

## Record of Cabinet decisions

**Tuesday, 5 July 2011**

**3.00pm to 4.30pm**

**Date of publication: 6 July 2011**

**Subject to call-in these decisions will be effective from 14 July 2011  
The record of decisions are subject to approval at the next meeting of the Cabinet**

<b>Present:</b>	Councillor Rodney Chambers	Leader
	Councillor Alan Jarrett	Deputy Leader and Portfolio Holder for Finance
	Councillor David Brake	Portfolio Holder for Adult 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 Corporate Services
	Councillor Mike O'Brien	Portfolio Holder for Community Safety and Customer Contact
	Councillor Les Wicks	Portfolio Holder for Children's Services
	Councillor David Wildey	Portfolio Holder for Children's Social Care

<b>In Attendance:</b>	Neil Davies, Chief Executive
	Peter Bown, Accounting Manager
	Rose Collinson, Director of Children and Adults
	Robin Cooper, Director of Regeneration, Community and Culture
	Wayne Hemingway, Democratic Services Officer
	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**

An apology for absence was received from Councillor Filmer (Front Line Services).

### **Record of decisions**

The record of the meeting held on 7 June 2011 was agreed and signed by the Leader as correct.

## Declarations of Interest

There were none.

## Annual Review of the Community Safety Partnership Plan 2011 - 2012 (Policy Framework)

### Background:

This report provided details of the progress towards developing a new Community Safety Partnership Plan 2011-2012. The Police and Justice Act 2006 had placed a statutory requirement to produce an annual rolling three year plan, underpinned by an annual strategic assessment, for the purpose of reducing crime and disorder and combating substance misuse.

The seven priorities for 2011-2012, which had been reviewed and refreshed, were:

- Tackling substance and alcohol abuse.
- Improving the local street scene.
- Reducing youth offending.
- Reducing night time economy related crime and disorder.
- Working with vulnerable victims to reduce harm and repeat victimisation.
- Reducing Theft and Shoplifting.
- Reducing the number of people killed or seriously injured in Road Traffic Collisions.

The Regeneration, Community and Culture Overview and Scrutiny Committee had considered the plan on 16 June 2011 and the Committee's views were set out in section 6 of the report. It was also noted that as part of the strategic assessment, the Community Safety Partnership had undertaken consultation on the identified priorities.

As a policy framework document the revised Community Safety Partnership Plan 2011 – 2012 would be referred to Council on 21 July 2011 for approval. The outcome of a Diversity Impact Assessment screening was attached to the report. It was noted that a full Diversity Impact Assessment was not necessary at this stage.

The Portfolio Holder for Community Safety and Customer Contact informed the Cabinet that the job title of Superintendent Rachel Adams and reference to Rochester Contact Point would be updated in the version of the Plan presented to Council on 21 July 2011.

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

**70/2011**      **The Cabinet noted the recommendation from the Regeneration, Community and Culture Overview and Scrutiny Committee and recommended the Community Safety Partnership Plan to Council on 21 July 2011 for**

approval.

**Reasons:**

The Community Safety Partnership Plan discharges the council's statutory requirement to produce a 3-year plan for community safety, and refresh that plan annually.

The Community Safety Partnership Plan forms part of the Policy Framework and the Constitution requires the Cabinet to finalise its proposals for the Council to consider having taken into account any proposals from Overview and Scrutiny.

**Statement of Accounts**

**Background:**

This report provided details of the Council's draft Statement of Accounts for 2010/2011. The Council was required under the Accounts and Audit Regulations 2003 (as amended) to produce an annual statement of accounts that is subject to scrutiny by the external auditors. The auditor would subsequently give an opinion on the accounts, and additionally interested parties would have the right to inspect the accounts and make representations to the auditor.

It was reported that the final accounts showed a revenue surplus of £3.2 million and a reduced requirement from General Reserves of some £2.5 million. It was noted that the final position was a significant achievement and a reflection both of the successful efforts to maintain services at minimum cost and the robustness of the budgets that were originally set. The final capital expenditure for 2010/2011 was £79.9 million compared to the 2009/2010 outturn of £63.40 million.

A revised page 4 of the Explanatory Foreword which provided correct figures in respect of borrowing/investment was tabled at the meeting.

It was noted that the draft Statement of Accounts would be considered by the Audit Committee later on 5 July 2011 for approval.

The Cabinet considered this as a matter of urgency to ensure Members were advised of the latest position, ahead of the submission of the audited accounts in September 2011. It was noted that the Statement of Accounts needed to be certified by the Chief Finance Officer by 30 June each year and that Barnett Waddingham, the Council's pension fund actuaries, had recently submitted a revised valuation of the pension fund resulting in a favourable movement of some £4 million. The principal financial statements and accompanying notes had been updated to reflect this change.

