

Record of Cabinet decisions

Tuesday, 15 February 2011

3.00pm to 4.30pm

Date of publication: 16 February 2011

**Subject to call-in these decisions will be effective from 24 February 2011
The record of decisions are subject to approval at the next meeting of the Cabinet**

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 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
Neil Davies, Chief Executive
Stephanie Goad, Assistant Director Communications Performance and Partnerships
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
Tricia Palmer, Assistant Director, Organisational Services

Apologies for absence

Councillor Jane Chitty (Strategic Development and Economic Growth).

Records of decisions

The records of the meetings held on 18 January 2011 and 27 January 2011 were agreed and signed by the Leader as correct.

Cabinet, 15 February 2011

Declarations of Interest

Councillor O'Brien declared a personal interest in agenda item 10 (School Admission Arrangements 2012) as a member of his family worked at The Howard School.

Councillor Filmer declared a personal and prejudicial interest in agenda item 14 (Gateway 3 Contract Award: Strood Academy New Buildings) because his company has business dealings with one of the companies names in the report and left the meeting for the duration of the discussion.

Capital and Revenue Budgets 2011/2012

Background:

This report presented proposals for the capital and revenue budgets for 2011/2012. The report included the proposed Housing Revenue Account budget and associated capital programme for 2011/2012, including increases in rent and service charges from April 2011.

The Cabinet had considered initial budget proposals on 30 November 2010, which had been developed in accordance with the principles set out in the Medium Term Financial Plan 2011/2014. The implications of both the Comprehensive Spending Review 2010 and Local Government Finance Settlement were set out in the report, together with proposed measures to address the £23.5 million shortfall arising as a consequence of the 11.9% cut in government funding.

The report gave details of the changes made since the Financial Settlement was reported to Cabinet in December 2010, summarised the budget build and gave details of the directorate savings proposals. A revised Appendix 3A setting out the Children's and Adults budget build had been circulated to Members in advance of the meeting.

It was noted that the proposed capital programme for 2011/2012 and future years, incorporating existing schemes and new funding announcements to date, was approaching £66.1 million. The net revenue budget for 2011/2012 amounted to £411.2 million, which it was reported would not require an increase in Council Tax but was predicated upon receipt of Government grant that equated to an equivalent 2.5% increase.

The report set out details of the Council Plan, which had been developed alongside the budget setting process to ensure the link between resource and business planning was maintained. This was considered as a separate item on the agenda.

Budget proposals had been referred to all the Overview and Scrutiny Committees for consideration. The Overview and Scrutiny Committees' views were detailed in the report, with the recommendations of the Business Support Overview and Scrutiny Committee set out for Cabinet consideration.

Appendix 5 to the report summarised the Housing Revenue Account. It was noted that the budget proposals included an average rent increase of £3.63 per week

Cabinet, 15 February 2011

(based on 50 collection weeks) in line with Government guidelines, an increase in garage rents of 4.6% and an increase in service charges to ensure that costs can be fully recovered by 2014/2015.

The schedule of fees and charges was attached at Appendix 6 to the report and a revised page 58 of the booklet relating to Housing Solutions fees was tabled at the meeting.

The report set out the requirements under equality legislation and a diversity impact assessment, that aggregated the impact of reductions in funding to services, was attached at Appendix 7 to the report. The report included an overview of where proposals had been identified as having a possible impact and it was reported that to mitigate against any further unintentional and unidentified impact, monitoring would continue and if necessary be reported through quarterly monitoring. A revised weblink to individual diversity impact assessments (as set out at paragraph 15.3 of the report) had been circulated to Members prior to the meeting.

The Cabinet agreed to consider this report as an urgent item to enable its recommendations to be forwarded to the Budget Council meeting on 24 February 2011.

Decision number: ***Decision:***

The Cabinet noted the recommendations from the Overview and Scrutiny Committees as summarised in Section 6 and detailed in Appendix 1 of the report.

