

## **Record of Cabinet decisions**

**Tuesday, 30 November 2010**

**3.00pm to 4.25pm**

**Date of publication: 1 December 2010.**

**Subject to call-in these decisions will be effective from 9 December 2010  
The record of decisions are subject to approval at the next meeting of the Cabinet**

<b>Present:</b>	Councillor Alan Jarrett	Portfolio Holder for Finance and Deputy Leader
	Councillor Janice Bamber	Portfolio Holder for Customer First and Corporate Services
	Councillor Jane Chitty	Portfolio Holder for Strategic Development and Economic Growth
	Councillor Howard Doe	Portfolio Holder for Housing and Community Services
	Councillor Phil Filmer	Portfolio Holder for Front Line Services
	Councillor Tom Mason	Portfolio Holder for Adult Services
	Councillor Mike O'Brien	Portfolio Holder for Community Safety and Enforcement
<b>In Attendance:</b>	Councillor Les Wicks	Portfolio Holder for Children's Services
	Robin Cooper, Director of Regeneration, Community and Culture	
	Mick Hayward, Chief Finance Officer	
	Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy and Governance	
	Julie Keith, Head of Democratic Services	
	Anthony Law, Cabinet Coordinator	
	Deborah Upton, Assistant Director, Housing and Corporate Services/Monitoring Officer	

### **Apologies for absence**

Apologies were received from Councillor Rodney Chambers (Leader) and Councillor David Wildey (Children's Social Care).

### **Record of decisions**

The record of the meeting held on 9 November 2010 was agreed and signed by the Deputy Leader as correct.

## **Cabinet, 30 November 2010**

### **Declarations of interest**

Councillor Jarrett declared a personal interest in agenda item 7 (Landscape Character Assessment), as he had an interest in a company which owns land referenced in the report.

Councillor Phil Filmer declared a personal interest in agenda item 18 (Gateway 3 Contract Award: Quality Public Transport Corridors Road Improvement Works – North Dane Way Improvement Scheme), as his company had some business dealings with one of the companies mentioned in the report.

### **Capital and Revenue Budget 2011/2012**

This report set out the Council's draft capital and revenue budget for 2011/2012. In accordance with the Constitution, Cabinet was required to develop initial budget proposals and refer these to the Overview and Scrutiny Committees before finalising the budget and setting council tax levels in February 2011.

The draft budget was based on the principles contained in the Medium Term Financial Plan (MTFP) 2011/2014, which had been approved by Cabinet in September 2010. The report set out details of the influences upon the level of funding and it was noted that the Government's Spending Review 2010 had not provided the detail to inform the budget setting process.

The initial budget proposals showed a current forecast funding gap of over £21.5 million for both Dedicated Schools Grant and General Fund services. It was noted that the capital budget proposals for 2011/2012 had been confined to a continuation of the existing approved capital programme, as the Government had not yet announced funding allocations to individual authorities. Budget proposals incorporating pressures and current year savings were summarised within the appendices to the report, with major pressures identified in the report.

The report set out details and the main factors/assumptions that would form the basis of the 2011/2012 Housing Revenue Account (HRA) budget. It was noted that until notification of the final Housing Subsidy Determination, the HRA budget process could not be completed. A revised page 13 of the agenda was tabled at the meeting clarifying that a detailed HRA budget report would be presented to the Business Support Overview and Scrutiny Committee on 27 January 2011 and Cabinet on 15 February 2011. Council would set the Housing Revenue Account budget, rents and service charges for 2011/2012 on 24 February 2011. Furthermore, as part of the budget process, there would also be consultation with a Tenants Forum on 9 February 2011.

The Cabinet agreed to accept this report as an urgent item to facilitate the budget consultation process in accordance with the timescales in the Constitution.

