

## Record of Cabinet decisions

**Tuesday, 9 November 2010**

**3.00pm to 3.55pm**

**Date of publication: 10 November 2010**

**Subject to call-in these decisions will be effective from 18 November 2010  
The record of decisions are subject to approval at the next meeting of the Cabinet**

<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  
Rose Collinson, Director of Children and Adults  
Robin Cooper, Director of Regeneration, Community and Culture  
Mick Hayward, Chief Finance Officer  
Wayne Hemingway, Cabinet Coordinator  
Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy and Governance  
Julie Keith, Head of Democratic Services  
Deborah Upton, Assistant Director, Housing and Corporate Services/Monitoring Officer

### **Apologies for absence**

Apologies were received from Councillor Filmer.

### **Record of decisions**

The record of the meeting held on 19 October 2010 was agreed and signed by the Leader as correct.

### **Declarations of interest**

There were none.

### **City Status**

This report provided details of the proposed bid for City Status for Medway as part of the Queen's Diamond Jubilee celebrations in 2012. The report referred to the loss of Rochester's city status in 1998 and that Medway had previously bid for city status in 2000 and 2002.

The report set out Medway's case for city status together with the benefits of city status and the associated costs of the bid. It was noted that the award of city status was entirely at the discretion of the Queen and there was no formulaic criteria for this process.

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

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

**179/2010**

**The Cabinet endorsed the bid for City Status for Medway and approved the approach set out within the report.**

**180/2010**

**The Cabinet recommended this report to Council, seeking cross-party support for a bid for City Status for Medway once the competition is announced.**

#### **Reasons:**

City status would be a fitting accolade to crown Medway's Year of Celebrations in 2012. There is very little downside to making a bid, and much potentially to be gained. Once the competition is announced, a failure to bid could be interpreted as having low aspirations for Medway.

### **Treasury Management Strategy Mid-Year Review Report 2010/2011**

This report provided details of the mid year review of the Council's Treasury Management strategy and performance. This included an overview of the global economy and UK economy together with an analysis of the Council's performance in light of the economic position and it was noted that the Council's Strategy was still fit for purpose and that, overall, the Council's finance and interest budgets would break even for 2010/2011.

The Business Support Overview and Scrutiny Committee considered this report on 4 November 2010 and its views were set out in addendum report.

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

**The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee.**

**181/2010      The Cabinet noted the report and, in accordance with the Treasury Management Strategy, referred it to Council for consideration.**

### **Reasons:**

The Treasury Management Strategy requires that Cabinet receives and considers a mid year review of treasury management strategy and performance.

### **Petitions and E-Petitions**

This report provided details of the Council's proposal for a new petitions scheme in line with the provisions of the Local Democracy, Economic Development and Construction Act 2009. It was noted that the Act required Local Authorities' petition schemes to meet some minimum standards to ensure minimum entitlements which all citizens could expect including a duty to provide a facility for electronic petitions (e-petitions).

It was noted that the Department for Communities and Local Government (DCLG) had announced in September 2010 that the statutory guidance on petitions scheme had been withdrawn, however, it was necessary to adopt a scheme which fulfilled the minimum requirements of the Act.

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

**182/2010      The Cabinet noted the provisions proposed for a Medway Petitions Scheme as set out in paragraph 3 of the report, and recommended the thresholds for petitions to trigger a Full Council debate (5%) or an officer being held to account at an Overview and Scrutiny Committee (2%) and agreed that only the Chief Executive, Directors and Assistant Directors should be the officers specified in the scheme for this purpose.**

**183/2010      The Cabinet recommended the petitions scheme attached at Appendix B to the report to Full Council for adoption and inclusion in the Council's Constitution (as Appendix A to the Council rules in Chapter 4) to incorporate the views on Cabinet on the matters specified in decision 182/2010 above.**

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- 184/2010**      **The Cabinet recommend to Full Council that authority be delegated to the Monitoring Officer to determine when it would not be appropriate for a petition to be handled under the petitions scheme because it is deemed to be vexatious, abusive, otherwise inappropriate or excluded from the scheme, taking into account relevant law and statutory guidance.**
- 185/2010**      **The Cabinet recommended to Full Council that authority be delegated to the Assistant Director Customer First, Leisure, Culture, Democracy and Governance, in consultation with the Leader of the Council, to make minor amendments to the provisions in the scheme relating to e-petitioning if required once the system is in place to ensure the scheme accurately reflects the technical aspects of the IT arrangements.**
- 186/2010**      **The Cabinet recommended to Full Council the changes required to the Constitution as a consequence of introduction of a petitions scheme as set out in Appendix C to the report.**

### **Reasons:**

The Local Democracy, Economic Development and Construction Act 2009 places a statutory duty on Local Authorities to adopt a scheme for handling petitions and to set in place a facility for e-petitioning. The proposed petitions scheme will be included within the Council's Constitution.