- 11/2011** **The Cabinet recommended to Council the capital budget proposals, as set out in Appendix 2 of the report and agreed to the inclusion of the additional schemes referred to in Table 4 of the report and that each scheme be evaluated to determine the funding.**
- 12/2011** **The Cabinet recommended to Council that the net revenue budget summarised at Table 8 of the report, amounting to £411.2 million, should be adopted and that this be funded by a nil increase in Council Tax for 2011/2012 with the equivalent Band D figure remaining at £1,119.15.**
- 13/2011** **The Cabinet recommended to Council that £3 million of the General Reserve be earmarked as a contingency for severance and associated costs as part of the 2010/2011 accounts closure.**
- 14/2011** **That Cabinet recommended to Council the fees and charges set out at Appendix 6 to the report subject to the inclusion of the revised Housing Solutions fees tabled at the meeting.**

Cabinet, 15 February 2011

- 15/2011** **The Cabinet, in respect of the Housing Revenue Account, recommended the following to Full Council on 24 February 2011 for approval:**
- a) The proposed revenue and capital budgets for 2011/2012, inclusive of an average rent increase of £3.63 per week (based upon 50 collection weeks and equating to an increase of 5.16%);**
 - b) That service charges for 2011/2012 reflect the costs incurred in providing that service, where possible, and that where costs are not fully recovered, the uplift is such that costs can be fully recovered by 2014/2015. The average increase will be 7.56%;**
 - c) To increase the service charges in 2011/2012 to 2014/2015 inclusive in order that the true costs of providing services are recovered and**
 - d) That garage rents are increased by 4.6% from 1 April 2011.**
- 16/2011** **The Cabinet agreed that the Chief Finance Officer be requested to calculate the formal requirements under Sections 32 and 33 of the Local Government Finance Act 1992 for resolution by special Council on 24 February 2011.**
- 17/2011** **The Cabinet authorised the Chief Executive and Director to undertake consultation with staff and trades unions on the proposal set out in paragraph 7.12.2 in the report.**
- 18/2011** **The Cabinet recommended to Council to authorise the Chief Executive, in consultation with the Portfolio Holder for Finance, to consider and determine all consultation responses received in respect of the affected posts and implement any subsequent restructure.**

Reasons:

The Constitution requires that Cabinet's budget proposals must be forwarded to Council for consideration and approval.

The Council is required by statute to set a budget and council tax levels by 11 March each year.

Council Plan 2011 - 2012 (Policy Framework)

Background:

This report presented the Council Plan 2011-2012 prior to consideration by Council on 24 February 2011.

The Council Plan had been developed alongside the 2011/2012 capital and revenue budget proposals in order to align the Council's business planning processes with the budget setting process. This enabled the Council to demonstrate how it was using resources to meet locally specific objectives. Given the relationship with the budget it was proposed that Council delegate authority to the Assistant Director of Communications, Performance and Partnerships to amend the Council Plan, if necessary, to reflect the final budget agreed by Council on 24 February 2011.

It was noted that the plan had been streamlined in response to the changing landscape and implied freedoms and flexibilities from the government, for Councils to set their own agenda. It therefore contained a smaller number of outcomes, which would be measured by meaningful measures of success that were currently being developed.

The report gave details of consultation undertaken with the Citizens' Panel as to the importance of and satisfaction with services. The Business Support Overview and Scrutiny Committee had also considered the Council Plan on 27 January 2011 and the committee's comments were set out in the report. In response to the Committee's comments, it was recommended that a transport priority be included as a separate priority "People Travelling Easily around Medway" to reflect the importance of transport as an enabler to the Council achieving the other priorities set out in the plan.

It was noted that a Diversity Impact Assessment screening had been undertaken on the draft plan. It was found that there was no need to carry out a full assessment, as individual managers continue to undertake assessments on specifics of the plan in compliance with the requirements of the legislation, however a number of actions were set out.