## Cabinet, 30 November 2010

**Decision number:**

**Decision:**

**202/2010**

**The Cabinet agreed to forward the provisional draft revenue and capital budget to the Overview and Scrutiny Committees as work in progress inviting them to offer comments on the proposals outlined.**

### **Reasons:**

It is the responsibility of the Cabinet to develop draft budget proposals for consideration by Overview and Scrutiny Committees. These draft proposals are the first stage of the budget consultation process leading to further discussion by Cabinet on 15 February 2011 and formal council tax setting on 24 February 2011.

### **The Effectiveness and Future of Partners and Communities Together (PACTs) in Medway**

This report requested Cabinet to consider the recommendations of the review undertaken by a task group of the Regeneration, Community and Culture Overview and Scrutiny Committee, into the effectiveness and future of Partners and Communities Together (PACTs) in Medway. The Committee had considered and recommended the review to Cabinet on 16 November 2010.

A copy of the review document had been circulated separately to Members.

The report detailed and commented upon the key findings from the review, as they related to:

- the provision of PACTs in Medway and best practice,
- the difficulty of the same issues being raised at meetings over time and whether each scheme's priorities were being achieved and maintained,
- the benefits and disadvantages of PACT schemes and engagement of partners in the process, especially when compared to areas not covered by a scheme and whether they benefited the communities involved,
- whether PACTS provided value for money and assisted with delivery of Local Area Agreement indicator NI 4 (% of people who feel they can influence decision-making in their locality),
- possible future work activities for PACT schemes.

In summary it was noted that the review had identified that, overall, PACTs worked well and were a good way of bringing residents together to develop priorities and action plans at neighbourhood level alongside other opportunities for community engagement currently on offer. A series of recommendations were proposed to improve and develop PACTs further.

The review document incorporating the key findings and recommendations would be referred to the Kent Police Authority and the Community Safety Partnership for consideration and response.

**Decision  
number:**

**Decision:**

**203/2010**

The Cabinet agreed to support the recommendations as set out below and agreed to refer the review document, incorporating these recommendations, to the Community Safety Partnership (CSP) and the Kent Police Authority (KPA) for consideration:

- a) That the CSP should be asked to accelerate action to establish a database of Partners and Communities Together (PACTs), the areas they cover and contact details for each should be produced and published ward by ward;
- b) A protocol and guidance for PACTs in Medway should be produced by the CSP in consultation with PACT chairmen, to include a clear statement of purpose, basic operational standards and advice on how to access support and resources;
- c) A toolkit should be developed by the CSP to assist PACT Chairman and neighbourhood teams to run meetings, record priorities, actions and outcomes;
- d) The protocol for PACTs should include a requirement that Councillors are automatically invited to become members of any PACT within their ward and provided with sufficient notice of meetings;
- e) Consideration should be given to facilitating contact between PACT Chairmen by establishing a Medway-wide Forum to enable them to share experience and best practice and to coordinate priorities across wards;
- f) As part of its annual scrutiny of the Community Safety Partnership the Regeneration, Community and Culture Overview and Scrutiny Committee should be provided by the CSP with an update on PACTs, including the priorities, actions and outcomes from them on a ward by ward basis with some evaluation of effectiveness;
- g) That the CSP should develop some analysis and comparative information to assist in evaluating the impact of PACTs and other forms of public engagement on the incidence of crime and anti social behaviour ward by ward with a view to providing this information in the quarterly news ward profile

information provided to Councillors;

