

## **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**

<b>Present:</b>	Councillor Rodney Chambers	Leader
	Councillor Alan Jarrett	Deputy Leader and Portfolio Holder for Finance
	Councillor David Brake	Portfolio Holder for Adult Services
	Councillor Jane Chitty	Portfolio Holder for Strategic Development and Economic Growth
	Councillor Howard Doe	Portfolio Holder for Housing and Community Services
	Councillor 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
	<b>In Attendance:</b>	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 43,000m<sup>2</sup> of employment floorspace, at least 5,000m<sup>2</sup> 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

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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 CO<sup>2</sup> 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.

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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:***

- |                 |  |
|-----------------|--|
| <b>171/2011</b> | <b>The Cabinet agreed that the Council carries out a review of its mental health social care strategy.</b>   |
| <b>172/2011</b> | <b>The Cabinet agreed that the Council directly manages the delivery of mental health care management and services</b>   |
| <b>173/2011</b> | <b>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.</b> |

**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.



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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

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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.**

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### 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.

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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

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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:***

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| <b>193/2011</b> | <b>The Cabinet agreed that Medway Council supports the application for a Medway UTC.</b>   |
| <b>194/2011</b> | <b>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.</b>   |
| <b>195/2011</b> | <b>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).</b> |
| <b>196/2011</b> | <b>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.</b>  |
| <b>197/2011</b> | <b>The Cabinet agreed that these decisions were considered urgent and therefore should not be subject to call-in.</b>  |

**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**

Telephone: 01634 332509/332008

Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)