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

**71/2011**      **The Cabinet noted the revenue and capital outturns as reported in sections 4, 5, 6 and 7 of the report and approved the actions taken in producing the Statement of**

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**Accounts as set out in these sections.**

**72/2011      The Cabinet recommended to the Audit Committee that it approves the draft statement of accounts for 2010/2011.**

### **Reasons:**

Good practice recommends that Members approve the statement of accounts as soon after 30 June as practicable.

### **Treasury Management Annual Report**

#### **Background:**

This report provided an overview of treasury management activity during 2010/2011. The report covered a number of issues including the Council's treasury position as at 31 March 2011, performance measurement, the strategy for 2010/2011, borrowing and investment rates, the borrowing outturn, compliance with treasury limits and prudential indicators, investment outturn and debt rescheduling.

It was reported that the Interest and Financing budget had fallen short of the targeted budget by £1.319m, prior to any contributions from the rate equalisation reserve. Members were informed that the budget had been predicated upon anticipated earnings of 2% on internal investments and earnings from the fund manager and a contribution from the rate equalisation reserve of £908,000. In light of the continued historically low bank rate, which continued at 0.5% throughout 2010/11, the overall rate achieved for the in-house team was 0.994% and 1.175% for the fund manager. The rate equalisation reserve had therefore been fully utilised resulting in a short fall from budget of £0.269m. The body of the report and the appendices outlined the significant financial implications.

It was noted that this report would be referred to Audit Committee later on 5 July 2011 for consideration and approval.

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

**73/2011      The Cabinet noted, in accordance with the CIPFA Code of Practice, the content of the Treasury Management Annual report and recommended it to the Audit Committee.**

### **Reasons:**

In line with CIPFA's Code of Treasury Management Practice an annual report must be taken to Cabinet detailing the council's treasury management outturn within six months of the close of each financial year.

## **School Organisation Plan 2011-2016**

### **Background:**

This report provided details of the School Organisation Plan 2011-2016 which set out Medway's plans for the development of schools in Medway over the next five years, including priorities for capital investment. It made proposals based on an analysis of need across the early years, primary and secondary phases, as well as the council's provision for pupils with special educational needs. It included a detailed analysis of current and forecast pupil numbers.

It was noted that whilst there was no longer a statutory requirement for local authorities to have a School Organisation Plan, having such a plan would enable the Council to establish a framework for decisions to ensure an appropriate supply of good quality school places.

It was proposed that consultation would be undertaken on the School Organisation Plan between 13 July 2011 and 21 September 2011 with interested stakeholders. The outcome would then be reported to the Children and Young People Overview and Scrutiny Committee in September 2011 before returning to Cabinet on 1 November 2011, for consideration and approval.

A revised page 9 of the School Organisation Plan which provided a revised table "Pupil numbers and forecast 2003-2006 by primary type", was tabled at the meeting.

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

**74/2011      The Cabinet noted the School Organisation Plan 2011-2016 and gave officers authorisation to proceed with the proposed consultation, as set out in the report.**

### **Reasons:**

This will enable the Council to put in place a planned and structured approach to school organisation over the next 5 years to address the risks in section 5 of the report.

## **Interim Housing Revenue Account Business Plan 2011 - 2012**

### **Background:**

This report provided details of the Interim Housing Revenue Account (HRA) Business Plan which was a strategic update of the 2005-34 HRA Business Plan, giving up to date information on the nature and condition of the housing stock and targets for improving the service in the future. It was noted that due to the current uncertainty of the policy environment, the Business Plan had been developed as an interim plan on a planning horizon of one year.

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It was reported that the Interim Plan had been developed using the work and consultation that led to the development of the HRA Asset Management Strategy Plan, the Annual Report to Tenants along with resident surveys consultation with Resident Forums and Focus Groups. The Plan had also been considered and approved by the HRA's Housing Improvement Board, a scrutiny panel comprising of tenants.

It was noted that the Business Support Overview and Scrutiny Committee had considered the interim plan on 9 June 2011. The report gave details of the committee's discussion and noted that the plan had been recommended for adoption subject to the inclusion of a breakdown of planned maintenance. This had been included within the plan attached to the Cabinet report.

It was noted that a Diversity Impact Assessment screening had been undertaken and the result of this showed that a full Diversity Impact Assessment was required. A copy of the screening form was attached to the report.

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

**75/2011      The Cabinet agreed to adopt the Interim Housing Revenue Account (HRA) Business Plan.**

### **Reasons:**

Local Authorities are required to produce and maintain a HRA Business Plan that meets the Governments 'fit for purpose' criteria. The adoption of this Interim Business Plan would allow the Council to continue to meet this requirement.

### **Revisions to the Private Sector Housing Assistance Policy**

#### **Background:**

This report set out details of a revised Private Sector Housing Assistance Policy (HAP). The policy, originally approved in August 2008, detailed the assistance that could be provided to homeowners, landlords and tenants in dealing with substandard housing in the area.

