

## Record of Cabinet decisions

**Tuesday, 17 January 2012**

**3.05pm to 4.00pm**

**Date of publication: 18 January 2012**

**Subject to call-in these decisions will be effective from 26 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
	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  
Anthony Law, Democratic Services Officer

### **Apologies for absence**

There were none.

### **Record of decisions**

The record of the meeting held on 20 December 2011 was agreed and signed by the Leader as correct.

## Declarations of interest

There were none.

## Outcomes of the Children's Services Assessment and the Ofsted/Care Quality Commission Announced Inspection of Safeguarding and Children in Care

### Background:

This report provided Cabinet with an overview of the main findings of the recent Ofsted 'Children's Services Assessment' and the outcomes of the 2011 joint 'Announced Inspection of Safeguarding and Looked After Children' reported by Ofsted and the Care Quality Commission.

The annual Children's Services Assessment had rated Medway Council's Children's Services as 'performing well', which represented sustained performance over the previous year. The report set out the strengths of the service and areas for improvement.

It was noted that the announced inspection of Safeguarding and Looked After Children had involved a thorough inspection of children's social care, health and education support for vulnerable children. The overall outcome of this inspection was that Medway performed 'adequately' on Safeguarding and Looked After Children. The report summarised areas where the partnership was performing well and specific recommendations for improvement.

An action plan addressing the recommendations from both reports had been developed and was attached at Appendix 1 to the report.

It was noted that this report would be submitted to the Children and Young People Overview and Scrutiny Committee on 19 January 2012.

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

**1/2012**      **The Cabinet noted the findings of the recent announced inspection for the Council and its partners and the Children's Services Assessment rating and supported and endorsed the actions in the Action Plan, which would be overseen by the Medway Safeguarding Children Board.**

### Reasons:

To provide Cabinet with the results of the two inspections of children's services and to highlight action being undertaken to address the recommendations made.

## The Stirling Centre

### Background:

This report advised Members of an opportunity to secure significant external investment into the Stirling Centre Rochester, one of Medway's seven leisure centres.

It was reported that a third party provider had approached the Council with a proposal to take on the management of the Stirling Centre under a long-term lease. This would involve a significant level of investment into the site by the third party provider, with guarantees over enhancing community use, widening the hours the facility was open and the prices charged to the public.

The report evaluated the options available to the Council. It was recommended that the opportunity be offered to the open market with all responses evaluated to ensure the best possible position for Medway and leisure customers. It was anticipated that a development agreement, including clauses confirming the level of investment, scope of works and timescales for completion, would precede a long lease. Appendix 1 to the report set out the details of the principal terms and conditions.

It was noted that a Diversity Impact Assessment screening form had been completed and it was attached as Appendix 2 to the report. This considered existing access and use by the community, along with the potential impact of the proposal in enhancing service provision. It showed that a full Diversity Impact Assessment was not necessary.

### **Decision number:**

### **Decision:**

**2/2012**

**The Cabinet agreed to grant a development agreement, followed by long leasehold interest of the Stirling Centre, following external marketing, and to grant delegated authority to the Chief Finance Officer in consultation with the Portfolio Holder for Finance and the Portfolio Holder for Housing and Community Services to:**

- a) consider any objections made pursuant to the advertisement under section 123(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 development agreement and lease and if so;**
- b) to enter into the necessary legal agreements with the successful bidder, if necessary using its well being powers under circular 06/03 Local Government Act 1972 general disposal consent (England) 2003, to complete the development agreement and lease upon the best terms reasonably obtainable.**

## Cabinet, 17 January 2012

### Reasons:

To secure significant third-party investment into the facility, whilst continuing and enhancing community access with price guarantees.

The proposal will also achieve budget savings and minimise the Council's future liability for ongoing maintenance costs.

### Modification to the Decision to Amalgamate Barnsole Infant and Junior Schools

#### Background:

This report requested approval to modify a previous decision to amalgamate Barnsole Infant and Junior Schools, by bringing forward the implementation date from 1 September 2013 to 1 September 2012.

It was noted that in 2010 it had been decided, following completion of the full statutory process, to approve proposals to amalgamate the federated Barnsole Infant and Junior Schools on 1 September 2013. Whilst the decision to amalgamate the two schools was not conditional upon building works, this date would coincide with the completion of proposed work. However, following the Government's spending review the Council's capital grant allocations had been significantly reduced. This meant that it had not been possible to allocate any further funding to the Council's Primary Capital Programme, including the proposed project at Barnsole.

Members were informed that the governing body of the Barnsole Schools Federation had written to the Council requesting that the amalgamation date was brought forward, as there was no longer an advantage in waiting until September 2013. The report considered the options and a copy of the letter from the governing body was attached as Appendix 1 to the report.

A Diversity Impact Assessment (DIA) screening form had been completed and submitted with the original proposals. This was attached as Appendix 2 to the report. It was noted that the change to the implementation date would not alter any of the findings in that report and therefore a new DIA was not considered necessary.