### **Change to Designation of Rivermead School, Forge Lane, Gillingham**

This report provided details of the outcome of consultation on the Council's proposal to change the designation of Rivermead School from a maintained special school with a designation as a hospital school to a community special school by means of a prescribed alteration. The report set out the background to the proposed change and provided details of the consultation process, noting that there had been 63 responses to the consultation (61 supported the proposal whilst two were opposed).

The Children and Adults Overview and Scrutiny Committee considered the outcome of consultation on 20 October 2010 and its comments were set out in paragraph 9 of the report.

A Diversity Impact Assessment (DIA) screening form had been completed and was set out in appendix 2 to the report.

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

- 187/2010**      **The Cabinet noted the responses received during the consultation period, and agreed to proceed to formal representation, when statutory notices and full proposals will be published.**
- 188/2010**      **The Cabinet agreed to delegate authority to the Director of Children and Adults, in consultation with Portfolio Holder for Children's Services, to determine whether to approve the change of designation proposals at the end of the statutory consultation period, if no objections are received. However if any objections are received during that time then a report will be prepared and placed before Cabinet for determination.**

**Reasons:**

Redesignating Rivermead to a community special school will: secure the future viability of the school in the eventuality that the PCT make a decision to remove the hospital schoolroom facility; enable the school to organise its curriculum so that it is able to plan for the particular needs of the children it provides for and to ensure that adequate expertise and resource is available; give parents the opportunity to name Rivermead as a preference for their child's education where appropriate and; provide an opportunity for cost saving by enabling pupils to be educated within Medway rather than being placed in expensive provision out of area.

### **Change of Age Range - Walderslade Primary School: Outcome of Consultation**

This report provided details of the outcome of consultation on altering the age range of Walderslade Primary School, Dargets Road, Walderslade, with effect from 2011, to admit children aged 3 years. The report set out the consultation process noting that a total of 33 responses had been received (28 were in support of proposals whilst 5 were opposed).

It was noted that a Diversity Impact Assessment (DIA) had been completed in October 2005, which concluded that, as a universal service, available to all, the development of foundation stage provision at schools would not disproportionately affect one part of the community. A refresh of the DIA screening concurred with this position.

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

- 189/2010**      **The Cabinet agreed to amend the age range of Walderslade Primary School, to permit the admission of children from the age of 3 years, with effect from September 2011.**

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### Reasons:

The establishment of a Foundation Stage unit at Walderslade Primary School would be consistent with the Council's duty to secure an education place for all three and four year olds whose parents want one. As the admissions authority for community schools, the Council is responsible for determining whether to make a change to the published age range of the schools. The Council, with the support of the governing body and the headteacher of the school, consider that the change in age range to permit the admission of children from the age of 3 years will be an effective means of raising standards of attainment at the school and improving life chances of children in the area.

### Disposal of 78 Woodlands Road, Gillingham

This report provided details of a proposal to declare 78 Woodlands Road, Gillingham (Cemetery Lodge and Mess Room), surplus to enable its disposal at best consideration. The report stated that the property was now vacant and that it was no longer Council policy to re-let lodges to service tenants when they became vacant.

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

**190/2010      The Cabinet agreed that the site of the lodge/office at 78 Woodlands Road Gillingham, (as shown approximately edged black on the attached plan) be declared surplus and the Assistant Director of Housing and Corporate Services, in consultation with the Portfolio Holder for Finance, be given delegated authority to dispose of it at best consideration.**

### Reasons:

To reduce revenue costs, realise a capital receipt and gain investment in the Medway area.

### 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.

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

**191/2010**      **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report, to enable officers to commence the recruitment process:**

**Business Support**

**a) Train to Gain Administrator**

**Children and Adults**

**b) Data Inputter – Gillingham Integrated Team**

**c) Data Inputter – Strood Integrated Team**

**d) Data Inputter – Rainham Integrated Team**

**e) Support Services Assistant 0.5 – Initial Intake Team**

**Regeneration, Community and Culture**

**f) Heritage Project Assistant.**

**Reasons:**

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

### **Gateway 3 Contract Award: Medway Tunnel Systems**

This report provided details of the proposed improvements to the Medway Tunnel's control system through a variation to the existing contract with Vital Technology. The original contract with Vital Technology (for the replacement of the Medway Tunnel Electronic Control System) had been awarded by Cabinet in November 2009 and the report set out the improvements that would arise from the variation to the contract including a tunnel radio system, a vehicle and incident detection system and various alterations and improvements to the control rooms and offices.

The Procurement Board considered this report on 20 October 2010 and its comments were set out in paragraph 9 of the report.