- h) That the CSP should recommend the Police to continue to fund support for PACTs and extend this to the development of evaluation and analysis of their effectiveness in line with commitment made in the Sustainable Communities Strategy and Community Safety Plan;
- i) That the Equalities and Cohesion Group should be asked to support the CSP in developing guidance to encourage and achieve participation by the widest cross section of people;
- j) In addition to ongoing publication of PACT data there should be an opportunity for local residents to periodically provide feedback on the operation of their local PACT and, in particular, the extent to which they feel able to influence decision-making at meetings;
- k) That the CSP should encourage and support each PACT to hold an 'open meeting' (with no issues pre-arranged for discussion) specifically to involve local young people and neighbours of different ages and/or ethnic background in order to gain a real understanding of the issues and priorities for those groups;
- l) That the CSP should be asked to progress the idea of Youth PACTs with membership invited from every secondary school, and the Youth Parliament;
- m) The CSP is recommended to invite all partners to review their community engagement strategies and the groups and organisations they support to eliminate duplication and maximise the use of, and support for, PACTs where possible and appropriate;
- n) That the CSP should be invited to consider launching a Medway annual PACT recognition award scheme to help raise the public profile of PACTs, particularly in the local press;
- o) That the CSP Media Officer should be asked to develop some guidelines and offer practical support to PACTs with production and publication of advertising material for meetings.

**Reasons:**

The review identified that overall PACTs work well and are a good way of bringing residents together to develop priorities and action plans at neighbourhood level alongside other opportunities for community engagement currently on offer. The recommendations are designed to progress the areas that could benefit from improvement to or development of PACTs, to allow meaningful analysis of the priorities and outcomes of each PACT and to facilitate contact between PACT Chairmen to establish best practice in Medway.

**Annual Review of Risk Management Strategy and 6 Monthly Review of the Council's Corporate Business Risk Register**

This report provided details of a review of the Council's Risk Management Strategy and Risk Register. The report provided some proposed amendments to the Risk Register following review by the Strategic Risk Management Group and the Council's Management Team.

The Business Support Overview and Scrutiny Committee considered this report on 4 November 2010 and its comments were set out in paragraph 5 of the report.

**Decision number:**

**204/2010**

**The Cabinet approved the Risk Management Strategy, as set out in appendix A to the report, and the amendments to the Council's Risk Register detailed in appendix C to the report.**

**Reasons:**

The establishment of a corporate framework for risk management is recommended by CIPFA and SOLACE and will complement and support the work already being carried out within each directorate to manage risks.

**Medway Landscape Character Assessment**

This report set out details of the Medway Landscape Character Assessment. A copy of the assessment had been circulated separately to Members.

The assessment was a technical document to support landscape-related planning decisions within Medway's countryside and urban-rural fringe areas. It provided an evidence base in support of the landscape and countryside policies within the Local Development Framework Draft Core Strategy. It also set out landscape guidance for planning officers, developers and the local community when considering proposed development within the rural and urban-rural fringe areas of Medway.

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An extensive consultation process had been undertaken that sought the views of statutory consultees in the planning process and key stakeholders and it was noted that the study had received a high level of support from all parties.

The report proposed that the Director of Regeneration, Community and Culture was delegated authority to make minor amendments to the assessment, as detailed within the Diversity Impact Assessment accompanying the report. During the discussion on this item it was also agreed that the entry for Motney Hill, on pages 94 and 95 of the supplementary agenda, would be reconsidered under this delegated authority; specifically clarifying the designation as a Designated Country Park and the inclusion of wildfowling uses as an issue/problem.

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

**205/2010**      **The Cabinet approved the Medway Landscape Character Assessment as an evidence base for Medway's landscape and countryside policies and as a landscape planning guidance document, and delegated authority to the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Strategic Development and Economic Growth, to make any minor amendments.**

### **Reasons:**

The landscape guidance document will enable better informed planning decisions.

### **Support for People in Temporary Accommodation**

This report set out the recommendations from the Business Support Overview and Scrutiny Committee, following consideration of a feasibility study into the potential for developing an assessment centre for people requiring temporary accommodation in Medway. The Cabinet had requested the study was undertaken when considering the findings of the Temporary Accommodation Task Group in November 2009.

The feasibility study set out the advantages and disadvantages of the three options: taking no action, developing an assessment centre or improved procurement of temporary accommodation.

It was noted that to take forward the proposal for a procurement process by way of a framework of providers, officers would undertake a formal procurement process starting with a Gateway 1 Options Appraisal.

