

Record of Cabinet decisions

Tuesday, 6 September 2011

3.00pm to 4.25pm

Date of publication: 8 September 2011

**Subject to call-in these decisions will be effective from 16 September 2011
The record of decisions are subject to approval at the next meeting of the Cabinet**

Present:

| | |
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| 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 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 |

In Attendance:

- Neil Davies, Chief Executive
- Alison Barnett, Director of Public Health
- Rose Collinson, Director of Children and Adults
- 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, Democratic Services Officer
- Deborah Upton, Assistant Director, Housing and Corporate Services/Monitoring Officer

Apologies for absence

Apologies for absence was received from Councillor Howard Doe (Housing and Community Services) and Councillor David Wildey (Children's Social Care).

Record of decisions

The record of the meeting held on 2 August 2011 was agreed and signed by the Leader as correct.

Declarations of interest

There were none.

Leader's Announcement

The Leader announced that an exempt report concerning Chatham Waterfront Bus Station had been included within a supplementary agenda. He had agreed that this should be considered as an urgent matter and it would be taken as agenda item 13.

Medium Term Financial Plan 2012/2015

Background:

This report set out the major financial issues facing the Council over the next three years. It also provided a framework for the more detailed preparation of the draft Revenue Budget for 2012/15.

The report included details of the council's financial position, together with a review of the Spending Review 2010, the council's strategic priorities and core values and the need for the Medium Term Financial Plan to be able to respond to the changing policy context in which the council and its partners operated.

An assessment of likely available resources and details of a number of key spending issues across the Council's directorates were set out. Members were advised that after allowing for a potential council tax increase and estimated savings from the transformational Better for Less programme, which sought to improve services and deliver efficiencies, there remained a potential deficit for 2012/13 of £9.445million. In order to retain the strategic aim of achieving a sustainable budget without recourse to reserves existing and emerging pressures would therefore be challenged and weight given to the efficiency agenda and the search for more cost effective means of delivery.

The report also set out the timetable for the development of the draft budget setting proposals and it was noted that business and service planning would run concurrently leading to the development of the Council Plan.

Decision number:

Decision:

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| 102/2011 | The Cabinet endorsed the underlying aims of the Medium Term Financial Plan. |
| 103/2011 | The Cabinet endorsed the forecast level of overall funding outlined in Section 4 of the report. |
| 104/2011 | The Cabinet instructed Portfolio Holders and Directors to identify savings and efficiencies to achieve a balanced budget for 2012/2013. |

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105/2011 **The Cabinet authorised the commencement of a consultation aimed at freezing incremental progression for the next 2 years to meet the financial constraints set out in paragraph 4.9 of the report.**

Reasons:

This is a preparatory document to meet the budget process and timetable set out within the Constitution.

Youth Justice Plan 2011-2012 (Policy Framework)

Background:

This report outlined the Medway Youth Justice Plan 2011 – 2012, which detailed the following key objectives for the Medway Youth Offending Team (YOT) to March 2012:

- Prevent young people entering the criminal justice system
- Reduce the likelihood of re-offending by those Young People currently within the Youth Justice System
- Respond to and manage the impact of Deter Young Offender's and other high risk young people
- Identify and manage vulnerability issues
- Promote effective business change in response to the changing youth justice landscape

A delivery plan that supported these key objectives was included within the plan.

It was noted that the Youth Justice Plan had been developed following an inspection by HM Inspectorate of Probation and a separate inspection by the Care Quality Commission. The plan has also been circulated to partner organisations and endorsed by the Youth Offending Team Management Board.

The Children and Young People Overview and Scrutiny Committee had considered the Youth Justice Plan on 19 July 2011 and details of their consideration and recommendation were set out in the report.

As a policy framework document the Youth Justice Plan would be referred to Council on 20 October 2011 for approval.

A diversity impact assessment screening was attached to the report. This indicated that a full diversity impact assessment was not required.