Members were advised that it was proposed to revise the policy to take account of the reduced funding available for housing assistance. The report gave details of the implications of this, which included a number of decreases in the level of loan or grant being made available and the deletion of empty property improvement loans. Despite these reductions the aim of the policy remained to support vulnerable and elderly people.

A Diversity Impact Assessment screening had been undertaken and the result of this showed that a full assessment was not required and a copy was attached as Appendix Two. It was noted that access to the service would be monitored and reviewed a year following the introduction of the policy.

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

**76/2011**      **The Cabinet approved the revisions to the Private Sector Housing Assistance Policy as set out in Appendix One to the report.**

### **Reasons:**

To ensure that the Authority operates a fit for purpose housing assistance policy in accordance with guidance and best practice.

### **End of Year Performance Report 2010/2011**

#### **Background:**

This report set out year-end performance against the Council Plan objectives for 2010/11. It was noted that not all Children's social care performance indicators had been validated at this time. The report also gave details of the new measures of success that would be used to monitor Council progress in 2011/12.

It was noted that of the 56 key performance indicators that could be rated at year-end, 35 had achieved or outperformed the annual target, 4 were below target but within acceptable variance limits and 17 had performed below target.

The Regeneration, Community and Culture and Health and Adult Social Care Overview and Scrutiny Committees had considered the report and this was summarised in paragraph 4 of the report. It was noted that the remaining Overview and Scrutiny Committees would receive the report at their next meetings.

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

**77/2011**      **The Cabinet noted the outcomes achieved against priorities and identified the following areas for remedial action:**

- **Strengthen school leadership**
- **Reduce reliance on bed and breakfast**
- **Continue to drive down SEN out of area placements**
- **Continue to push the personalisation agenda to exceed the 30% target**
- **Improve mental health services**

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- **Drive down energy use via property rationalisation and other measures.**

### **Reasons:**

Full and accurate performance reporting to elected Members is consistent with best practice, and will allow Members to review the Council's performance.

### **Walderslade Village Library Renewal of Lease**

#### **Background:**

This report provided details of a proposal to take a new lease of Walderslade Village Library on the best terms reasonably available.

It was noted that the Council was holding over in occupation of the library premises as a protected tenant under the terms of a 25-year lease that commenced in 1986. Negotiations had commenced with the Landlord's Agents with a view to obtaining a new lease of up 25 years incorporating tenant only break clauses at five yearly intervals.

#### **Decision number:**

#### **Decision:**

**78/2011**      **The Cabinet delegated authority to the Assistant Director of Housing and Corporate Services, in consultation with the Portfolio Holder for Finance, to enter into a new lease agreement of not more than 25 years with tenant only break clauses and otherwise on the best terms reasonably obtainable.**

#### **Reasons:**

To preserve the quality of the library network as the facility is a vital part of the service available to the public.

### **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.



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

**79/2011**      **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report to enable officers to commence the recruitment process:**

**Business Support Department**

a) Auditor

**Children and Adults**

b) Administration Assistant

c) Senior Administrator

d) Governor Services Manager

e) System Administrator

f) Support Services Assistant

**Regeneration, Community & Culture**

g) Casual Halls Attendant (x5)

h) Casual Information Assistants (x4).

**Reasons:**

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

**Gateway 3 Procurement Tender Process Review and Contract Award: Bishop of Rochester Academy New Buildings**

**Background:**

This report presented the Final Business Case for the Bishop of Rochester 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).

The Final Business Case was a key stage in the procurement process for the Academy Programme and was presented with the various contractual documents

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that supported the financial close for the Bishop of Rochester Academy new build project.

It was noted that the Procurement Board had considered this report on 8 June 2011 and had supported the recommendations as set out.

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:**

**80/2011**      **The Cabinet approved the Final Business Case for Bishop of Rochester Academy 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 for approval.**

**81/2011**      **The Cabinet agreed to the award of the contract to construct new buildings for Bishop of Rochester Academy to BAM Construction Limited using the Partnerships for Schools (PfS) Design & Build Lump Sum Contract for use with the PfS Contractor Framework along with the PfS Development Agreement.**

**The Cabinet noted the governance arrangements described in section 7 of the report.**

**Reasons:**

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.

**Gateway 3 Procurement Tender Process Review and Contract Award:  
Brompton Academy New Buildings**

**Background:**

This report presented the Final Business Case for the Brompton 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).

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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 supported the financial close for the Brompton Academy new build project.

It was noted that the Procurement Board had considered this report on 8 June 2011 and had supported the recommendations as set out.

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:**

**82/2011**      **The Cabinet approved the Final Business Case for Brompton Academy 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 for approval.**

**83/2011**      **The Cabinet agreed to the award of the contract to construct new buildings for Brompton Academy to BAM Construction Limited using the Partnerships for Schools (PfS) Design & Build Lump Sum Contract for use with the PfS Contractor Framework along with the PfS Development Agreement.**

**The Cabinet noted the governance arrangements described in section 7 of the report**

### Reasons

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.

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**Leader of the Council**

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**Date**

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