<i>Decision number:</i>	<i>Decision:</i>
19/2011	The Cabinet agreed to incorporate "People Travelling Easily around Medway" as a separate priority within the Council Plan 2011-12.
20/2011	The Cabinet recommended the Council Plan 2011-12 to Council for approval.
21/2011	The Cabinet recommended to Council that the Assistant Director of Communications, Performance and Partnerships is delegated authority, in consultation with the Portfolio Holder for Customer First and Corporate Services, to make minor changes to the Plan prior to

Cabinet, 15 February 2011

publication (if necessary) to reflect the final Budget as agreed by Council on 24 February 2011.

Reasons:

Strong business planning processes and a clear strategic framework are regarded as best practice, and will enable the organisation to demonstrate how it is using resources to meet locally specific objectives.

Treasury Management Strategy 2011/2012

Background:

This report presented the Council's Treasury Management Strategy for 2011/2012. The strategy incorporated the Treasury Management Policy Statement, Annual Investment Strategy and Minimum Revenue Provision Policy. Treasury Management Practices were also set out.

The annual presentation of a Treasury Management Strategy was a requirement under the CIPFA Code of Practice on Treasury Management, adopted by the Council on 25 February 2010. It covered the various aspects of the treasury management function and was based on the treasury officers' views on interest rates, supplemented with leading market forecasts provided by the Council's treasury adviser, Sector.

The Business Support Overview and Scrutiny Committee had considered and recommended the report to Cabinet on 27 January 2011. It was noted however that since the 27 January 2011 the Housing Subsidy regime had been clarified. The transfer of liability under the subsidy calculation into a debt burden would be £15.6 million, rather than the assumed £11 million in 2012/2013. It was noted that the report had been amended and Members of the Overview and Scrutiny Committee informed accordingly.

Decision number:

22/2011 The Cabinet recommended to Council the Treasury Management Strategy and associated policies and strategy statements as attached to the report.

The Cabinet noted the Treasury Management Practices set out in Appendix 7 of the report.

Reasons:

Cabinet has the responsibility to make recommendations to Council on the approval of the Council's Treasury Management, Investment Strategy and Minimum Revenue Provision Policy Statement along with scrutinising the Treasury Management Practices and associated schedules.

Local Transport Plan 3 (Policy Framework) - Results from the Public Consultation and Framework for Funding Priorities

Background:

This report set out details of the development of the Local Transport Plan (LTP3) following amendments to the provisional plan as part of the public consultation carried out during the summer of 2010.

The Local Transport Plan formed part of the Council's policy framework and set out Medway's transport strategy for the next 15 years. In addition, it was also a mechanism to obtain significant funding to deliver transport projects.

Details of the consultation process undertaken was given and Appendix 2 to the report provided a summary of the responses. The report also provided an analysis of government announcements since the Cabinet had approved a provisional version of the plan for consultation purposes in April 2010.

The report recommended a framework and funding allocation for a four year investment programme which would become the key element of the LTP3 Implementation Plan 2011 - 2015.

The Regeneration, Community and Culture Overview and Scrutiny Committee had considered the report on 10 February 2011 and their recommendations were set out in an addendum report.

A Diversity Impact Assessment had been undertaken and the screening form was attached at Appendix 4 to the report. It was noted that no issues had been identified that required any further action as the LTP had covered all aspects of the DIA process.

Decision number:

Decision:

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|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23/2011 | The Cabinet recommended the revised Local Transport Plan (LTP) 3 Transport Strategy detailed at Appendix 5 to Council for adoption. |
| 24/2011 | The Cabinet agreed the proposed LTP3 funding allocations for 2011/12 and 2012/13 detailed in table 10.2 of the report, subject to Council agreeing both the LTP3 Transport Strategy and the LTP budget contained within the Council budget setting process. |
| 25/2011 | The Cabinet agreed the priority actions detailed in table 10.1 of the report and the proposed LTP3 funding allocations for 2011/12 and 2012/13 detailed in table 10.2 of the report form the basis of the LTP Implementation Plan covering the period 2011/15. |

Cabinet, 15 February 2011

- 26/2011** **The Cabinet agreed that the completion of the LTP Implementation Plan 2011/2015 be delegated to the Director of Regeneration, Community and Culture in consultation with the Portfolio Holder for Front Line Services.**
- 27/2011** **The Cabinet agreed that the work of the LTP Advisory Group continues during the early stages of LTP3.**

Reasons:

The decisions support the production of a Local Transport Plan as a statutory function, which applies, to local transport authorities in England outside London under the Transport Act 2000, as amended by the Local Transport Act 2008.

