

COUNCIL

12 JANUARY 2012

LEADER'S REPORT

Rodney Chambers, Leader of the Council, will give a report on key developments since the last ordinary Council meeting on 20 October 2011.

He will include:

- Proposed changes to Adult Social Care
- Thames Estuary Airport
- University Technical College
- Year of celebration
- Decisions made by the Cabinet on 1 November 2011, 29 November 2011 and 20 December 2011.

Record of Cabinet decisions

Tuesday, 1 November 2011

3.06pm to 4.31pm

Date of publication: 2 November 2011

**Subject to call-in these decisions will be effective from 10 November 2011
The record of decisions are subject to approval at the next meeting of the Cabinet**

Present:	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 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: Rose Collinson, Director of Children and Adults
Robin Cooper, Director of Regeneration, Community and Culture
Neil Davies, Chief Executive
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

There were none.

Record of decisions

The record of the meeting held on 4 October 2011 was agreed and signed by the Leader as correct.

Cabinet, 1 November 2011

Declarations of interest

Councillor Rodney Chambers declared a personal and prejudicial interest in agenda item 7 (Beechings Cross Tennis Academy) on the basis that he knew the private sector provider both politically and socially and he left the meeting for the consideration and determination of this item.

Councillor Howard Doe declared a personal and prejudicial interest in agenda item 7 (Beechings Cross Tennis Academy) on the basis that he knew the private sector provider politically and he left the meeting for the consideration and determination of this item.

Councillor Mike O'Brien declared a personal and prejudicial interest in agenda item 7 (Beechings Cross Tennis Academy) on the basis that he knew the private sector provider both politically and socially and he left the meeting for the consideration and determination of this item.

Councillor Les Wicks declared a personal and prejudicial interest in agenda item 7 (Beechings Cross Tennis Academy) on the basis that he knew the private sector provider both politically and socially and he left the meeting for the consideration and determination of this item.

Outcome of Consultation Period for School Organisation Plan 2011/2016

Background:

This report outlined the outcome of consultation on the council's draft School Organisation Plan 2011-2016. A copy of the plan was attached at Appendix 2 to the report.

It was noted that in January 2008 the Cabinet had approved the School Organisation Plan Principles. These contained a set of guidelines to be used when considering school organisational issues that ensured that any changes to schools organisation are based upon improving schools and raising standards. The School Organisation Plan set out Medway's plans for implementing the principles in Medway schools over the next five years, including priorities for capital investment based upon an analysis of need. It was reported that the plan also supported the School Improvement Strategy, which was aimed at raising performance in schools.

Following Cabinet on 5 July 2011 consultation had taken place between July and September 2011. The report gave details of the consultation process and the results were set out in section 3 of the report. It was reported that despite the wide distribution of the document only one response had been received during the consultation period.

The Children and Young People Overview and Scrutiny Committee had considered the draft School Organisation Plan on 12 October 2011 and recommended the plan to Cabinet subject to the addition to the action plan (item 9) of the words "review of how we consult with stakeholders".

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It was noted that a Diversity Impact Assessment screening form had been completed (Appendix 4 to the report), which showed that a full Diversity Impact Assessment was not necessary. It was not expected that any adverse impacts would arise as a result of the actions set out in the plan and any future proposals would be consulted upon individually, with a Diversity Impact Assessment included as appropriate.

The report also requested approval to commence feasibility studies and statutory consultation for the physical expansion and extension of the age range of Wainscott Primary School. This was one of the action plan items contained within the plan.

Decision number: ***Decision:***

- 142/2011** **The Cabinet approved the School Organisation Plan 2011-2016 and the related action plan, subject to the inclusion, into point 9 of the Action Plan, of the recommendation of the Children and Young People Overview and Scrutiny Committee, as set out in paragraph 4.1 of the report.**
- 143/2011** **The Cabinet approved the commencement of a feasibility study, and to undertake statutory consultation in relation to the physical expansion, and the expansion of the lower age limit of Wainscott Primary School from 1FE (form of entry) to 1.5FE, as set out within the action plan.**

Reasons:

Adoption of the School Organisation Plan enables the Council to put in place a planned and structured approach to school organisation over the next 5 years to address the risks set out in the report.

These decisions will enable a feasibility study and statutory consultation to be undertaken as to the physical expansion, and the expansion of the lower age limit of Wainscott Primary School, following discussions with the school's governing body.

Interim Medway Housing Design Standards - Planning Guidance

Background:

This report provided details of the proposed Interim Medway Housing Design Standards, which aimed to provide guidance to developers, landowners and their advisors on the layout and space standards expected in the design of new housing and the conversion of existing properties. It was noted that compliance would be a consideration when assessing planning applications and would apply to all planning applications for dwellings. A copy of the interim standards was attached at Appendix 1 to the report.

The interim standards had been the subject of an extensive consultation process between November and December 2010 and also discussed at the Medway Major Developers forum in June 2011. The report gave details and analyzed the issues

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raised during the consultation process, which related to issues of principle, implementation and detail.

It was noted that the Regeneration, Community and Culture Overview and Scrutiny Committee had considered this report on 4 October 2011 as part of the public consultation process. The report set out details of their comments and concerns as they related to the flexibility in applying the interim standards. The Committee had agreed to recommend the planning guidance to Cabinet for approval suggesting the removal of the option for flexibility to be negotiated with developers. It was noted that since the Overview and Scrutiny Committee minor revisions had been made to the document to emphasise that the flexibility built into the interim standards could only be applied within strictly defined parameters.

It was noted that a Diversity Impact Assessment screening form had been completed and was attached as Appendix 2 to the report. This showed that people with physical disabilities and the elderly were key groups that stood to benefit from interim standards and the resultant flexible and adaptable housing. The benefits were universal and no one group would have greater access to the benefits of these policies than others.

Decision number: ***Decision:***

144/2011 The Cabinet noted the comments of the Regeneration, Community and Culture Overview and Scrutiny Committee and approved the Interim Medway Housing Design Standards as attached to item 5 on the Cabinet agenda.

Reasons:

The Interim Medway Housing Design Standards, which had been the subject of an extensive consultation process, would provide planning guidance to developers, landowners and their advisors on the layout and space standards that would be expected in the design of new housing and in the conversion of existing properties.

Shalder House

Background:

This report sought agreement to consult about the future of Shalder House.

It was noted that the Council owned Shalder House and that it was currently used as a rehabilitation facility for people who had complex issues that primarily related to vulnerabilities in terms of complex social or housing needs rather than social care needs.

