

## **Record of Cabinet decisions**

**Tuesday, 21 December 2010**

**3.00pm to 4.35pm**

**Date of publication: 22 December 2010**

**Subject to call-in these decisions will be effective from 5 January 2011  
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 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:** 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  
Deborah Upton, Assistant Director, Housing and Corporate Services/Monitoring Officer

### **Apologies for absence**

There were none.

### **Record of decisions**

The record of the meeting held on 30 November 2010 was agreed and signed by the Leader as correct.

## Declarations of interest

Councillor Wildey declared a personal and prejudicial interest in agenda item 13 (Gateway 1 Options Appraisal: Lordswood School Primary Strategy Project) because he is a Governor at the school, and left the meeting for the duration of the consideration of the item.

## Licensing Act 2003 - Review of Statement of Licensing Policy (Policy Framework)

This report provided details of the review of the Council's Statement of Licensing Policy following its last major review in 2007. The report stated that the Policy worked well in achieving the promotion of the four licensing objectives: prevention of crime and disorder; public safety; prevention of public nuisance and protection of children from harm.

The report set out the consultation process and representations together with officers' responses. A number of changes to the Policy were proposed as a result of legislative changes, responses to consultation and general housekeeping.

It was noted that a Diversity Impact Assessment had been undertaken and that a full assessment was not required, however, a couple of actions had been identified for future reviews, as set out in appendix 2 to the report.

The comments of the Licensing and Safety Committee were set out in the report and the views of the Business Support Overview and Scrutiny Committee were set out in an addendum report.

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

**The Cabinet noted the views of the Licensing and Safety Committee and the Business Support Overview and Scrutiny Committee.**

**216/2010      The Cabinet recommended the proposed changes to the Licensing Policy as set out in paragraphs 5.1.1 – 5.1.5 to Council on 13 January 2011 for approval as part of the Council's policy framework.**

### **Reasons:**

The Council must review its Statement of Licensing Policy every three years. The proposed changes to the Policy reflect legislative changes and the outcome of consultation.

### **Provisional Local Government Settlement 2011/2013**

This report provided Cabinet with details of the provisional Local Government settlement announced by Government on 13 December 2010, with consultation undertaken by central government until 17 January 2011. The report set out the impact of the settlement on Medway: for formula grant, the figure for 2011/2012 was £86.097m which represented a cut of 11.9%. For 2012/2013 the figure was £78.286m which represented a further reduction of £7.811m or 8.3%.

It was noted that for schools the provisional increase for the Dedicated Schools Grant was 3%, which translated into a zero cash per pupil increase due to increased pupil numbers. The report also referred to other Department for Education grants, including the pupil premium, funding for academies, sixth form funding and the early intervention grant (including Sure Start).

The report stated that the capital settlement announcement reflected a reduction in core funding with the overall allocation for Medway reducing from £33.254m in 2010/2011 to £14.751m in 2011/2012.

Overall, the Council faced a funding gap of £23.5m for 2011/2012, and paragraph 6 of the report set out the initiatives the Council was undertaking to mitigate this.

The Cabinet accepted this as an urgent item to enable officers to commence formal consultation with staff on the financial implications of the Local Government Settlement, as set out in this report, as soon as possible.

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

**The Cabinet noted the provisional settlement as an essential part of the budget setting process for 2011/2012.**

**217/2010      The Cabinet instructed Directors and Assistant Directors to commence formal consultation with staff in respect of the financial implications of the Local Government Settlement as set out in this report.**

**Reasons:**

These provisional levels of grant form a fundamental component of the 2011/2012 budget, and their announcement is a further stage in the process of preparing a balanced budget.

### **Annual Audit Letter 2009/2010**

This report provided details of PKF's (the Council's Auditors) Annual Audit Letter 2009/2010. The letter summarised the key issues arising from the work PKF had

## Cabinet, 21 December 2010

carried out during the year and related to their responsibilities in Finance and Governance matters.

It was noted that PKF had issued an unqualified opinion on the 2009/2010 Statement of Accounts on 7 October 2010. PKF had issued an unqualified value for money conclusion and are satisfied that proper arrangements have been made to secure economy, efficiency and effectiveness in the use of resources. In addition, PKF stated that the Council had made good progress in implementing the improvement plan following the use of resources review in 2009.

During the debate Members asked that the Chief Executive write to staff congratulating them on their performance.