Report from the SEN Monitoring Group

Background:

This report provided details of the work recently undertaken by the Special Educational Needs (SEN) Monitoring Group and included its findings and recommendations.

It was reported that the Children and Adults Overview and Scrutiny Committee in 2009 had agreed that this task group should be established to review the SEN strategy and policy and consider provision, impact on children and families and financial implications.

This report provided details of the work undertaken by the group, which included visits and evidence sessions. The findings had been considered and referred to Cabinet by the Children and Young People Overview and Scrutiny Committee on 20 January 2011.

Decision number: ***Decision:***

- 28/2011** **The Cabinet acknowledged the urgent and dire need to invest in Medway's special schools, which require improvements to their accommodation, as identified in Medway's SEN Policy and Strategy and that where funding can be secured, this be used to improve the facilities for children with the highest needs of special education.**
- 29/2011** **The Cabinet instructed the Director of Children and Adults to review the findings, as set out at paragraph 5 of the report, against the outcomes of the forthcoming Green Paper on Special Educational Needs.**

Cabinet, 15 February 2011

Reasons:

Medway's special schools are full and requiring additional capacity and the group recognised that despite the current financial constraints, investment was needed where possible.

Capital Budget Monitoring 2010/2011

Background:

This report gave details of the capital monitoring position for the period to December 2010, with a forecast outturn for 2010/2011. This report had previously been scheduled for consideration at Cabinet on 18 January 2011 but delayed to better reflect the impact of the snow on major capital schemes.

It was noted that on 25 February 2010 the Council had approved a capital programme for 2010/2011 and future years of £116 million. Subsequent funding announcements had increased the capital programme to over £129 million.

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 £83.3 million of the programme was forecast for spend during 2010/2011 and the report set out how this would be funded. The details of a number of schemes that had been added, or vired, to the capital programme under delegated authority was set out.

Decision number: **Decision:**

The Cabinet noted:

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

Reasons:

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

School Admission Arrangements 2012

Background:

This report provided details of the outcome of consultation on the primary and secondary schools admission schemes and arrangements for 2012.

Each year the Council was required to undertake a consultation on the co-ordinated admission schemes and arrangements for primary and secondary schools. The schemes set out how the Council would co-ordinate the processing of applications to schools. The arrangements set out the relevant entry arrangements (oversubscription criteria) for Community and Voluntary Controlled schools. It was noted that Academies, Voluntary Aided and Foundation schools would undertake their own consultation on entry arrangements but must co-ordinate with the Council schemes.

It was noted that there were no specific changes proposed to the primary and secondary schemes and admission arrangements other than the revision of dates for 2012 admissions and changes to the published admission numbers of 6 schools, details of which were set out in section 3 of the report.

The report noted that consultation had been undertaken with the Admissions Forum, Headteachers and Chairs of Governors of all Medway schools and other admission and diocesan authorities in the area. In addition parents and parent groups, local nurseries and children's centres had been invited to comment. Details of the outcome of the consultation process were set out in section 6 of the report.

A Diversity Impact Assessment screening had been undertaken in January 2011 and a copy of the screening form was attached to the report. It was noted that a full Diversity Impact Assessment had not been required.

The report had been considered by the Children and Young People Overview and Scrutiny Committee on 20 January 2011 and its views were set out in section 7 of the report.