The report set out the reasons and the timetable for undertaking consultation and engagement, along with the three options for the future of the service, including the

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possible closure of the service. The outcome of this process would be reported to Cabinet on 20 December 2011.

During the discussion on this item it was noted that paragraph 4.4 of the report should be amended so that the text within the brackets reads: "e.g. as set out in paragraph 9.1 to 9.6".

It was noted that an initial diversity impact assessment screening had been completed in terms of the impact of this decision. This was set out at Appendix 1 to the report. It was reported that the screening would be further informed by the consultation that would take place.

Decision number:

145/2011 The Cabinet agreed that officers commence a consultation process with service users, staff and stakeholders in respect of the proposed closure of Shalder House and report the outcome to Cabinet on 20 December 2011.

Reasons:

Officers consider that the proposals are desirable because of the reasons set out in the advice and analysis section of the report. Shalder House is a service that supports people who have complex and challenging social and housing needs. The building is not fit for purpose as a sheltered housing scheme and therefore the decommissioning of the service will enable innovative and more cost effective approaches to delivering support to individuals that may need low level support to receive a tailored service.

During the service's last inspection by the Care Quality Commission, the service was considered to provide very good care however the fabric of the building was criticised.

Whilst the care is good, it is not cost effective to employ 11 members of staff to support a maximum of 11 service users at any one time. During a period of 52 weeks, 38 people benefited from the service, which indicates that the service operates at an average capacity of about 70%.

The building cannot be made fit for purpose without a substantial investment of capital.

Currently, up to eleven service users can benefit from a site that could accommodate approximately 30 units of accommodation or be redeveloped for other purposes that could benefit the whole local community.

The proposed alternative approach to supporting people into appropriate accommodation and reintegrating into the community can be delivered in a more person centred way by using units within sheltered housing across Medway.

Beechings Cross Tennis Academy

Background:

This report updated Members on the establishment of a Tennis Academy at Beechings Cross playing fields, Gillingham and sought agreement to enter into a partnership with Jarvis Holdings (Medway) Limited.

The report provided details of the proposal that consisted of five indoor courts, three outdoor courts and clubhouse, which was aimed primarily at young people at an affordable price. It also provided background as to the site itself and the previous proposal for a tennis academy. An exempt appendix set out the terms, including financial implications of the new proposals to develop a Tennis Academy at Beechings Cross.

It was noted that negotiations had not been finalised and therefore it was proposed that negotiations be finalised with the provider on the best terms reasonably obtainable having regard to the parameters set out in the exempt appendix.

The Cabinet agreed to accept this report as urgent to enable the proposal to be progressed taking the opportunity that had arisen.

Decision number:

Decision:

- 146/2011** **The Cabinet supported the proposal to develop a Tennis Academy on the Beechings Cross site with the new company to be established by Jarvis Holdings (Medway) Limited.**
- 147/2011** **The Cabinet authorised the Director of Regeneration, Community and Culture and the Chief Finance Officer, in consultation with the Portfolio Holders for Housing and Community Services and Finance, to:**
- a) Consider any objections made pursuant to the advertisement under s123(2A) of the Local Government Act 1972 and to determine, in the light of those objections and all other relevant matters, whether to proceed with the lease of the land and if so;**
 - b) To finalise negotiations with Jarvis Holdings (Medway) Limited on the best terms reasonably obtainable having regard to the parameters set out in the Exempt Appendix and to enter into the necessary legal agreements with such provider and/or any new company established by the such provider, if necessary using its wellbeing powers under Circular 06/03 (Local Government Act 1972 general disposal consent (England) 2003.**

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Reasons:

These decisions will enable the establishment of a new Tennis Academy within Medway, meeting established demand, whilst at the same time affording Gillingham Football Club or any other provider the opportunity to bring forward proposals for the major footprint of the site, which will be considered on their merits in due course.

Second Quarter Revenue Budget Monitoring

Background:

This report detailed the revenue budget forecasts as at the end of Quarter 2 (July – September 2011). The report also highlighted the major financial risks remaining in respect of the 2011/2012 General Fund revenue budget.

It was noted that the returns from budget managers forecast a potential overspend of £5.1 million for non-Dedicated School Grant (DSG) services and it was reported that the position had the potential to undermine the financial stability of the Council. It was therefore essential that directorate management teams focussed attention on identifying management action to contain expenditure within the agreed budgets.

The Cabinet agreed to accept this report as urgent to enable Cabinet to receive and consider the second quarter budget monitoring information at the earliest opportunity.

Decision number:

Decision:

148/2011

The Cabinet noted the mid year revenue monitoring position for 2011/2012 and instructed Directors to come forward with further proposals for management action to reduce the potential deficit.

149/2011

The Cabinet, to help prevent the position deteriorating further, instructed officers to impose a moratorium such that any expenditure that is not absolutely essential for the continued delivery of services to our customers must be stopped.

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.

Second Quarter Capital Budget Monitoring

Background:

This report presented the capital monitoring forecast for the period to September 2011 (the end of the second quarter), with an outturn forecast for 2011/12 and future years.

It was noted that the approved capital programme for 2011/12 and future years was £109.1m, being £53.4m in respect of brought forward schemes and £55.7m in respect of new approvals. The report commented on the delivery of the capital programme and updated Members on a number of issues, including a potential major cost variance in respect of the Stoke Crossing. The current forecast showed that £82.199m of the programme was forecast for spend during 2011/2012. Details of a reduction and virements made to the capital programme under delegated authority were also set out.

During the discussion of this item it was agreed that the request for Council to consider the Stoke Crossing budget should take place in due course, when there was clarity of the figures concerned.

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

Decision number: **Decision:**

The Cabinet noted the spending forecasts summarised at Tables 1 of the report and noted a reduction to the capital programme and budget virements as detailed in paragraph 5.1 of the report.

150/2011 The Cabinet requested that Council in due course consider the additional funding requirement from the Stoke Crossing overspend in conjunction with those previously requested by Cabinet in respect of other Homes and Communities Agency (HCA) supported schemes.

Reasons:

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

Second Quarter Council Plan Monitoring

Background:

This report presented details of the Council's performance for the second quarter of 2011/2012 against the Council Plan 2011-2012 objectives. The Council Plan is a key part of the Council's budget and policy framework.

Appendix 1 to the report, provided a narrative on performance, and Appendix 2 set out data and a brief summary on each of the council projects in the Council Plan. Members discussed the contents of these appendices. This included consideration of progress updates for those areas previously identified by Cabinet for particular improvement and monitoring, as well as information relating to adult, leisure and housing services and performance against the priority of a safe, clean and green Medway.

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 2 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.