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

**206/2010**      **The Cabinet noted the outcome of a study into the provision of an assessment centre and instructed officers**

**to undertake a procurement process for temporary accommodation by way of a framework of providers, as set out in the appendix to the report.**

**Reasons:**

Provision of temporary accommodation through a framework of providers offers the possibility of greatest flexibility, cheapest residual unit cost and quality and level of service.

**Innovation Centre Medway**

This report sought delegated authority to let vacant space within the Innovation Centre upon commercial terms.

Cabinet had considered a report in November 2008 setting out proposals for letting the commercial floor space within the building. At that time it was proposed the ground and first floors would be operated as an innovation centre and the top floor would be let to one or more anchor tenants. It was now proposed that in order to maximise the buildings potential that the top floor was divided and incorporated within the Innovation Centre facility.

As a standing delegation this would be added to the Employee Scheme of Delegation, as set out in the Council's Constitution.

**Decision number:**

**207/2010**

**Decision:**  
**The Cabinet agreed to delegate authority to the Assistant Director (Housing and Corporate Services) to grant licences, tenancy agreements, or leases at the Innovation Centre Medway, on the best terms reasonably obtainable subject to these being for no more than 7 years.**

**Reasons:**

To enable the Council to act quickly and secure occupational tenants for the Innovation Centre and the consequential rental income.

**Playbuilder Year 2 Sites**

This report presented a list of nine sites for investment in Year 2 of the Playbuilder Programme.

It was noted that Cabinet had originally approved the Year 2 sites on 30 March 2010. However, following government announcements and then confirmation as to a revised funding allocation for Medway, the grant allocation had been reduced to £381,518. The proposed Year 2 sites for Playbuilder investment were set out in table 1 of the report. Appendix 1 to the report showed the geographical spread of the



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Playbuilder programme (Year 1 and 2) and other playground investment that had been made through the Big Lottery Fund Programme and the Member Priority Scheme.

A Diversity Impact Assessment (DIA) had been carried out on the proposals and the findings indicated that the Playbuilder programme did not need a full diversity impact assessment.

**Decision number:**

**Decision:**

**208/2010**

**The Cabinet approved the revised sites proposed for investment in Year 2 of the Playbuilder Programme, as set out in table 1 of the report.**

### **Reasons:**

The implementation of the Playbuilder Programme will help to meet a number of the Council's wider aspirations and results in the refurbishment of a number of play areas across Medway.

The proposed sites have been identified through a rigorous process including public consultation, assessment of existing play quality and indices of multiple deprivation.

### **Quarter 2 Council Plan Monitoring**

This report presented details of the Council's performance for the second quarter of 2010/2011. In particular it included performance against indicators and actions agreed in the Council Plan 2010/2011.

It was noted that of the 53 key measures that could be reported this quarter 33 (62%) had achieved or outperformed the target and a further 8 (15%) were below target but within acceptable variance limits. 12 (23%) key measures were below target and outside acceptable variance limits.

The report also explained how the Council Plan 2011-14 would be developed to ensure it reflected the current financial situation, priorities for Medway and likely funding reductions. The plan would be developed alongside the budget setting process.

**Decision number:**

**Decision:**

**The Cabinet noted performance for Quarter 2 2010/11 having reviewed outcomes achieved against priorities.**

**The Cabinet noted the proposed process for developing the Council Plan 2011-2014, as set out in paragraph 3.3 of the report.**

**Reasons:**

Full and accurate performance reporting to Members is consistent with best practice, and allows them to review the Council's performance.

**Revenue Budget Monitoring 2010/2011**

This report summarised the revenue monitoring position for the current year based on actual income and expenditure to September 2010.

It was noted that on 25 February 2010 the Council had set gross revenue spending at £625 million and a General Fund net budget requirement of £182.713 million for 2010/2011. It was noted that Council had revisited this in response to the public expenditure reductions announced by the government in May 2010.