Decision number:

Decision:

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| 30/2011 | The Cabinet agreed the Secondary Admissions co-ordinated scheme and admission arrangements subject to the correction of paragraph 15 of the secondary admissions booklet (page 272 of the agenda) to refer to the Medway Test being on Saturday 24 September. |
| 31/2011 | The Cabinet agreed the Primary Admissions co-ordinated scheme and admission arrangements including the amendments to Published Admission Numbers (as shown in section 3.2 of the report). |

Cabinet, 15 February 2011

Reasons

The Council is required to undertake a detailed consultation exercise prior to the determination of its school admission arrangements and schemes. The decisions take into account the responses from consultation.

Disposal of Queen's Court, Rainham

Background:

This report requested that the Queen's Court site, Rainham be declared surplus, so that it could be disposed of at best consideration.

It was noted that the site had previously been declared surplus by Council on 5 March 2009 with conditions to ensure the development of affordable supported housing. Following the unsuccessful marketing of the site and on the basis that it was no longer required by Adult Social Care for supported living it was proposed to sell the site without the previous conditions attached.

Decision number:

Decision:

32/2011

The Cabinet recommended to Full Council that it declares the Queen's Court site surplus and delegates authority to the Assistant Director of Housing and Corporate Services, in consultation with the Portfolio Holder for Finance, to sell the property at best consideration and that this authority supercedes the previous authority delegated on 5 March 2009.

Reasons

Council is requested to declare Queen's Court surplus in order to reduce revenue costs, realise capital receipts and gain investment/improved facilities in the Medway area.

Recruitment Freeze

Background:

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.

Cabinet, 15 February 2011

**Decision
number:**

Decision:

33/2011

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) **SEN Case Officer – Tribunals**
- b) **Support Services Assistant – Enhanced Care Unit**
- c) **Future Jobs Fund - eYS Project Assistant**
- d) **Medway Family Intervention Project Admin Officer**
- e) **Support Services Assistant – Elaine Centre – (Temp Pool)**

Regeneration, Community and Culture

- f) **Parking Admin Senior**
- g) **Tourism Project Officer**
- h) **Casual Cleaning Operative Team Leaders x 2**
- i) **Receptionist/Administrator 2 x FT posts and 1 x PT post**
- j) **Heritage Operations Manager – Castles.**

Reasons:

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

Gateway 1 Options Appraisal: All Faiths' Children's Community School Building Project

Background:

This report set out the options appraisal for the project at All Faiths Children's Community School in Strood.

It was noted that the project supported the Council's strategy to provide improved accommodation for the school and Children's Centre, which was currently insufficient to deliver the curriculum for its pupils; including 22 children with statements of special educational needs for significant hearing impairment using a total communication approach.

Cabinet, 15 February 2011

An exempt appendix set out details of the whole life costings/budget, fees payable and risk register for the project at All Faiths Children's Community School.

The Procurement Board had considered this report on 19 January 2011 and had supported the recommendations as set out.

Decision number: **Decision:**

34/2011 The Cabinet approved the project to proceed to Gateway Two – Competitive Process, on the basis set out in paragraph 7.3.1 of the report (JCT Standard Form of Contract).

Reasons:

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

Gateway 3 Contract Award: Strood Academy New Buildings

Background:

This report presented the Final Business Case for Strood Academy for approval along with the associated contract documents to approve the appointment of BAM Construction Limited as the main contractor.

The Final Business Case presented the proposals for the new building at the existing academy site, as planned in the Medway Academy Programme approved by Partnerships for Schools (PfS) in December 2009 following approval by Cabinet (decision 223/2009). It was reported that the new buildings would provide 21st Century accommodation for the Academy and enable them to provide high quality teaching and learning for students, including a secondary school SEN hub and the Inspiration Centre, the Council's vocational centre.

The Final Business Case was a key stage in the procurement process for the Academy Programme and was presented with the various contractual documents that support the financial close for the Strood Academy new build project.

Cabinet was also presented with the Future Schools Agreement for approval. This agreement includes the list of future projects for possible procurement via the Partnerships for Schools (PfS) National Framework.

It was noted that the Procurement Board had considered this report on 19 January 2011 and had supported the recommendations as set out.

Cabinet, 15 February 2011

An exempt appendix set out details of the Final Business Case, Design & Build Contract, Development Agreement, Future Schools Agreement, ITT submission evaluation report and Risk Register.