Home Care - Reference from Health and Adult Social Care Overview and Scrutiny Committee

Background:

This report requested authority to commission a survey into the home care provided for dementia patients and whether additional training would be needed to develop particular skills to accommodate a support-at-home service for these patients.

This recommendation from the Health and Adult Social Care Overview and Scrutiny Committee on 6 October 2011 followed the committee's consideration of a report on the changes being made to dementia services in Medway.

Decision number: ***Decision:***

151/2011 The Cabinet approved the commissioning of a survey into home care provided for dementia patients and whether additional training would be needed for agency staff to

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develop particular skills to accommodate the support-at-home service for these patients.

Reasons:

By undertaking the survey recommended by the Health and Adult Social Care Overview and Scrutiny Committee, the Council can work with home care providers to:

- (a) ensure that they understand the changes being implemented by NHS Medway;
- (b) identify any additional training needs that care workers may require to support people with dementia; and
- (c) assign any necessary funding that may arise from (b) above.

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:***

152/2011 **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report to enable officers to commence the recruitment process:**

Regeneration, Community and Culture

- a) **Library Service Finance Assistant**
- b) **Senior Emergency Planning Officer**
- c) **Geographic Information Coordinator**
- d) **Work Programme Support Administrator**
- e) **Skills Programme Co-ordinator (Denne Construction)**
- f) **Project Assistant**

Business Support Department

- g) **Maintenance Co-ordinator**
- h) **Assistant Homechoice Officer (x2)**
- i) **Senior Communications Officer – Website**

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Children and Adults

- j) Support Assistant (YOT)**
- k) Performance & Compliance Officer**
- l) Service Support Assistant**
- m) Catering Assistant**
- n) Catering Assistant**
- o) Support Services Assistant.**

Reasons:

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

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Leader of the Council

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Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

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Record of Cabinet decisions

Tuesday, 29 November 2011

3.00pm to 4.30pm

Date of publication: 30 November 2011

**Subject to call-in these decisions will be effective from 8 December 2011
The record of decisions is subject to approval at the next meeting of the Cabinet**

Present:	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 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: Rose Collinson, Director of Children and Adults
Robin Cooper, Director of Regeneration, Community and Culture
Neil Davies, Chief Executive
Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy and Governance
Anthony Law, Democratic Services Officer
Deborah Upton, Assistant Director, Housing and Corporate Services/Monitoring Officer

Leader's Announcements

The Leader agreed to vary the order of business so that items 5 (Medway Council's Vision for Commissioning and Providing Adult Social Care Services in Medway) and 6 (Fairer Contributions for Access to Services) were considered first.

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 1 November 2011 was agreed and signed by the Leader as correct.

Declarations of interest

There were none.

Medway Council's Vision for Commissioning and Providing Adult Social Care Services in Medway

Background:

This report sought agreement to consult on the future of Balfour Day Centre, Robert Bean Lodge, Platters Farm Lodge and Nelson Court.

The report set out the reasons and the timetable for undertaking consultation and engagement. It included options and explained that consultation would look at the future of each service with all stakeholders including existing service users, carers, staff and the agencies that refer into the respective services. A report would also be presented to the Health and Adult Social Care Overview and Scrutiny Committee on 26 January 2012. The outcome of the consultation process would be reported to Cabinet on 14 February 2012.

It was noted that an initial Diversity Impact Assessment screening form was attached to the report, which would be informed by the consultation process.

The Cabinet agreed to accept this report as urgent to enable consultation to commence at the earliest opportunity.

<i>Decision number:</i>	<i>Decision:</i>
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153/2011	The Cabinet agreed that officers commence a consultation process with service users, family carers, staff and stakeholders on the proposals and report the outcome to Cabinet on 14 February 2012.
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Reasons:

Officers consider that the proposals are desirable because of the reasons set out in the options and advice and analysis sections of the report.

Consultation with service users, carers, staff and other key stakeholders will ensure that the council has a clear understanding of the views of those with an interest in the service, understanding and mitigating any potential adverse impact and ensuring that the appropriate option is presented to Cabinet for a decision.

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In particular, benchmarking of Robert Bean Lodge, Nelson Court and Platters Farm Lodge against the independent sector demonstrates that the services are relatively expensive and that efficiencies can be achieved without compromising the quality of outcomes delivered by each service.

The number of service users at the Balfour Day Centre is falling. This is mainly due to the personalisation agenda, which has encouraged choice and raised expectations from service users and carers. The centre is becoming increasingly expensive to run when benchmarked against other providers of daytime opportunities with support.

Fairer Contributions for Fairer Access to Services

Background:

This report brought forward proposals to consult upon proposed changes to the council's policies on charging contributions for non-residential Adult Social Care services and Disabled Facility Grants for adaptations.

It was reported that the current charging arrangements for home care and other non-residential services were introduced in 2002 and were based on the type of care delivered. This was focused on care services and not on the personalised care and support which was now offered. The report also gave details of a potential update of the Disabled Facilities Grant (DFG) policy by providing loans of up to £25,000 to recipients of DFG.

It was proposed that consultation be undertaken on the revisions and the report gave details of the consultation that would be undertaken with service users, carers and other stakeholders to inform the decision-making process. The proposals would be presented to the Health and Adult Social Care Overview and Scrutiny Committee on 26 January 2012 and the outcome of the consultation process would be reported to Cabinet on 14 February 2012.

It was noted that an initial Diversity Impact Assessment screening form was attached to the report, which would be informed by the consultation.

The Cabinet agreed to accept this report as urgent to enable consultation to commence at the earliest opportunity.

<i>Decision number:</i>	<i>Decision:</i>
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154/2011	The Cabinet agreed that officers commence a consultation process with service users and other stakeholders on proposed changes to the council's policies on charging for non-residential services and Disabled Facilities Grant reporting the outcome to Cabinet on 14 February 2012.
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Cabinet, 29 November 2011

Reasons:

The current charging policy for non-residential Adult Social Care services was introduced in 2002 and has not kept pace with changes in the way Adult Social Care is provided, specifically in terms of the impact of the personalisation agenda.

In order to better capture the way service users are choosing to receive care and support and to ensure that contributions are made on the basis of ability to contribute rather than any artificial categories, a full and open consultation process would inform a decision to amend the policy, thereby making it fairer and fit for purpose.

Providing loans of up to £25,000 to recipients of DFG will ensure that people who need complex and specialist major adaptations are able to proceed with the work and to remain at home safely, with dignity and respect.

Capital and Revenue Budget 2012/2013

Background:

This report set out the Council's draft capital and revenue budget for 2012/2013. In accordance with the Constitution, the Cabinet was required to develop initial budget proposals and refer these to the Overview and Scrutiny Committees before finalising the budget and setting council tax levels in February 2012.

