

## Record of Cabinet decisions

**Tuesday, 2 August 2011**

**3.00pm to 4.20pm**

**Date of publication: 3 August 2011**

**Subject to call-in these decisions will be effective from 11 August 2011  
The record of decisions are subject to approval at the next meeting of the Cabinet**

<b>Present:</b>	Councillor Rodney Chambers	Leader
	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 Phil Filmer	Portfolio Holder for Front Line 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

**In Attendance:** Neil Davies, Chief Executive  
Rose Collinson, Director of Children and Adults  
Stephen Gaimster, Assistant Director Development, Economy and Transport  
Stephanie Goad, Assistant Director Communications Performance and Partnerships  
Mick Hayward, Chief Finance Officer  
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 Alan Jarrett (Deputy Leader and Portfolio Holder for Finance).

## Cabinet, 2 August 2011

### Record of decisions

The record of the meeting held on 5 July 2011 was agreed and signed by the Leader as correct.

### Declarations of interest

Councillor Filmer declared a personal interest in agenda item 8 (Appointment to the Bus Lane Adjudication Service Joint Committee) because he was the responsible Portfolio Holder for bus lane adjudication.

### Local Development Framework

#### Background:

This report provided details of the publication draft version of the Core Strategy and associated documents relating to the Local Development Framework consisting of:

- A schedule of formal responses to the 'Pre-Publication Draft'
- An updated Local Development Scheme
- An updated Statement of Community Involvement
- An Interim Diversity Impact Assessment
- A Sustainability Appraisal of the Core Strategy
- A preliminary Habitats Regulations Assessment of the Core Strategy.

The Council was required to prepare and keep under review a Local Development Framework in accordance with the provisions of the Planning and Compulsory Purchase Act 2004. The Core Strategy established the overall development quantities and broad locations for development over a period of at least 15 years. This version of the Core Strategy was the penultimate draft version and was subject to a statutory 6 week public consultation.

Attachments 1-7, as referenced within the covering report, had been circulated to Cabinet Members separately.

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

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|----------------|--|
| <b>84/2011</b> | <b>The Cabinet approved for public consultation purposes the Publication Draft Core Strategy (Attachment 1 to the report).</b>   |
| <b>85/2011</b> | <b>The Cabinet approved the response to representations received on the Pre-Publication Draft Core Strategy (Attachment 2 to the report).</b>                              |
| <b>86/2011</b> | <b>The Cabinet approved publication of the Interim Diversity Impact Statement, Second Interim sustainability Appraisal and Habitats Regulations Assessment Scoping and</b> |

## Cabinet, 2 August 2011

### Screening Report (Attachments 3 to 5 to the report).

- 87/2011**      **The Cabinet approved the revised Local Development Scheme (Attachment 6 to the report).**
- 88/2011**      **The Cabinet approved for public consultation purposes the revised Statement of Community Involvement (Attachment 7 to the report).**
- 89/2011**      **The Cabinet agreed to grant 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 necessary minor changes to the documents prior to their publication.**

### Reasons:

To comply with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and ensure that there is an up to date spatial planning framework for the area.

### Draft Lodge Hill Development Brief

#### Background:

This report provided details of a Draft Development Brief for development at the Ministry of Defence site at Lodge Hill, Chattenden. It was noted that Policy CS33 of the Publication Draft Core Strategy made a strategic allocation of an area of land at Lodge Hill. This was allocated for a new settlement to include up to 5,000 dwellings, at least 43,000m<sup>2</sup> employment floorspace, at least 5,000m<sup>2</sup> retail floorspace together with supporting infrastructure, community facilities and open space.

The site was a strategically important site for regeneration and growth in Medway. It would meet a significant portion of the area's housing need, including family housing, and had significant potential for higher value employment uses that would contribute to meeting the aims of the Council's Economic Development Strategy. The Draft Development Brief would be subject to a six week period of public consultation from 30 August 2011-10 October 2011.

The draft Development Brief, and its appendices, as referenced within the covering report, had been circulated to Cabinet Members (and Ward Members) separately.

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

- 90/2011**      **The Cabinet approved the draft Lodge Hill Development Brief for public consultation.**

## Cabinet, 2 August 2011

### Reasons:

A Development Brief for Lodge Hill will provide greater certainty for future developers and the local community and will assist in securing Medway's regeneration and growth.