Decision number: **Decision:**

106/2011 **The Cabinet recommended the Youth Justice Plan, as set out at Appendix A to the report, to Council for approval.**

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Reasons:

To ensure that Medway Council and other agencies have effective strategies for addressing youth offending behavior and delivers outcomes that have positive benefits for our communities. The Medway Youth Justice Plan has been reviewed by overview and scrutiny, been consulted on with key partners and the adoption of a new plan seeks to address the underlying local causes of youth crime.

Establishment of a Shadow Health and Wellbeing Board in Medway

Background:

This report set out proposals for the establishment of a shadow Health and Wellbeing Board in Medway from April 2012 in response to the Health and Social Care Bill and following a facilitated event with key stakeholders in Medway on 11 July 2011.

The report set out details of the Health and Social Care Bill, which envisages a new role for local authorities in the co-ordination, commissioning, and overview (including scrutiny) of health, social care (both adults and children's), public health and health improvement. The role of the new Health and Wellbeing Board in promoting better integrated working was set out.

Whilst the full statutory responsibilities of the board would not be known until the Health and Social Care Bill was enacted the Department for Health was encouraging the establishment of a shadow Health and Wellbeing Board.

Proposals for setting up a shadow Board were set out in section 4 in the report covering membership, initial terms of reference and work programme items. A supplementary report was tabled at the meeting that clarified the proposed membership of the Medway Shadow Health and Wellbeing Board.

It was noted that views on the proposed approach had been sought from the Health and Adult Social Care Overview and Scrutiny Committee, the Health Partnership Board (at its meeting with Delivering Health Together in Medway Board) and the Medway Clinical Commissioning Group Board. Comments from each were summarised within the report.

In relation to the request from the Overview and Scrutiny Committee for comment on resourcing the work of the Shadow Board the Leader advised that support for the Board would be accommodated within existing budgets in this financial year and that the cost for the next year would be considered as part of the 2012/13 budget setting process.

Decision number:

Decision:

107/2011

The Cabinet agreed to establish a Shadow Health and Wellbeing Board in Medway from 1 April 2012 as a Cabinet Advisory Group which will start meeting in pre-shadow

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form from October 2011, with the proposed membership, terms of reference and initial work programme as set out in section 4 of the report and the supplementary report tabled at the meeting.

- 108/2011** The Cabinet noted the comments from the Health Partnership Board, Clinical Commissioning Group Board and the Health and Adult Social Care Overview and Scrutiny Committee and agreed these should be taken into account by the Board as it develops its work programme.
- 109/2011** The Cabinet agreed that the Health and Adult Social Care Overview and Scrutiny Committee be advised that support for the shadow Health and Wellbeing Board would be accommodated within existing budgets in this financial year and that the cost for the next year would be considered as part of the 2012/13 budget setting process.

Reasons:

The establishment of a shadow Health and Wellbeing Board responds to the requirements of the Health and Social Care Bill and follows a facilitated event with key stakeholders in Medway on 11 July 2011.

Revocation of Decision to Amalgamate Luton Infant and Junior Schools

Background:

The report requested consideration of whether or not to proceed with the implementation of the decision to close Luton Infant and Junior Schools, and in their place to open a new all through primary school in new buildings in September 2014.

It was noted that the proposals to close both Luton Schools and to open a new all through primary school in their place were approved by the Office of the Schools Adjudicator in June 2010. The rebuilding project was considered integral to the amalgamation process by the adjudicator and a condition set that planning permission for the new school buildings was to be in place by 31 December 2011. The adjudicator's decision was attached to the report.

The report outlined the implications of the Government's spending review and also the impact of a reduced level of devolved capital funding to schools. Members were therefore advised that the condition set by the Office of the Schools Adjudicator, when making the original decision, could not now be met and formal revocation of the original decision was necessary to remove the council's duty to implement the proposals.