The draft budget was based on the principles contained in the Medium Term Financial Plan (MTFP) 2012/2015, which had been approved by Cabinet in September 2011, and reflected the formula grant assumptions for 2012/2013 announced during last year's Comprehensive Spending Review.

It was noted that the initial budget proposals showed a current forecast funding gap of over £6.2 million for General Fund services. Capital budget proposals for 2012/2013 had been confined to a continuation of the existing approved capital programme. Budget proposals incorporating pressures and savings were summarised within the appendices to the report, with pressures summarised in the report.

The report set out details of the main factors and assumptions that would form the basis of the 2012/2013 Housing Revenue Account (HRA) budget. This included details on the reform of the housing finance system and notification that a refresh of the Housing Revenue Account Business Plan would be undertaken.

Decision number: **Decision:**

155/2011 The Cabinet agreed to forward the provisional draft revenue and capital budget to the Overview and Scrutiny Committees as work in progress inviting them to offer comments on the proposals outlined.

Cabinet, 29 November 2011

Reasons:

It is the responsibility of the Cabinet to develop draft budget proposals for consideration by Overview and Scrutiny Committees. These draft proposals are the first stage of the budget consultation process leading to further discussion by Cabinet on 14 February 2012 and formal council tax setting on 23 February 2012.

Article 4(1) Direction on Land Between Elmhaven Marina and Cemex, Rochester Road, Halling

Background:

This report sought to confirm the Direction imposed under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for land between Elmhaven Marina and Cemex, Rochester Road, Halling.

The report gave details on the site and the consultation process that had been undertaken, together with the reasons for an Article 4 Direction in this case.

A Diversity Impact Assessment screening form had been carried out when the Article 4 Direction was served in June 2011, and a copy was attached at Appendix D to the report. It was noted that the purpose of the Article 4 Direction was to control the development of the land and was not targeted at a specific group.

Decision number:

Decision:

156/2011

The Cabinet agreed, having regard to the location of the site in open countryside and the potential impact of these types of development in terms of the countryside and on nature conservation interests, that the Article 4(1) Direction made on 13 June 2011 (as set out at Appendix A of the report), removing the permitted development rights referred to in Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, be confirmed, subject to the amended plan at Appendix C of the report.

Reasons:

It was considered that the development to which the proposed Article 4(1) Direction would relate, would be prejudicial to the proper planning of the area, would constitute a threat to nature conservation interests and to the open aspect of the countryside and to the preservation of the strategic gap, contrary to the provisions of Policies BNE25, BNE31, BNE35 and BNE36 of the Medway Local Plan 2003.

Update on Domestic Abuse

Background:

This report updated Members on the progress made in making improvements to domestic abuse services within Medway and on the way forward for this service.

It was noted that a review had been undertaken into domestic abuse in Medway and it was clear that there was still more work to do to reduce instances of domestic abuse and to ensure the effectiveness of intervention for early help. An improvement plan, developed by a sub-group of the Community Safety Partnership, was attached to the report. Key priority areas included delivering multi-agency training across Medway and a pilot project for child protection referrals.

Decision number: **Decision:**

157/2011 The Cabinet noted the report and endorsed the improvement plan and agreed that progress is reported to Cabinet every six months.

Reasons:

To ensure that domestic abuse and the consequent issues it raises are given a clear focus within Medway and that the Cabinet can be assured that progress is being made.

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:**

158/2011 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) Catering Assistant - Bradfields Special School**
- b) Senior Practitioner Safeguarding – Cookham Wood**

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Young Offenders' Institute

- c) Safeguarding Social Worker – Cookham Wood Young Offenders' Institute**
- d) Project Development Officer**
- e) Admin Assistant.**

Regeneration, Community and Culture

- f) Community Recycling Officer (INSPIRER)**
- g) Chatham World Heritage Assistant**
- h) LDF Programme Officer**
- i) Lodge Hill Project & Planning Manager.**

Reasons:

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

Gateway 3 Procurement Tender Process Review and Contract Award: Elaine Primary School, Strood Building Project

Background:

This report sought permission to award a contract following the recent procurement process for project works at Elaine Primary School, Strood.

It was noted that the key aims for this project were to provide an additional classroom to accommodate the forecast increase in roll in 2011/12, as well as safer parking provision. Elaine Primary School had been identified as one of the priority schemes to receive funding as part of the Council's Basic Need Programme.

It was noted that this project had proceeded to Gateway 2 as part of a batched procurement process with projects at Abbey Court, Rainham and Twydall Primary School in Gillingham. All three procurement projects were evaluated separately but there was the option for them to be awarded separately or collectively, based upon whichever procurement option provided optimum value for money outcomes. Following detailed evaluation of the tender submissions Members were advised that the best option in the case of the Elaine Primary School project was to award a single contract to the preferred bidder.

The Strategic Procurement Board had approved this Procurement Gateway 3 Report on 2 November 2011 for submission to Cabinet.

An exempt appendix contained key information on finance and whole-life costing and detailed procurement process tender evaluation information.

Cabinet, 29 November 2011

Decision number: **Decision:**

159/2011 **The Cabinet approved the contract award to BW May and Sons Limited.**

160/2011 **The Cabinet approved the virement of £633,780 to cover design, enabling works, construction works and all associated professional fees.**

Reasons:

This procurement will deliver the objectives outlined in the business case and summarised in Section 4.1 of the report, to provide accommodation to enable the school to offer a much improved teaching and learning environment to the children at the school.

Gateway 5 Procurement Contract Management Report: Highways Minor Works Contract Performance Review

Background:

This report reviewed progress with the Highways Minor Works Contract, which had been classified as high risk under the Council's contract procedure rules, and recommended the award of a one year extension to the contract in accordance with the conditions of the contract.

This contract with VolkerHighways provided Medway with the majority of highway maintenance services required, including: winter service, emergency call outs, responsive maintenance, together with some planned maintenance and highway scheme implementation.

This Procurement Gateway 5 report had been approved for submission to the Cabinet after review and discussion at the Strategic Procurement Board on 2 November 2011.

An exempt appendix provided key information on finance and whole life costing.

Decision number: **Decision:**

161/2011 **The Cabinet noted the performance of the Highways Maintenance Term Contractor VolkerHighways as detailed in the report.**

Cabinet, 29 November 2011

162/2011 The Cabinet agreed the award of a fourth one (1) year extension to VolkerHighways for the Highways Minor Works Contract, in accordance with the conditions of contract, which was originally procured through the council's procurement procedures.

