

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

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 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).

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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.

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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**

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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:***

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| 97/2010 | The Cabinet agreed that the Strood Environmental Enhancement Scheme be abandoned. |
| 98/2010 | 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. |
| 99/2010 | 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. |
| 100/2010 | 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. |
| 101/2010 | The Cabinet agreed that 37-39 North Street and land rear of 39 North Street, as edged black and numbered 4 on the |

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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.

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- 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.

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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:

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| 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

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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'.

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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:

116/2010

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.

117/2010

The Cabinet agreed that decision 116/2010 was considered urgent and therefore should not be subject to call-in.

Reasons:

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

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Leader of the Council

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Date

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