Decision number:

Decision:

- 35/2011** **The Cabinet approved the Final Business Case and authorised the Director of Children and Adults, in consultation with the Portfolio Holder for Children's Services, to submit it to Partnerships for Schools (PfS) for approval.**
- 36/2011** **The Cabinet agreed to the award of the contract to construct new buildings for Strood Academy to BAM Construction Limited using the PfS Design & Build Lump Sum Contract for use with the PfS Contractor Framework along with the PfS Development Agreement.**
- 37/2011** **The Cabinet agreed the list of schools in the Future Schools Agreement, which formed an annexe to the Design & Build Contract (Exempt Appendix B).**

Reasons:

As set out in the report the use of the Partnerships for Schools (PfS) National Framework for the procurement of the Design and Build Contractor is the best option to allow delivery of the new Academy Buildings within the desired timeframes.

The submission of a completed Final Business Case is required by PfS, before works can commence.

South Thames Gateway Building Control Partnership - Business Plan

Background:

This report sought agreement to the seventh draft South Thames Gateway Partnership Business Plan for 2011/2014, following initial consideration by the South Thames Gateway Building Control Joint Committee on 20 January 2011. The Business Plan would also be considered by Gravesham and Swale Borough Councils prior to final approval at the Joint Committee's Annual General Meeting, likely to be in June 2011.

The Business Plan had been circulated as an exempt appendix to the report as it contained commercially sensitive information.

The Business Plan outlined how the building control function would be delivered for the three partnership Councils over the next three financial years. It included details of the vision, objectives and key performance indicators together with a review on the effects of increased competition and new charges legislation.

Cabinet, 15 February 2011

A Diversity Impact Assessment had been undertaken on the draft business plan. This had concluded that a full impact assessment was not necessary, however, a number of actions had been identified.

Decision number: ***Decision:***

38/2011 **The Cabinet approved the proposed Business Plan for 2011/14 for the South Thames Gateway Building Control Partnership and noted the proposed contribution of £207,589 from Medway.**

Reasons:

The Constitution of the Joint Committee requires approval of the Business Plan for the following year by the Cabinet of each Partner Authority.

Exclusion of the Press and Public

Decision number: ***Decision:***

39/2011 **The Cabinet agreed to exclude the press and public for the consideration of agenda item 17 (Compulsory Purchase Order – New Medway River Bridge, Halling) on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Schedule 12A of the Local Government Act 1972, as it contained commercially sensitive and legally privileged information.**

Compulsory Purchase Order - New Medway River Bridge, Halling

This exempt report set the context for a recommendation that compulsory purchase powers be used to facilitate the construction of a new bridge connecting Halling and Wouldham in Tonbridge and Malling Borough Council's area.

During the discussion of this item Members were advised that following a communication from Tonbridge and Malling Borough Council confirmation would need to be sought as to whether the determination of this issue was a matter for Cabinet or Council. If it was a matter for Council the matter would be referred to Council on 3 March 2011 for determination.

Cabinet, 15 February 2011

Decision number: **Decision:**

40/2011 **The Cabinet agreed that a Compulsory Purchase Order be made under Section 239 and Section 250 of the Highways Act 1980 in respect of the land shown as No. 2, Medway Ports land (Peel Holdings) within Medway Council's area; and No. 4, Network Rail land on the plan attached to the report to facilitate the construction of a new Medway Bridge connecting Wouldham with Halling, subject to a formal deed of indemnity being entered into to ensure a full indemnity by Tonbridge and Malling Borough Council of any costs/compensation incurred by Medway Council in the CPO process.**

41/2011 **The Cabinet agreed that decision 40/2011 should be referred to Council on 3 March 2011 for approval if legal advice after the meeting confirms this to be necessary.**

Reasons:

Without a compulsory purchase order it appears most unlikely the new Medway Bridge can be constructed.

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Leader of the Council

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Date

Wayne Hemingway/Anthony Law, Cabinet Coordinators

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