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

**192/2010**      **The Cabinet approved the award of the additional works to Vital Technology and an exemption to contract rules to allow a variation of greater than 50% of contract value of the existing contract with Vital Technology.**

**Reasons:**

To upgrade the tunnel systems as quickly and economically as possible and with the minimum disruption to traffic.

**Gateway 4 Contract Management: Highways Minor Works Contract**

This report provided details with performance information of the Highways Minor Works Contractor (VolkerHighways) for August 2009-July 2010 together with a recommendation to award a one year extension to the contract in accordance with the conditions of the contract.

The Procurement Board considered this report on 20 October 2010 and its comments were set out in paragraph 9 of the report.

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

**The Cabinet noted the performance of the Highways Maintenance Term Contractor, VolkerHighways, as detailed in Appendix 2 to the report.**

**193/2010      The Cabinet awarded a third one year extension to VolkerHighways for the Highways Minor Works Contract, in accordance with the conditions of contract, which was originally procured through the council's procurement procedures, and noted the 1.3% discount on the contract price figure (CPF) figure, which, assuming the forecast increase is correct, will mean an increase year on year of less than 1%.**

**Reasons:**

Medway is contractually obliged to consider the performance of the Highways Minor Works Contractor annually and to consider awarding a yearly extension after each completed year of service delivery.

**Outline Business Case for Brompton Academy**

This report presented the Outline Business Case (OBC) for Brompton Academy for Cabinet approval and onward submission to Partnerships for Schools (PfS) to secure funding. The outline business case document outlined the options appraisal, cost estimates, affordability assessment and procurement strategy for Brompton Academy. An executive summary of the OBC was set out in Appendix A to the report. The full Outline Business Case, including appendices and associated documents, had been sent separately to Members as an exempt document.

The report also provided details of a number of ancillary issues. These included a number of third party issues on the Brompton site, proposals for the relocation of



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tenants to the former Temple school site, and proposals for the relocation of Bradfields post-16 further education centre for pupils with special educational needs.

<b><i>Decision number:</i></b>	<b><i>Decision:</i></b>
<b>194/2010</b>	<b>The Cabinet approved the Outline Business Case for Brompton Academy and gives delegated authority to the Director of Children and Adults in consultation with the Portfolio Holder for Children's Services, Chief Finance Officer and Monitoring Officer to make minor changes to the OBC after it has been subjected to the PfS Peer Review for ratification on behalf of the Council.</b>
<b>195/2010</b>	<b>The Cabinet Authorised the Director of Children and Adults, in consultation with the Portfolio Holder for Children's Services, to utilise part of the vacated Temple school buildings to allow the relocation of tenants of Youth House, including Key Training outlined in section 5.1 and to seek to obtain vacant possession of Youth House.</b>
<b>196/2010</b>	<b>The Cabinet authorised the Assistant Director of Housing and Corporate Services in consultation with the Portfolio Holder for Finance to grant leases for existing occupiers of Youth House to occupy parts of the Temple School Block 3 and ancillary buildings.</b>
<b>197/2010</b>	<b>The Cabinet authorised the Assistant Director of Housing and Corporate Services in consultation with the Portfolio Holder for Finance to enter into negotiations with Medway NHS for a lease of part of the Temple School Block 3 and ancillary buildings and to grant such lease subject to suitable terms being agreed.</b>
<b>198/2010</b>	<b>The Cabinet authorised the Assistant Director of Housing and Corporate services in consultation with the Portfolio Holder for Finance, to enter in to an agreement with the MoD to vary the restrictive covenant outlined in section 5.4 of the report.</b>
<b>199/2010</b>	<b>The Cabinet authorised the Assistant Director of Housing and Corporate services, in consultation with the Portfolio Holder for Frontline Services, to undertake the process to the divert the footpath described in section 5.5 of the report, including the consideration of any representations.</b>
<b>200/2010</b>	<b>The Cabinet recommended that Full Council agrees and declares that part of the Temple school site shown edged black on site plan Appendix D surplus and be available for disposal.</b>

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**201/2010**      **The Cabinet recommended to Full Council that a scheme be included in the capital programme, funded from the proceeds of the sale of the surplus Temple site, to fund the variation of the restrictive covenant and to facilitate the moves of the current occupants of Youth House to their new locations. In the first instance this be a sum of £350,000 for the adaptations to the Temple buildings with a further report on the proposal for relocating the Bradfields post-16 unit.**

### **Reasons:**

The submission of a completed Outline Business Case is required by PfS, in order to secure funding for the scheme.

The covenant will need to be varied before the development can go ahead.

In order to include the Youth House/Wing in the development site, there will be consequential moves needed.

After consultation on all options for the location of the new buildings, the Youth House site provides the best solution as a site for the development, which means that vacant possession of this part of the site will be required in time for construction works to commence.

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**Leader of the Council**

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**Date**

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

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