### Proposal to Move the CDC to Temple Site

#### Background:

This report provided details of a proposal to locate the Child Development Services (CDC) for disabled children on part of the Temple site, Strood. The report set out the history of the service following its emergency relocation to a number of community locations across Medway in January 2009. It was noted that the NHS Medway Board (PCT) had considered a number of possible sites as potential locations including the former Temple School site, Strood, Canada House, Gillingham and Lordswood Healthy Living Centre, Chatham. Each of the locations were independently evaluated by Medway Community Estates and the NHS Medway Board agreed that the Temple site was the most realistic site to develop an integrated centre for disabled children.

The report provided the key findings from the feasibility study for the Temple site together with the risk management implications.

An exempt appendix set out the detailed financial implications and the Child Development Service feasibility study undertaken by Medway Community Estates.

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

- |                |   |
|----------------|---|
| <b>91/2011</b> | <b>The Cabinet noted the PCT's feasibility study for the Child Development Service (CDC) and the supporting information from users, carers and Medway Foundation Trust.</b>   |
| <b>92/2011</b> | <b>The Cabinet agreed to authorise the Assistant Director of Housing and Corporate Services, in consultation with the Portfolio Holder for Finance, to enter into negotiations with Medway NHS for a lease of part of the Temple School Block 3 and ancillary buildings for the provision of the Child Development Service, and to grant such lease subject to suitable terms being agreed.</b> |

### Reasons:

There are considerable long-term benefits to disabled children in Medway in having an integrated Child Development Service (CDC) service on one site. There is no initial capital investment required by the council to release the property to Medway PCT. Leasing part of the site to the CDC does not limit the other options to use the

## Cabinet, 2 August 2011

rest of the site. Leasing part of the site to the CDC will provide an annual rental income to the council, which can be used to offset some of the current costs of maintaining the retained element of the site.

### **Prescribed Alterations at Bradfields Community Special School**

#### **Background:**

This report provided details to seek approval to proceed to public consultation on the proposal to make prescribed alterations to Bradfields Community Special School by way of an expansion of the upper and lower age limits, an addition to the Special Educational Needs categories and an increase in the number of pupils. The report set out the background to the school noting that the sixth form of Bradfields would relocate from its current base of Brompton Academy to the former Ridge Meadow site from September 2011.

The proposals included the alteration of the age range to 3-25, to increase the categories provided for to include Severe Learning Difficulties (SLD) and to increase the number of pupils who can attend the school by up to 40.

The report set out the timetable for the statutory consultation process.

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

<b>93/2011</b>	<b>The Cabinet agreed to proceed to a period of public consultation to allow views to be expressed on the proposal to make prescribed alterations to Bradfields Community Special School, which would result in an alteration to the upper and lower age range limits from 11-19 currently, to 3-25 for children and young people with Moderate Learning Difficulties (MLD), Severe Learning Difficulties (SLD) and Autistic Spectrum Disorder (ASD), and an increase in the number of pupils provided for. It is proposed to implement the alterations on or before 1 September 2012.</b>
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#### **Reasons:**

The Council is required to consult on the proposals in accordance with the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.

### **Appointment to the Bus Lane Adjudication Service Joint Committee**

#### **Background:**

This report provided details of a proposal to join the Bus Lane Adjudication Service Joint Committee (BLASJC) and to appoint a representative to the BLASJC on behalf

## Cabinet, 2 August 2011

of the Committee. This would enable the Council to issue Penalty Charge Notices (PCNs) to any unauthorised vehicles that are recorded in a bus lane. It was noted that enforcement was due to start at the new Strood Riverside link which would use Medway's first fixed Auto Number Plate Recognition (ANPR) camera to capture contraventions.

It was noted that in accordance with legislation and the Council's Constitution (Article 10), the decision requested was a matter for the Leader of the Council to decide given that the authority to establish joint arrangements in respect of executive functions (i.e. the making of arrangements for bus lane adjudicators) was devolved to the Leader.

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

**94/2011**      **The Cabinet recommended to the Leader that he approves joining the Bus Lane Adjudication Service Joint Committee (BLASJC) and gives approval to enter into any agreements necessary to become a member of the joint committee in order that Medway Council can commence bus lane enforcement.**

**95/2011**      **The Cabinet recommended to the Leader that he appoints the Portfolio Holder for Front Line Services to the Bus Lane Adjudication Service Joint Committee.**

**96/2011**      **The Leader approved joining the Bus Lane Adjudication Service Joint Committee (BLASJC) and give approval to enter into any agreements necessary to become a member of the Joint Committee in order that Medway Council can commence bus lane enforcement.**

**97/2011**      **The Leader appointed the Portfolio Holder for Front Line Services to the Bus Lane Adjudication Service Joint Committee.**

**Reasons:**

This will enable Medway Council to commence enforcement of bus lanes, via the issuance of penalty charge notices to support the implementation of the new Strood Riverside bus-link as well as the forthcoming opening of the dynamic bus station in Chatham.