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

**218/2010      The Cabinet noted the content of the Annual Audit Letter for 2009/2010 and recommended that the Audit Committee accept the report.**

### **Reasons:**

The Cabinet has a key role in monitoring the performance of the Council and the Annual Audit Letter summaries the Auditor's assessment of the Council, drawing on audit, inspection and performance assessments.

### **Annual Performance Assessment - Adult Social Care**

This report provided details of the outcome of the Annual Performance Assessment of Adult Social Care in Medway for 2009/2010, undertaken by the Care Quality Commission. A copy of the assessment was attached to the report.

The report set out the overall grades for the seven outcomes and it was noted that the Council was performing well in six of the outcomes and was performing adequately in the remaining outcome. The report also set out areas of strength, together with an update on progress in those areas which had been identified for development.

The views of the Health and Adult Social Care were set out in an addendum report.

During debate Members asked that the Chief Executive write to staff congratulating them on their performance.

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

**The Cabinet noted the outcome of the Annual Performance Assessment of Adult Social Care in Medway, undertaken by the Care Quality Commission for performance year**

## **Cabinet, 21 December 2010**

**2009/10 and noted the progress made in the key areas identified for development.**

### **Reasons:**

The Annual Review report has to be presented to a meeting of the Council's Executive.

### **Children's Services Assessment 2010**

This report provided details on the outcome of Medway's 2010 Children's Services Assessment. The report stated that the overall rating for Medway's Children's Services was "performing well", which represented an improvement over the previous two years. The report set out areas of progress or good performance, together with key areas for further improvement.

The views of the Children and Young People Overview and Scrutiny Committee were set out in an addendum report.

During debate Members asked that the Chief Executive write to staff congratulating them on their performance.

**Decision number:**

**Decision:**

**The Cabinet noted the Children's Services Assessment letter attached at Appendix A to the report.**

### **Reasons:**

To inform the Cabinet of the annual assessment of Children's Services.

### **Local Development Framework: Annual Monitoring Report**

This report provided details of the Council's Annual Monitoring Report on progress against a range of indicators associated with the adopted Development Plan and the emerging Local Development Framework, in accordance with the Planning and Compulsory Purchase Act 2004. The report set out the main findings, including the level of house building, the stock of employment land available, renewable energy proposals, and socio-economic data.

The Annual Monitoring Report (Appendix 1 to the report) was circulated separately to Cabinet Members.

## Cabinet, 21 December 2010

**Decision number:**

**Decision:**

**219/2010**

**The Cabinet approved the 2010 Annual Monitoring Report for submission to Government by 31 December 2010.**

### **Reasons:**

To satisfy the requirements of the Planning and Compulsory Purchase Act 2004 and associated guidance.

### **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:**

**220/2010**

**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) **Admin Assistant – Processing and Income Recovery (maternity cover)**
- b) **Admin Assistant – Processing and Income Recovery.**

### **Reasons:**

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

### **Rochester Riverside Phase 1A - Grant of Lease(s)**

This report provided details of a proposal to grant a lease or leases at Rochester Riverside Phase 1A in light of the exclusivity agreement having lapsed with Crest Nicholson. The proposal would allow Hyde Housing Group to develop part of Phase 1A, and they had indicated their desire to carry out direct development of the first three (mainly) affordable housing blocks, to secure the £4.6m Homes & Communities Agency's (HCA) affordable housing grant which must be drawn down before the end of March 2011.

An exempt appendix provided information and advice on the proposed grant of lease.

## Cabinet, 21 December 2010

The Cabinet accepted this as an urgent item to enable officers to progress the proposals at the earliest opportunity.

**Decision number:**

**Decision:**

**221/2010**

**The Cabinet agreed to grant delegated authority to the Chief Executive, in consultation with the Leader, to grant a lease or leases and any necessary preliminary agreements, of or relating to part of Phase 1A of Rochester Riverside within the area as shown edged black on the plan set out in the report, together with any associated rights, for a term of not exceeding 999 years to a company or companies within the Hyde Housing Group on the best terms reasonably achievable.**

**Reasons:**

The decision is intended to protect the £4.6m HCA affordable housing grant for Rochester Riverside and is in keeping with the Council's priorities for delivering development on its flagship regeneration site.