Reasons:

Medway is contractually obliged to consider the performance of the Highways Minor Works Contractor annually and to consider awarding a yearly extension after each completed year of service delivery.

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Leader of the Council

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Date

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Record of Cabinet decisions

Tuesday, 20 December 2011

3.00pm to 4.55pm

Date of publication: 21 December 2011

**Subject to call-in these decisions will be effective from 4 January 2012
The record of decisions are subject to approval at the next meeting of the Cabinet**

Present:	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 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
Rose Collinson, Director of Children and Adults		
Robin Cooper, Director of Regeneration, Community and Culture		
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

Apologies for absence were received from Councillor David Wildey (Children's Social Care).

Record of Decisions

The record of the meeting held on 29 November 2011 was agreed and signed by the Leader as correct.

Declarations of Interest

Councillor Jarrett declared a personal interest in agenda item 4 (Local Development Framework) because he was a member of two organisations (Kent Wildfowling and Conservation Association and the Wild Spaces Fund Ltd) which were landowners in connection to the estuary to which policy CS25 (the River Medway) applied. He retained his right to speak and vote on the item.

Councillor Jarrett also declared a personal interest in agenda item 5 (Lodge Hill Development Brief) because he was a member of two organisations (Kent Wildfowling and Conservation Association and the Wild Spaces Fund Ltd) which were landowners in connection to nearby Special Protection Areas (SPAs) and Ramsar sites to which policy EN29 applied. He retained his right to speak and vote on the item.

Local Development Framework

Background:

This report provided details regarding the submission of a suite of documents, including the Medway Core Strategy and associated documents, which make up the Local Development Framework, to the Secretary of State for Communities and Local Government subject to Full Council approval on 12 January 2012.

The Core Strategy established the overall development quantities and broad locations for development over a period of at least 15 years. It was a strategic document with associated detail being reserved for subsequent development plan documents, however, it would provide a framework for all major planning decisions.

The report set out a number of attachments including the Core Strategy (Attachment 1) and a schedule of changes proposed to the publication version approved by Cabinet in August 2011 (Attachment 2). Attachments 1-10 had been circulated separately to all Members for both the Cabinet meeting and Council on 12 January 2012.

The Regeneration, Community and Culture Overview and Scrutiny Committee considered the report on 4 October 2011 and its comments were set out in Attachment 10 to the report.

An addendum report proposed some further limited additional changes to the Core Strategy.

A Diversity Impact Assessment had been included as Attachment 6 to the report. The Screening Form indicated that whilst it was not necessary to undertake a full assessment, there were actions around undertaking wider consultation and providing better quality information in terms of the breakdown of survey data.

**Decision
number:**

Decision:

- 163/2011** **The Cabinet recommended to Council to authorise submission of the Submission Draft Core Strategy to the Secretary of State for Communities and Local Government for independent examination in accordance with the provisions of the Planning & Compulsory Purchase Act 2004, including the changes set out above and in Appendix 1 of the addendum report.**
- 164/2011** **The Cabinet recommended to Council to authorise adoption of the revised Medway Statement of Community Involvement, incorporating the changes referred to in the report.**
- 165/2011** **The Cabinet recommended to Council to approve publication of the Diversity Impact Statement, final Sustainability Appraisal and Habitats Regulations Assessment.**
- 166/2011** **The Cabinet recommended to Council to grant delegated authority to the Director for 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 and/or submission.**

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 the outcome of consultation on the draft Development Brief for the Ministry of Defence (MOD) site at Lodge Hill, Chattenden. Policy CS33 of the Publication Draft Core Strategy made a strategic allocation of an area of land at Lodge Hill. This included up to 5,000 new dwellings, at least 43,000m² of employment floorspace, at least 5,000m² of retail floorspace and supporting infrastructure, community facilities and open space. If adopted, the Development Brief would become a material consideration in the determination of any planning applications for the Lodge Hill site.

Appendices 1 and 2 had been circulated to Cabinet Members and Ward Members separately.

Cabinet, 20 December 2011

The consultation process ran between August 2011 – October 2011 and the report set out a summary of the consultation responses. The full schedule of responses was set out in Appendix 1 to the report. The Regeneration, Community and Culture Overview and Scrutiny Committee considered the report on 4 October 2011 and its comments were set out in Appendix 4 to the report.

A Diversity Impact Assessment was included at Appendix 3 to the report. The screening form indicated it was not necessary to undertake a full assessment.

Decision number:

Decision:

- 167/2011** **The Cabinet agreed to adopt the Lodge Hill Development Brief, as set out in Appendix 2 to the report, as amended in accordance with the schedule of consultation responses set out in Appendix 1 to the report.**
- 168/2011** **The Cabinet agreed that the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Strategic Development and Economic Growth, be granted delegated authority to include specific references to Community Safety in the Lodge Hill Development Brief and to approve minor changes to the Lodge Hill Development Brief to improve its clarity and consistency, prior to its formal publication.**

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.

Airport Proposals in Medway and Kent

Background:

This report provided details of three current proposals for International Airports in Medway and Kent. The report set out the proposal by Boris Johnson, Mayor of London, for an International Airport on reclaimed land in the Thames Estuary north east of Sheppey and Whitstable, the proposal from the architect Lord Foster for an International Airport on the Isle of Grain and partly on reclaimed land in the River Thames and the mouth of the River Medway and a proposal from ex Cathay Pacific Executive and previous Dan Air Head of Airline, John Olsen, for an International Airport at Cliffe costing £15billion, with 3 runways operating 24 hours a day and handling 100 million passengers a year.

The report provided details of the Council's opposition to these proposals together with information relating to the Government's position and the Local Enterprise

Cabinet, 20 December 2011

Partnership which had agreed to commission a study into Airport Capacity in the Greater South East area of England.

The Leader reported that Kent County Council (KCC) had contacted him prior to the Cabinet meeting to confirm that KCC supported Medway Council in terms of its opposition to the current airport proposals and the approach as outlined by the Local Enterprise Partnership (LEP) to investigate the current collective capacity of the airports in the Greater South East and establish how they could be utilised more efficiently.

The Cabinet agreed to accept this matter as urgent to enable its views to be included in the report to Council on 12 January 2012.