The monitoring report indicated that after management action, the outturn forecast for 2010/2011 currently stood at a £1.236 million overspend, which all related to general fund services. After allowing for the approved reserve contribution towards achieving the spending reductions, the forecast for general fund services would be for an overspend of £0.897 million.

An analysis of the budget position for each directorate was set out in the report and accompanying appendices.

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

**The Cabinet noted the result of the third round of revenue monitoring for 2010/2011 and the proposed management action to achieve the target savings.**

**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.

**Capital Budget Monitoring 2010/2011**

This report presented the capital monitoring for the period to September 2010, with an outturn forecast for 2010/2011. This incorporated the latest notified public spending reductions.

It was noted that on 25 February 2010 the Council had approved a capital programme for 2010/2011 and future years of £116 million. Having incorporated some further funding announcements the capital programme now approached £128 million.

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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 £90.148 million of the programme was forecast for spend during 2010/2011. Details of five schemes that had been added, or vired, to the capital programme under delegated authority were given, together with two schemes that would be referred to Council for approval.

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

The Cabinet noted the:

- a) spending and funding forecasts summarised at Tables 1 and 3 of the report and
- b) additions to the capital programme and virements as detailed in paragraph 5.1 of the report.

**209/2010**      The Cabinet recommended to Council the additions to the capital programme as detailed in paragraph 5.2 of the report.

### Reasons:

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

### 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.

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

**210/2010**      The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report, to enable officers to commence the recruitment process:

#### Children and Adults

- a) Temp – Admin / Researcher

**Regeneration, Community and Culture**

- b) Flexible New Deal Job Broker
- c) URBACT II Project Assistant
- d) Community Inclusion Co-ordinator
- e) Markets Officer.

**Reasons:**

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

**Gateway 1 Options Appraisal: Sir Joseph Williamson's Mathematical School New Design/Technology Building**

This report sought permission to commence the procurement process to invite tenders for the Sir Joseph Williamson's Mathematical School new design/technology building scheme from contractors selected from the Medway Council approved framework.

This project would provide better quality accommodation for English, Science, Design Technology and Art and would support the Council's 14 – 19 strategy.

A programme timeline and risk register was attached to the report. An exempt appendix set out the finance and whole life costing implications to the Council.

The Procurement Board had considered this report on 20 October 2010 and referred it to Cabinet for formal consideration and approval.

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

**211/2010**      **The Cabinet agreed that tenders are invited from approved contractors on the KCC select list for the construction of the new facilities for English, Design Technology, Art and Science at Sir Joseph Williamson's Mathematical School, under a single stage tender using a standard Joint Contracts Tribunal (JCT) form of contract.**

**Reasons:**

The new facilities are required to enable the school to deliver the quality of curriculum offer for the key subjects as described in the business case section of the report and the capital programme approved by Cabinet in February 2010 included funding for the project.

**Gateway 3 Contract Award: Bailiff Services**

This report set out the outcome of the procurement process to secure two year contracts for bailiff services with an option for a two year extension.

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The contracts would include the recovery of council tax, national non-domestic rates, housing benefit overpayments, parking fines and sundry debts.

An exempt appendix set out a summary of the award of contract from initial expression of interest to the contract award including tender evaluation.

It was noted that the Procurement Board had considered this report on 10 November 2010 and referred the matter to Cabinet for approval.

**Decision  
number:**

**Decision:**

**212/2010**

**The Cabinet agreed that:**

- a) **the Revenues & Benefits services will be allocated into two parcels of work on a geographical basis (one parcel to include Chatham and Rochester, with the other parcel including Gillingham, Strood and the parishes) whilst work for Parking Services will be allocated on a 50/50 basis.**
- b) **for the Revenues and Benefits service the contracts be awarded to Rundles and Co and Chandlers Ltd as these two companies submitted the most economically advantageous tenders for this service and received the two highest scores.**
- c) **for the Parking services the contracts be awarded to Newlyns Ltd and Loxstock Ltd T/A Davies Enforcement as these two companies submitted the most economically advantageous tenders for this service and received the two highest scores.**
- d) **the contract term for all contracts is to be two years with an option to extend for a further two years subject to satisfactory performance and to the current terms and conditions of contract.**

### **Reasons:**

The procurement process identified that bailiff services for Revenues and Benefits required different skills to those needed for parking services and as such different contractors are needed for these services.