### **Rochester Riverside Phase 1A - Funding and Provision of Infrastructure**

This report provided details of a proposal to fund a road, services and infrastructure at Rochester Riverside to facilitate the delivery of affordable housing on the site and also reducing the risk of the remainder of the phase for future developers. This would add value to the site and the Council would subsequently be able to sell part of the site with the benefit of the road and affordable housing.

An exempt appendix provided commercially sensitive financial information and legal advice regarding the provision of funding and infrastructure for Phase 1A of Rochester Riverside.

The Cabinet accepted this as an urgent item to enable Full Council on 13 January 2011 to give consideration to approving the scheme as an addition to the Capital Programme in 2011/2012.

**Decision number:**

**Decision:**

**222/2010**

**The Cabinet recommended to Full Council that a sum of £2.5m be included in the 2011/2012 Capital Programme and to delegate authority to the Chief Finance Officer, in consultation with the Portfolio Holder for Finance and Deputy Leader, to proceed with the prudential borrowing subject to reaching satisfactory agreement with the South East England Development Agency (SEEDA) and the Department for Communities and Local Government**

(DCLG) as to recovering of the funding from future sales on Rochester Riverside.

**223/2010**      **The Cabinet agreed to delegate authority to the Assistant Director, Housing and Corporate Services, in consultation with the Portfolio Holder for Finance and Deputy Leader, to enter into any legal agreements required to ensure the recovery of the £2.5m funding.**

**Reasons:**

The decision will further reduce the risks surrounding the site and see development activity at Rochester Riverside and is in line with the Council's priorities for delivering development on its flagship regeneration site. It will also help protect the £4.6m HCA affordable housing grant for Rochester Riverside.

**Gateway 1 Options Appraisal: Lordswood School Primary Strategy Project**

This report provided details of the options appraisal for the building works to support the amalgamation of Lordswood Infant and Junior Schools.

An exempt appendix set out the whole life costings/budgets for the project together with the risk register.

The Procurement Board considered this report on 1 December 2010 and referred it to Cabinet for formal consideration and approval.

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

**224/2010**      **The Cabinet approved progress to Gateway 2 – Competitive Process, using the single stage tender, as set out in paragraph 7.3 of the report.**

**Reasons:**

The new facilities are required to support the amalgamation of the predecessor schools and support the achievement of improved outcomes for students. The capital programme approved by Council in February 2010 includes funding for the project.

**Gateway 3 Contract Award: Woodlands School - Improvements to Nursery, School Reception and SEN Provision**

This report provided details of the procurement process to complete the works at Woodlands Primary School to improve nursery provision, children's centre family spaces, reception and SEN provision.



## Cabinet, 21 December 2010

An exempt appendix set out the evaluation of tenders and identified the tenderers for the contract.

The Procurement Board considered this report on 1 December 2010 and referred it to Cabinet for formal consideration and approval.

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

**225/2010**      **The Cabinet approved the appointment of B W May and Son Limited to complete phase 1 of the building works at Woodlands School for a contract sum of £293,938 starting with the area 1 works and that areas 2, 3 and 4 be subject to Full Council approval of the addition to the Capital Programme as detailed in paragraph 1.2 of the report.**

### **Reasons:**

The approval of the award of contract to B W May Limited will enable the building works to be completed at Woodlands School, providing a more suitable environment for teaching and learning.

### **Gateway 4 Contract Management: Bishop of Rochester Academy Environmental Improvement Works**

This report provided a review of the contract to undertake environmental improvement works at Bishop of Rochester Academy to enable it to open as a new Academy on 1 September 2010.

The Procurement Board considered this report on 1 December 2010 and referred it to Cabinet for formal consideration and approval.

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

**The Cabinet noted the report.**

### **Reasons:**

The Council's contract rules set out that Cabinet consider those Gateway 4 Contract Management reports which have been classified as high risk.

### **Gateway 4 Contract Management: Brompton Academy Environmental Improvement Works**

This report provided a review of the contract to undertake environmental improvement works at New Brompton College to enable it to open as Brompton Academy on 1 September 2010.

## **Cabinet, 21 December 2010**

The Procurement Board considered this report on 1 December 2010 and referred it to Cabinet for formal consideration and approval.

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

**The Cabinet noted the report.**

### **Reasons:**

The Council's contract rules set out that Cabinet consider those Gateway 4 Contract Management reports which have been classified as high risk.

.....  
**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)