Decision number:

Decision:

169/2011

That Cabinet recommended to Full Council to reaffirm its strong opposition to the current plans to construct any of the new International Airport proposals in, or close to, Medway and agrees to work with neighbouring authorities, local communities, businesses and environmental groups to oppose these proposals on the following grounds:

- 1. It would adversely affect homes in Medway, Kent and Essex and lead to the demolition of people's homes.**
- 2. An airport would cause environmental destruction to sites of special scientific interest and internationally important areas where hundreds of thousands of birds migrate to annually.**
- 3. As the Thames Estuary is a hub for hundreds of thousands of birds, there would be a significant risk of bird strike. Even with an aggressive bird hazard management programme, such as shooting or scaring birds away, the bird strike hazard would be up to 12 times higher than at any other major UK airport (source: Royal Society for the Protection of Birds (RSPB)).**
- 4. An airport would increase the pressure for additional major development due to the increased attractiveness of the areas of business. This could result in vast swathes of Kent and Medway being lost to development. At least 320 business are directly associated with Heathrow, there are hundreds more supporting the airport and Heathrow employs 72,000 people. If the Thames Estuary airport were to replace Heathrow, many of these people would move to Kent and Medway, leading to significant house building and infrastructure requirements. One report suggests a need for up to**

83,000 additional houses.

- 5. The airport reports do not properly consider the risks associated with operating an airport in close proximity to the existing import facility for liquified natural gas (LNG) at Thamesport and the munitions on board the Montgomery and the proximity of a container port and power stations. Existing airports already have potential to increase capacity. For example, Birmingham says it could double the passengers it carries. Southend and Manston have additional capacity.**
- 6. Better use needs to be made of existing regional airports by improving connectivity.**
- 7. The cost of a new airport would be prohibitive (up to £70 billion).**
- 8. The noise, light and air pollution would be intolerable and exacerbate CO² emissions.**
- 9. The airport would be fogbound and affected by high winds.**
- 10. Nearly 9 out of 10 international airlines that use Heathrow are against an estuary airport and over ¾ of people polled in the UK.**

170/2011 The Cabinet agreed to set up a cross party Cabinet Airport Advisory Group with the aim of advising on the Council's strategy for joining with others to oppose plans for International Airports in or close to Medway and Kent and that the Director of Regeneration, Community and Culture, in consultation with the Leader, be delegated authority to finalise the political balance of the Group.

Reasons:

International airports in, or close to, Medway would have devastating impacts on residents' amenity and on the environment of Medway, Kent and Essex and should therefore be rejected. Two of the proposals also lead to the demolition of people's homes and in the case of Lord Foster's proposals the removal of whole communities such as the village of Grain and surrounding settlements.

Adult Mental Health Social Care

Background:

This report provided details of proposals regarding the future of the delivery of services for adults who were vulnerable because of their mental health needs, currently provided by Kent and Medway NHS and Social Care Partnership Trust (KMPT). The report stated that given that KMPT had not delivered adequate social care outcomes, notice had been served on the Trust and that the current contract would end on 1 February 2012.

Cabinet, 20 December 2011

The report set out three short-term options available to the Council together with an analysis of those options. It was noted that option 2 (to bring the service into Council management until long-term future arrangements were determined) was the preferred option.

The Health and Adult Social Care Overview and Scrutiny Committee considered this report on 15 December 2011 and its views were set out in an addendum report.

A Diversity Impact Assessment was included at Appendix 1 to the report. The Diversity Impact Assessment indicated that it was not necessary to proceed to a full impact assessment.

Decision number:

Decision:

- | | |
|-----------------|--|
| 171/2011 | The Cabinet agreed that the Council carries out a review of its mental health social care strategy. |
| 172/2011 | The Cabinet agreed that the Council directly manages the delivery of mental health care management and services |
| 173/2011 | The Cabinet agreed to instruct officers to evaluate and bring proposals to the Cabinet by June 2012 to determine the future delivery of mental health care management and services. |

Reasons:

The recommended interim option provides the arrangements necessary to introduce social care leadership and start the process of reforming mental health social care services, so that it is aligned to the current and emerging needs of the communities of Medway.

This recommended interim option provides the Council with the time necessary to properly consult with users and their representatives, carers, families, staff, organisational partners and other key stakeholders over its long-term strategy in regard to achieving excellent mental health social care outcomes for Medway.

Shalder House

Background:

This report provided details of the consultation process regarding the future of the service at Shalder House and the future of the site. Shalder House was currently used as a rehabilitation facility for people that had complex issues that primarily related to vulnerabilities in terms of complex social or housing needs rather than social care needs.

Cabinet, 20 December 2011

The report provided details of the consultation responses received before the publication of the Cabinet agenda on 12 December 2011. An addendum report was published on 19 December 2011 which provided details of the final consultation responses received by 15 December 2011 (the deadline for consultation responses). The addendum report also included the comments of the Health and Adult Social Care Overview and Scrutiny Committee which considered this issue on 15 December 2011.

A Diversity Impact Assessment was included in Appendix 1 to the addendum report. The Diversity Impact Assessment indicated that it was not necessary to proceed to a full impact assessment.

Decision number: ***Decision:***

The Cabinet noted the comments from the Health and Adult Social Care Overview and Scrutiny Committee as set out in section 3 of the addendum report.

174/2011 The Cabinet agreed that officers decommission the service operating at Shalder House from 4 January 2012 with a view to the property becoming vacant in February 2012.

175/2011 The Cabinet agreed to declare Shalder House (as edged black on the plan set out in Appendix 2 to the addendum report) surplus and delegated authority to the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, to dispose of the site for best consideration.

Reasons:

Officers consider that the proposals are desirable because of the reasons set out in the advice and analysis section. Shalder House is a service that supports people that have complex and challenging social and housing needs. The building is not fit for purpose as a sheltered housing scheme and therefore the decommissioning of the service will enable innovative and more cost effective approaches to delivering tailored support to individuals.

During the service's last inspection by the Care Quality Commission, the service was considered to provide very good care however the fabric of the building was criticised.

Whilst the care is good, it is not cost effective to employ 13 members of staff to support a maximum of 11 service users at any one time. During a period of 52 weeks, 38 people benefited from the service, which indicates that the service operates at an average capacity of about 51%.

The building cannot be made fit for purpose without a substantial investment of capital.

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Currently, up to eleven service users can benefit from a site that could accommodate approximately 30 units of accommodation or be redeveloped for other purposes that could benefit the whole local community.

The proposed alternative approach to supporting people into appropriate accommodation and reintegrating into the community can be delivered in a more person centred way by using units within sheltered housing across Medway.

Consultation has confirmed the importance of having services like that, which operates from Shalder House. Officers are confident that services, which deliver similar outcomes, can meet the needs of those that otherwise would have been referred to the service.

Provisional Local Government Settlement 2012/2013

Background:

This report provided Cabinet with details of the provisional Local Government settlement announced by Government on 8 December 2011, with consultation undertaken by central government until 16 January 2012. The report set out the impact of the settlement on Medway's formula grant, the figure for 2012/2013 which was £80.743m. This represented a reduction of 8.3% against 2011/2012 on a like-for-like basis.