The ability to monitor and benchmark performance is a key requirement to a service that is both critical to the Council's cash flow but also highly visible and potentially a risk to the Council's reputation.

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In accordance with the published evaluation criteria, the contractors submitted the most economically advantageous tenders for the specified services.

### **Gateway 3 Contract Award: Public Lighting Maintenance Works**

This report recommended the award of the tender for routine maintenance works in connection with public lighting and traffic signs for the period 1 April 2011 to 31 March 2016 including provision for a 24 month extension.

The contract would enable the Council to meet its duty of care obligations in respect of public lighting and facilitate the installation of new lighting and the maintenance and upgrading of existing stock. The contract would also enable effective response to customer requests for service and complaints.

A procurement timeline was attached to the report and an exempt appendix identified the tenderers for the contracts and provided details of the procurement and evaluation process.

The Procurement Board had considered and recommended this report to Cabinet on 10 November 2010.

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

**213/2010**      **The Cabinet, based upon the outcome of the evaluation in accordance with the published evaluation criteria, awarded the Routine Maintenance Works contract in connection with public lighting and traffic signs for the period 1 April 2011 to 31 March 2016 to Cartledge on the basis that they submitted the most economically advantageous tender.**

**Reasons:**

After the evaluation of all tenders received in accordance with the Council's published evaluation criteria, the tender submitted by the contractor was considered to be the most economically advantageous. The award of the contract will ensure that service continuity can be adequately planned and financial award decisions made through the 2011 budget setting process.

### **Gateway 3 Contract Award: Quality Public Transport Corridors Road Improvement Works - North Dane Way Improvement Scheme**

This report detailed the reasons for the engagement of the recommended contractor, Interserve, for the completion of works for the North Dane Way Quality Public Transport Corridor QPTC improvement scheme. The preferred contractor has been procured through the Highways Agency East and South East Asset Management Framework.

## Cabinet, 30 November 2010

The scheme involved the provision of a new northbound bus lane along North Dane Way to its junction with Capstone Road, by-passing the roundabout, improved pedestrian crossing facilities and cycle route enhancements.

An exempt appendix detailed the reason for the engagement of the recommended contractor and set out financial information detailing the costings used for the original tendering of the Highways Agency East and South East Asset Management Framework.

The Procurement Board had considered and recommended this report to Cabinet on 10 November 2010.

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

**214/2010**      **The Cabinet agreed that the contractor Interserve be engaged for works in relation to Quality Public Transport Corridors improvement works as follows: North Dane Way bus priority measures provided their price is within the budget envelope of £800,000.**

### **Reasons:**

This procurement process is part of a wider strategy to improve the reliability, quality and attractiveness of public transport across Medway. For works to be completed by 31 March 2011, and for funding to be retained, it was imperative be considered by Cabinet on 30 November 2010.

### **Gateway 4 Contract Management: Floating Support Service for Young Adults**

This report provided details of the performance of the contract awarded in 2008 for a Floating Support service for Young Adults on behalf of the Council.

It was noted that this was a key service for Medway's residents in terms of the Council's priority for vulnerable young people maintaining their independence. The report explained how the contract was being managed and the lessons learnt.

The Procurement Board had considered and recommended this report to Cabinet on 10 November 2010.

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

**215/2010**      **The Cabinet approved the continuation of the floating support contract for young people and agreed to the continuing development of the relationship with the existing service provider.**

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**Reasons:**

It is important to continue this contract so that continuity of service is maintained and to allow for the development of this service. This will ensure that a high quality service is delivered that is increasingly responsive to the needs of the service users and contributes to the preventative agenda.

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

.....  
**Date**

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

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