Award: Household Waste Recycling Centres**

This report reviewed the bids submitted following Invitation to Tender (ITT) for the Household Waste Recycling Centres. It considered the options presented and proposed the Most Economically Advantageous Tender option.

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 30 June 2010 and the Regeneration, Community and Culture Overview and Scrutiny Committee on 6 July 2010 had considered this report. Both Procurement Board and the Overview and Scrutiny Committee had supported the recommendations as set out in the report.

During the discussion on this item it was noted that at 4.1.3 of the report “compromises” should read, “comprises”.

***Decision number:***

***Decision:***

**111/2010**

**The Cabinet agreed the award of the contract for the management of the household waste recycling centres to Waste Recycling Group Waste Services Limited (WRG) as the most economically advantageous tender (MEAT).**

**112/2010**

**The Cabinet agreed to authorise the Chief Finance Officer (who is the officer responsible for the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972) as the officer responsible for signing certificates issued under the Local Government (Contracts) Act 1997 in respect of the management of the household waste recycling centre contracts to be entered into by the Council.**

**Reasons:**

The solutions provided by the MEAT bid provides the best combination of value for money and quality of service for the Council to deliver statutory waste services for Medway Council.

### **Gateway 3 Contract Award: Special Educational Needs Transport Home to School Transport**

This report recommended the award of home to school passenger transport contracts to local taxi and bus companies via the existing Local Transport Framework.

Special Educational Needs (SEN) Home to School transport is provided under Medway Council's statutory obligations. Taking into account the needs of the children and the sensitivity of the re-tender, the need to establish continuity and

## Cabinet, 20 July 2010

manage change with minimal disruption has been shown to be of the highest importance to these vulnerable children and their families.

An exempt appendix identified the tenders for the contracts.

It was noted that the Procurement Board had considered this report on 30 June 2010 and had supported the recommendations as set out in the report.

**Decision  
number:**

**Decision:**

**113/2010**

**The Cabinet agreed to award the contracts as set out below and detailed in Appendix 2 of the report:**

- (a) Bradfields 1 – M&T Travel**
- (b) Bradfields 2 – Strood Cabs**
- (c) Danecourt 1 – Strood Cabs**
- (d) Danecourt 2 – Strood Cabs**
- (e) All Faiths 1 – Strood Cabs**
- (f) All Faiths 2 – Strood Cabs**
- (g) All Faiths 3 – Strood Cabs**
- (h) Wyvern – Rainham Cabs**
- (i) Mid-Kent College 1 – Strood Cabs**
- (j) Mid - Kent College 2 – ASD Coaches**
- (k) Goldwyn – SAS Executive Travel**
- (l) Abbey Court 1 – Strood Cabs**
- (m) Abbey Court 2 – Strood Cabs**
- (n) Hundred of Hoo – ASD Coaches**
- (o) Preston Skreens - Demelza House – SAS Executive Travel.**

**Reasons:**

These awards will allow the continuation of transport for SEN children currently accessing education via this service and facilitate the entry into schools of new SEN pupils joining the service.

#### **Gateway 4 Contract Review: Home Care Services Contract**

This report updated Members on the Homecare Services contract performance and management of the service. It also highlighted performance issues that were being addressed by the Social Care Commissioning Team.

The report sought agreement for a contract extension up to 31 March 2012 to allow full consultation with key stakeholders in line with the personalisation agenda in the context of the council's policy relating to Fair Access to Care Services.

It was noted that the Procurement Board had considered this report on 30 June 2010 and had supported the recommendations as set out in the report. At the request of the Procurement Board the report presented additional information relating to value for money as set out in section 3 of the report.

***Decision number:***      ***Decision:***

**114/2010**      **The Cabinet approved the extension of the Homecare Services Contract up to 31 March 2012 to allow for a full procurement process to be undertaken in line with the contract rules.**

**Reasons:**

This will ensure that the services delivered under any new contract(s) are fit for purpose, meet the needs of the service user and reflect the core value of the Council to allow older people and vulnerable adults to maintain their independence.

#### **Exclusion of the Press and Public**

***Decision number:***      ***Decision:***

**115/2010**      **The Cabinet agreed to exclude the press and public for the consideration of item 16 (A228 Stoke Crossing – Project Update) as it contained commercially sensitive and legally privileged information under paragraphs 3 and 5 of part 1 of Schedule 12A of the Local Government Act 1972.**

#### **A228 Stoke Crossing - Project Update**

The Cabinet had awarded the contract for this project at its meeting on 8 June 2010. This exempt report sets out the primary risks to the delivery of the project and the options available to address them.

It was noted that previous references to 'Birse Construction' was incorrect. The company that had tendered for this project was 'Birse Civils Limited'.



## Cabinet, 20 July 2010

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. The Cabinet accepted this as an urgent report to ensure works could start in August.

It was noted that the Chairman of the Regeneration, Community and Culture Overview and Scrutiny Committee had agreed to waive call in on this report on the basis that this matter was reasonable in all the circumstances and to it being treated as a matter of urgency, in accordance with Rule 16 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution).

**Decision  
number:**

**Decision:**

- |                 |   |
|-----------------|---|
| <b>116/2010</b> | <b>The Cabinet noted that previous reference to 'Birse Construction' was incorrect and should have read 'Birse Civils Limited' and agreed that the scheme proceeds and a contract with Birse Civils Limited be concluded.</b> |
| <b>117/2010</b> | <b>The Cabinet agreed that decision 116/2010 was considered urgent and therefore should not be subject to call-in.</b>  |

**Reasons:**

To enable the scheme to be delivered within the available funding and planning requirements.

.....  
**Leader of the Council**

.....  
**Date**

**Wayne Hemingway/Anthony Law, Cabinet Coordinators**

Telephone: 01634 332509/332008  
Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)