The report stated that the Dedicated Schools Grant (DSG) funding was expected to remain the same for 2012/2013 at £4,953 per pupil.

The report provided details of the capital settlement with regard to the Department for Transport and Department for Health, however, figures had yet to be provided by Communities and Local Government and the Department for Education.

Decision number: ***Decision:***

The Cabinet noted the provisional settlement as an essential part of the budget setting process for 2012/2013.

Reasons:

These provisional levels of grant form a fundamental component of the 2012/2013 budget and their announcement is a further stage in the process of preparing a balanced budget.

Medway Council's Equality Policy and Publication of Data

Background:

This report provided details on the changes to equality legislation together with the Council's response. The Equality Act 2010 required Local Authorities to take specific

Cabinet, 20 December 2011

actions from January 2012 to ensure that legal obligations were met. The report set out a number of proposed equality objectives which had been developed drawing on the Council's current priorities, combined with an analysis of the equality data. The Council's proposed document, Delivering Fair and Responsive Services, was set out in Appendix 1 to the report. The Council's Fair Access, Diversity and Inclusion Policy, which would replace the current Equal Opportunities Policy, was set out in Appendix 2 to the report.

Decision number: ***Decision:***

176/2011 **The Cabinet agreed the revised policy, as set out in Appendix 2 to the report and the equality objectives, as set out in paragraph 3.2 of the report, and that these be built into the revised Council Plan when it comes to Cabinet and Council in February 2011, including specific targets.**

177/2011 **The Cabinet approved the publication version of the equalities information which would explain the challenges faced, progress to date and future plans.**

Reasons:

To ensure that appropriate measures are in place to meet the equality commitments and obligations of the Council and provide accessible, value for money services for all residents.

Annual Review of the Risk Management Strategy and the 6 Monthly Review of the Council's Corporate Business Risk Register

Background:

This report provided details of the annual review of the Council's Risk Management Strategy and the six monthly review of the Corporate Risk Register, in accordance with paragraph 4.1 of the Risk Management Strategy. Proposed amendments to the Corporate Risk Register were set out in paragraph 4 and Appendix C to the report.

The Business Support Overview and Scrutiny Committee considered this report on 1 December 2011 and its comments were set out in paragraph 6 of the report.

Decision number: ***Decision:***

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee.

178/2011 **The Cabinet approved the Risk Management Strategy, as set out in Appendix A to the report.**

179/2011 **The Cabinet approved the amendments to the Council's Risk Register as detailed in section 4 of this report.**

Reasons:

The establishment of a corporate framework for risk management is recommended by CIPFA and SOLACE and will complement and support the work already being carried out within each directorate to manage risks.

Outcomes of Consultation for the Prescribed Alterations at Bradfields Community Special School

Background:

This report provided details of the outcomes of the consultation on the Council's proposals to extend the age range, increase the categories of special educational needs and to increase the numbers able to attend Bradfields Community Special School, by way of statutory prescribed alterations. The consultation took place over a seven week period during September – November 2011 and the results of the consultation were set out in paragraphs 4-6 of the report.

The Children and Young People Overview and Scrutiny Committee considered the report on 6 December 2011 and its comments were set out in paragraph 9 of the report.

A Diversity Impact Assessment was included at Appendix 2 to the report. The Diversity Impact Assessment indicated that it was not necessary to proceed to a full impact assessment.

Decision number: ***Decision:***

180/2011 **The Cabinet noted the responses and comments outlined in this report, as well as those recommendations from the Children and Young People Overview and Scrutiny Committee, and approved a six-week period of statutory representation, where formal notices and proposals, as set out in paragraph 3.1 of the report, would be published to provide an opportunity for formal objection and comment.**

181/2011 **The Cabinet approved, that should no objections be raised during the statutory period, the determination on the proposals be delegated to the Director of Children and Adults, in consultation with the Portfolio Holder for Children's Services. However if any objections were received during that time then the decision would revert to Cabinet.**

Cabinet, 20 December 2011

Reasons:

To ensure that the Council's commitment to an all age range autism unit (as set out in section 2.4 of the report) can be fulfilled.

To provide for pupils currently placed in out of area or inappropriate provision, within a setting that offers the best education possible for autistic pupils with severe learning difficulties.

To enable the council to make the financial savings as set out in the tables in paragraph 14.4 of the report, which could be reinvested back into Medway's special educational provision to further improve the quality of learning to enable the council to offer a wider range of appropriate SEN provision across Medway, which will improve the outcomes for vulnerable children according to their individual needs.

Local Development Framework: Annual Monitoring Report

Background:

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

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

Decision number: **Decision:**

182/2011 **The Cabinet approved the Annual Monitoring Report for publication.**

Reasons:

To report on development progress in Medway and comply with the Council's legal duty.

Treasury Management Strategy Mid-Year Review Report 2011/2012

Background:

This report provided details of the mid year review of the Council's Treasury Management strategy and performance. This included an overview of the global economy and UK economy together with an analysis of the Council's performance in respect of borrowing activity, investment, debt rescheduling and compliance with treasury and prudential limits.

Cabinet, 20 December 2011

The Business Support Overview and Scrutiny Committee considered this report on 1 December 2011 and its views were set out in paragraph 9 of the report.

Decision number: **Decision:**

183/2011 **The Cabinet noted the report, and in accordance with the Treasury Management Strategy, referred it to Council for consideration.**

Reasons:

The Treasury Management Strategy requires that Cabinet receives and considers a mid year review of treasury management strategy and performance.

Miscellaneous Property Disposals

Background:

This report provided details of proposals to declare four properties surplus so that the properties could be disposed of. The report set out the background to each of the properties and with regard to 54 Northcote Road, Strood, it was noted that Network Rail was proposing to replace the Darnley Road railway bridge and that this would represent an opportunity for the Council to improve facilities for pedestrians.

Decision number: **Decision:**

184/2011 **The Cabinet agreed to declare 1 Capstone Road, Luton (as edged black on the attached plan to the report) surplus and delegated authority to the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, to sell the property at best consideration.**

185/2011 **The Cabinet agreed to declare 3 Queen Street, Chatham (as edged black on the attached plan to the report) surplus and delegated authority to the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, to sell the property at best consideration.**

186/2011 **The Cabinet agreed to declare the remainder of the site of the Former Pentagon Service Station (as edged in black on the attached plan to the report) surplus and delegated authority to the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, to sell the property at best consideration.**

187/2011 **The Cabinet agreed to delegate authority to the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, to declare surplus the part of the site of 54 Northcote Road, which was not needed for the improvement of Darnley Arch, so that it could be sold for best consideration by the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, once the Darnley Arch improvement scheme was completed, or if it becomes clear that it would not happen.**

Reasons:

Cabinet is requested to declare the properties surplus in order to reduce revenue costs, realise capital receipts and gain investment 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.