It was noted that if Cabinet decided that it wished to request revocation, it would be necessary to publish and advertise revocation proposals and then submit the proposals together with any representations to the Office of the Schools Adjudicator for decision.

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Decision number: **Decision:**

110/2011 **The Cabinet approved the request to the Office of the Schools Adjudicator to revoke the decision made by the Office of the Schools Adjudicator on 8 June 2010 to close Luton Junior and Infant schools and open a new all through primary school and authorised the publication of statutory notices as required to give interested stakeholders the opportunity to comment on and raise objections to the proposal to request a revocation of such decision.**

Reasons:

The decision to approve the request to the Office of the Schools Adjudicator to revoke the decision made by the Office of the Schools Adjudicator would relieve Medway Council of its duty to implement the conditions of the determination and the financial burdens that would be placed upon the council. The above decision authorises the publication of statutory notices in relation to the revocation proposals.

Consultation Response - Revising the Charges at the Dartford-Thurrock River Crossing

Background:

This report sought Cabinet's views on the Department for Transport's consultation on proposed changes to charges for vehicles using the existing Dartford crossing, as set out with the consultation document *Revising the Charges at the Dartford-Thurrock River Crossing*.

This report gave details of the consultation, which related to a two-stage increase in toll charges and other aspects of charging. The consultation paper also mentioned other proposals, including:

- a) suspension of charges at times of severe congestion;
- b) the use of newer charging technology;
- c) review of options for additional Crossing capacity.

The report put forward suggested wording for a formal response. During the discussion on this item it was agreed that the response should also be sent to the local Members of Parliament.

Decision number: **Decision:**

111/2011 **The Cabinet supported the proposed responses to the consultation as set out in Table 2 of the report.**

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112/2011 **The Cabinet requested the Director of Regeneration, Community and Culture, in consultation with the Leader, to write directly to the Department for Transport and to the Local Enterprise Partnership (LEP) Board to express Medway Council's views on the consultation.**

Reasons:

The proposed new toll charges place increase financial burden on local Medway businesses and will lead to further congestion.

To ensure Medway Council's views are known.

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:***

113/2011 **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) Annual Audit Administration Assistant (x2)
- b) Curriculum Manager
- c) Learning Support Assistant
- d) Learning Support Assistant
- e) Legal Support Assistant
- f) Legal Support Officer
- g) Smokefree Play Coordinator
- h) Exchequer Officer
- i) Auditor

Children and Adults

- j) Catering Assistant
- k) Service Manager – LAC lead
- l) Support Officer - Youth Offending Team.

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Reasons:

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

Gateway 1 Procurement Commencement: Homecare Service

Background:

This report sought permission to commence the retendering of a Homecare service in Medway.

It was noted that the current contract for the provision of homecare services was due to end on 31 March 2012 and that this was a key service for Medway's residents in terms of the Council's priority for adults maintaining their independence and living healthy lives.

The report considered the options available and recommended procurement via a formal tender process in line with EU Procurement Regulations. An exempt appendix set out details of the detailed finance and whole life costings.

It was noted that the Strategic Procurement Board had considered and recommended this Gateway 1 report to Cabinet on 3 August 2011.

A diversity impact assessment was attached to the report. This indicated that a full diversity impact assessment was not required.

Decision number:

114/2011

The Cabinet approved the re-procurement of a Homecare service as per the preferred option highlighted at Section 4.1 'Preferred Option' of the report (formal tender process in line with EU Procurement Regulations).

Reasons:

This method of procurement will provide the opportunity to deliver much improved services. These services will be supported by a robust objective to improve service excellence that ensures more local people have services that meet their needs and aspirations.

Gateway 1 Procurement Commencement: Social Care Systems Acquisition

Background:

This report sought permission to commence the procurement of a new Children and Adult's Social Care System(s) that would address the service recording, payments, charging and management information needs of both Children and Adult's Social care.