### **Revenue Budget Monitoring 2011/2012**

**Background:**

This report gave details of the forecast outturn for the 2011/2012 financial year projected based on actual income and expenditure to June 2011 (the end of the first quarter).

## Cabinet, 2 August 2011

It was noted that on 24 February 2011 the Council had set a General Fund net budget requirement of £184.959m for 2011/2012 (Medway Council £184.619m and Parish Councils £0.341m). Council Tax had been frozen at 2010/2011 levels.

This was the first quarterly report and it indicated, after management action, the outturn forecast for 2011/2012 stood at a £4m overspend.

The Cabinet accepted this report as urgent to enable it to receive and consider the first quarter budget monitoring information at the earliest opportunity.

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

**98/2011**      **The Cabinet noted the result of the first round of revenue monitoring for 2011/2012 and instructed Directors to come forward with further proposals for management action to reduce the potential deficit.**

### 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 2011/2012

#### Background:

This report gave details of the capital monitoring position for the period to June 2011 (the end of the first quarter), with a forecast outturn for 2011/2012 and future years. The approved capital programme for 2011/2012 and future years was £107.7m, consisting of £53.6m in respect of brought forward schemes and £54.1m in respect of new approvals.

The report commented on the delivery of the capital programme and updated Members on a number of issues. The current forecast showed that £78m of the programme was forecast for spend during 2011/2012.

The Cabinet accepted this report as urgent to enable it to receive and consider the first quarter budget monitoring information at the earliest opportunity.

## Cabinet, 2 August 2011

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

**The Cabinet noted:**

- **The spending forecasts summarised at tables 1 and 3 in the report**
- **The additions to the Capital Programme and budget virements as detailed in paragraph 5.2 of the report.**

**99/2011      The Cabinet recommended to Council the additions to the Capital Programme 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.

### **Quarter 1 Council Plan Monitoring 2011/2012**

This report presented details of the Council's performance for the first quarter of 2011/2012. In particular, it included performance against indicators and actions agreed in the Council Plan 2011/2012.

It was noted that of the 47 key measures that could be reported this quarter 32 (68%) had achieved or outperformed the annual target and a further 4 (9%) were below target but within acceptable variance limits. 11 (23%) key measures were below the annual target. Additionally, there were 7 performance measures which were not rated as they were "data only" and 10 that could not be reported this quarter but had been included for Cabinet information.

The Cabinet accepted this report as urgent to enable it to receive and consider the latest performance information at the earliest opportunity.

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

**The Cabinet noted performance for Quarter 1 2011/2012.**

**Reasons:**

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



## Cabinet, 2 August 2011

### 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.

<b><i>Decision number:</i></b>	<b><i>Decision:</i></b>
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<b>100/2011</b>	<b>The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report to enable officers to commence the recruitment process:</b>
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**Business Support Department**

- a) Administration Officer (Housing Services)
- b) Accounting Technician

**Children and Adults**

- c) School Catering Manager
- d) Services Support Assistant (MILAC Team)

**Regeneration, Community & Culture**

- e) URBACT II Project Assistant
- f) Technical Assistant.

#### Reasons:

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

#### **Gateway 1 Batched Procurement Commencement: Abbey Court School, Rainham, Elaine Primary School, Strood, Twydall Primary School, Gillingham - Building Projects**

#### Background:

This report sought permission to commence the batched procurement of building works at Abbey Court School in Rainham, Elaine Primary School in Strood and Twydall Primary School in Gillingham.

## Cabinet, 2 August 2011

It was noted that the costs of the Abbey Court project would be met from the SEN Programme, the Elaine project from the Basic Need Programme and the Twydall project from the Primary Capital Programme.

The report considered the options available and recommended procurement via a below EU Threshold Select List. An exempt appendix set out details of the whole life costings and budget for the projects.

It was noted that the Strategic Procurement Board had considered and recommended this report to Cabinet on 6 July 2011.

An exempt appendix provided the detailed finance and whole-life costings information for the building projects.

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

**101/2011**      **The Cabinet approved the Abbey Court School, Elaine Primary School and Twydall Primary School projects to proceed to Gateway 2 of the procurement process and invite tenders for the schemes of works, on the basis set out in paragraph 3.9 of the report (Procurement via a below EU Threshold Select List).**

**Reasons:**

The projects will support the delivery of the required improvements to Abbey Court, Elaine and Twydall Schools, within the required timeframes and budgets.

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**Leader of the Council**

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**Date**

**Wayne Hemingway/Anthony Law, Democratic Services Officers**

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