Decision number: ***Decision:***

188/2011 **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

- a) Assistant Director, Housing, Legal and Corporate Services**

Children and Adults

- b) Client Financial Affairs Officer**
- c) Complaints and Information Officer**
- d) Support Services Assistant**

Regeneration, Community and Culture

- e) Graduate Assistant**

- f) Graduate Assistant
- g) Markets Officer – Part Time (30 hours per week).

Reasons:

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

Gateway 1 Procurement Commencement: Bradfields School Autistic Spectrum Disorder (ASD) Unit

Background:

This report provided details of a proposed project in respect of the building works for Bradfields Autistic Spectrum Disorder (ASD) Unit. The proposed works would provide seven classrooms, a therapy room, two sensory rooms, staff and office spaces, one to one rooms and calming and ancillary spaces. Externally there would be sensory gardens and a semi-enclosed walkway between the Upper and Lower Bradfields School buildings.

The Cabinet considered and approved the outline business case for this project on 4 October 2011.

The Strategic Procurement Board considered this report on 30 November 2011 and recommended approval to the Cabinet.

An exempt appendix provided details of finance and whole-life costings for the project.

Decision number:

189/2011

Decision:

The Cabinet approved progress to Gateway 2 of the procurement process and invited tenders for the building works, on the basis set out in paragraph 4.1 of the report.

Reasons:

The project will support the delivery of additional Autistic Spectrum Disorder (ASD) pupil places within Medway, thereby contributing to a reduction in overall revenue cost of provision of ASD places for Medway as well as improved quality of ASD services for those pupils requiring them.

Gateway 3 Procurement Tender Process Review and Contract Award: Twydall School, Gillingham Building Project

Background:

This report provided details of the outcome of the tender process for the award of a contract for building works at Twydall Primary School, Gillingham.

It was noted that the key aims for this project were to join the previous Infant and Junior Schools with a fully enclosed linking corridor, as well as a new building incorporating staff and administration accommodation and a combined entrance for the newly amalgamated Primary School. Some of the vacated accommodation in the old Junior building, plus areas identified in the old Infant building and Nursery, would be developed to create a specialist unit for children with hearing impairments and cochlear implants. Work to deliver this specialist provision would be undertaken as a separate project using funding allocated by the council to provide additional special education needs provision.

The Strategic Procurement Board had approved this Procurement Gateway 3 Report on 30 November 2011 for submission to Cabinet.

An exempt appendix contained key information on finance and whole-life costings and detailed procurement process tender evaluation information.

Decision number:

Decision:

190/2011

The Cabinet approved the contract award to BW May and Sons Limited.

191/2011

The Cabinet approved the virement of £1,141,467, to cover design, enabling works, construction works and all associated professional fees (this was a whole project cost).

Reasons:

The procurement will deliver the objectives outlined in the business case and summarised in Section 4.1, to provide accommodation to enable the school to offer a much improved teaching and learning environment to the children at the school.

Gateway 5 Procurement Contract Management Report: Corporate School Catering Contract

Background:

This report reviewed progress with the School Meal Contract, which had been classified as high risk under the Council's contract procedure rules, and recommended the award of a two year extension to the contract in accordance with the conditions of the contract.

Chartwells (Compass Group) provided this contract and responsibility and budget provision for the school meal service was delegated to Medway schools. Schools had the options to buy into the corporately let contract, or contract out to an alternative provider (either individually or as part of a cluster of schools), or provide their own catering service.

This Procurement Gateway 5 report had been approved for submission to the Cabinet after review and discussion at the Strategic Procurement Board on 30 November 2011.

An exempt appendix provided key information on finance and whole-life costings.

Decision number:

192/2011 **The Cabinet agreed the 2-year extension to the current service provider, Chartwells (Compass Group), as set out in paragraph 4.1.1 of the report.**

Reasons:

The contract is performing to agreed outcomes.

Proposal for Medway University Technical College

Background:

This report provided details of the proposal to develop a University Technical College (UTC) in Medway. University Technical Colleges (UTCs) were all-ability and mixed gender state funded schools, independent of Local Authorities. They were new 14-19 Academies, typically with 500-800 pupils, specialising in subjects needing modern, technical, industry-standard equipment, such as engineering and construction. These specialisms were taught alongside a broad, general education, including business skills, in a timetable that replicated that of the workplace.

The second round of applications for University Technical Colleges was announced by the Department for Education (DfE) on 16 November 2011, with a closing date of 17 January 2012. The Council was working in partnership with the University of

Cabinet, 20 December 2011

Greenwich and Mid Kent College on the application for a Medway UTC. In this round the DfE was seeking applications offering an opening date during 2013.

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 weaken the proposal for a UTC, because the University of Greenwich, Mid Kent College and its partners would need to submit the application to the DfE without the explicit support of Medway Council. In addition, the application needed to be made to the DfE by 17 January 2012.

The Chairman of the Children and Young People Overview and Scrutiny Committee had agreed that the decisions proposed were 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 Chairman of the Children and Young People Overview and Scrutiny Committee had agreed that the taking of these decisions could not be reasonably deferred.

***Decision
number:***

Decision:

- | | |
|-----------------|--|
| 193/2011 | The Cabinet agreed that Medway Council supports the application for a Medway UTC. |
| 194/2011 | The Cabinet agreed that Medway Council participates in the company limited by guarantee which needs to be established as part of the application process by nominating a councillor to become a member of the Medway UTC Trust. |
| 195/2011 | The Cabinet recommended to the Chief Executive that he exercise his delegated authority to appoint Councillor Wicks to be a member (and if required also a director) of the Medway UTC Trust (noting that the Chief Executive could make new appointments to outside bodies under his delegated authority). |
| 196/2011 | The Cabinet approved the virement, as set out in paragraph 7.2 of the report, to support the costs of additional expertise for specific aspects of the application, should this be required. |
| 197/2011 | The Cabinet agreed that these decisions were considered urgent and therefore should not be subject to call-in. |

Cabinet, 20 December 2011

Reasons:

The above actions are recommended in order to strengthen the application for a Medway UTC and to enable Medway Council to work with its partners in planning the establishment and running of the new school.

.....
Leader of the Council

.....
Date

Wayne Hemingway/Anthony Law, Democratic Services Officers

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