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To achieve collaborative working across the directorate, the procurement of an integrated system would allow the sharing of relevant data between the children's and adult's divisions. This would provide practitioners with a more complete picture of a child or adults' care requirements, reducing data entry for users, thereby enabling staff in both divisions to spend more time with service users.

It was noted that a recent market analysis exercise had suggested that there were shared systems available that will meet the needs of both sides of the social care business. It was reported that whilst the aim was to procure one system in line with the needs of the directorate, it may not be possible to meet the distinct needs of both services in one system in which case it may be necessary to buy two systems. This would need to be taken into account at the specification and tendering stage of the process.

The report considered the options available and recommended procurement via the Local Government Software Application Solutions framework. An exempt appendix set out detailed finance and whole-life costing information.

It was noted that the Strategic Procurement Board had considered and recommended this Gateway 1 report to Cabinet on 3 August 2011.

Decision number: **Decision:**

115/2011 The Cabinet approved this Gateway 1 High Risk Report and agreed to proceed to the next step of initiating a tender process as per the preferred option highlighted at Section 4.1 'Preferred Option' (to procure via Local Government Software Application Solutions).

Reasons:

The project underpins the Core Values of Medway Council and the commencement of the Social Care Systems procurement means that the business needs of the Children and Adults directorate are met in line with the Department for Education and Department of Health.

Exclusion of the press and public

Decision number: **Decision:**

116/2011 The Cabinet agreed to exclude the press and public for the consideration of agenda item 13 (Proposed Agreement with Arriva – Chatham Waterfront Bus Station) as it contained commercially sensitive information under paragraph 3 of part 1 of Schedule 12A of the Local Government Act 1972.

Proposed Agreement with Arriva - Chatham Waterfront Bus Station

Background:

This exempt report sought approval for the Council to enter into agreements with Arriva Southern Counties Limited (Arriva) and Maidstone & District Motor Services Limited (MDMS) to accept a surrender of MDMS' lease of the existing Pentagon bus station and to enable Arriva to commence operations in the new Chatham Waterfront Bus Station.

The Cabinet agreed that the decisions set out below were urgent and should therefore not be subject to call-in. In line with rule 16.11 of Chapter 4, Part 5 of the Constitution, call-in could be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interests. It was considered that a call-in of the decisions set out below would jeopardise the ability for the bus station to be commissioned at the end of the construction programme and would incur additional costs for security, rates, loss of income and potential vandalism. The Chairmen of the Business Support and the Regeneration, Community and Culture Overview and Scrutiny Committees had agreed that the decisions proposed are reasonable in all the circumstances and to them being treated as a matter of urgency and to waive call in.

Additionally and in line with Rule 16 (Special Urgency) of the Access to Information Rules (Part 2 of Chapter 4 in the Constitution) it was noted that the Chairmen of the Business Support and the Regeneration, Community and Culture Overview and Scrutiny Committees had agreed that the taking of these decisions cannot be reasonably deferred.

Decision number:

Decision:

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| 117/2011 | The Cabinet requested that the Council add the scheme for the lease surrender to the Council capital programme for the sum set out in section 8.1 of the report, to be funded from the General Reserve. |
| 118/2011 | The Cabinet agreed, subject to the addition of the scheme to the capital programme as set out at 8.1 of the report, to accept a surrender of MDMS' lease (from Medway Council) of the existing Pentagon Bus Station in consideration of the payments set out in paragraph 2.9 of the report and of Arriva entering into the Operator's Agreement of CBWS. |
| 119/2011 | The Cabinet agreed to delegate authority to the Assistant Director for Housing and Corporate Services, in consultation with the Director of Regeneration, Community and Culture, to enter into any necessary legal agreements to formalize the arrangements set out in this report. |

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120/2011 The Cabinet agreed that these decisions are considered urgent and therefore should not be subject to call-in.

Reasons:

To enable the new bus station to be successfully brought into operation.

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Leader of the Council

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Date

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