#### **Decision number:**

#### **Decision:**

**3/2012**

**The Cabinet approved the modification to the implementation date of the amalgamation of Barnsole Infant and Junior Schools, by advancement of one calendar year from 1 September 2013 to 1 September 2012 of the original related proposals to:**

- (i) close Barnsole Junior School and**
- (ii) expand the upper and lower age limits of Barnsole Infant School.**

## Cabinet, 17 January 2012

### Reasons:

By approving the modification to the implementation date as set out above, the Cabinet is endorsing the School Organisation Plan principles, approved by Cabinet in 2009, which intend where possible and practical to reduce the number of transitions for pupils between the various stages of education.

The advancement of the implementation date would enable the school to avoid unnecessary delays in operating as one school, which would afford the school the opportunity to strengthen its combined teaching and learning practices sooner. This is expected to have a positive impact on the outcomes of children attending the school.

### Community Infrastructure Levy

#### Background:

This report provided an update on the Community Infrastructure Levy (CIL), which came into force in April 2010. It recommended that work start on a Medway CIL Charging Schedule, the final version of which would be considered for formal adoption by the Council in 2013.

It was reported that CIL was a levy that local authorities (known as Charging Authorities, after adoption of CIL) could choose to apply to new developments in their area. The levy could apply to every new dwelling and commercial development, and only be spent on providing infrastructure to support the development within that authority's area. The report also gave details of how, after April 2014, the use of pooled contributions through Section 106 obligations would be limited.

The report gave details on the background and implications of CIL, together with details of setting CIL and the approach being adopted by other authorities in Kent. The report considered the options available and recommended the preparation of a Medway CIL. An outline timetable was included within the report.

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

**4/2012      The Cabinet agreed that work commence in January 2012 on preparing a Community Infrastructure Levy (CIL) to enable Medway Council to become a CIL Charging Authority before 6 April 2014, in accordance with option 1 of the report, and in consultation with other Kent authorities.**

#### Reasons:

To enable a mechanism to be in place by April 2014 to collect contributions from developers to support development.

## **Surplus Estate Following Decisions on Future Provision of Mental Health Social Care Service**

### **Background:**

This report requested that 5 and 7 Montgomery Avenue, Chatham were declared surplus so that these properties could be disposed of.

It was noted that on termination of the contract with Kent and Medway NHS and Social Care Partnership Trust (KMPT), the Mental Health Social Care service would come into Council management from 1 February 2012. The service, incorporating the Community Support Outreach Recovery Team (CSORT) which is based in Montgomery Avenue, would move to occupy an area on the ground floor of the Compass Centre South Block. The options for the future of the properties were considered, as were the operational advantages in locating the CSORT team in the same location as the Care Management team.

A plan showing the location of these properties was attached to the report.

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

- |               |  |
|---------------|--|
| <b>5/2012</b> | <b>The Cabinet declared surplus 5 and 7 Montgomery Avenue, Chatham.</b>  |
| <b>6/2012</b> | <b>The Cabinet delegated authority to the Chief Finance Officer in consultation with the Portfolio Holder for Finance to dispose of 5 and 7 Montgomery Avenue, Chatham for best consideration.</b> |

### **Reasons:**

These decisions will allow 5 and 7 Montgomery Avenue, Chatham, to be disposed of.

As the value of 5 and 7 Montgomery Avenue is over £100,000 but below £1,000,000, their disposal is a matter for Cabinet.

### **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.

## Cabinet, 17 January 2012

**Decision  
number:**

**Decision:**

**7/2012**

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

**Business Support Department**

- a) Legal Support Officer
- b) Accounting Technician
- c) Maintenance Co-Ordinator

**Children's and Adults**

- d) Project Officer
- e) Senior Administration Officer
- f) SEN Officer (Transition)
- g) Assistant to Business Manager (YOT)

**Regeneration, Community and Culture**

- h) European Projects and Tourism Officer
- i) Tourism Project Officer.

**Reasons:**

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

**Gateway 4 Procurement Post Project Completion Review: Waste Collection and Disposal Contracts**

**Background:**

This report reviewed the progress of the Waste Collection and Disposal Contracts currently delivered through Veolia Environmental Services. The report also sought agreement for the collection contract extension from 7 years to 9 years to achieve efficiencies as laid out in the exempt appendix to the report.

It was noted that this contract related to residual waste collection, recycling collection from kerbside and bring sites, materials recycling facility provision and end markets for all recycling materials, food and garden waste collection and street cleansing.

## Cabinet, 17 January 2012

This was based upon the procurement process undertaken during 2007-2010 and had led to an award of contract by Cabinet on 18 March 2010 for service commencement on 4 October 2010.

The report set out details of a number of options, together with their respective advantages and disadvantages. It had been approved for submission to the Cabinet after review and discussion at the Regeneration, Community and Culture Directorate Management Team meeting on 24 November 2011 and Strategic Procurement Board on 30 November 2011.

A performance report providing an overview of the work carried out in the first year of the contract was attached at Appendix 1 to the report and an exempt appendix contained key finance and whole life costing information and efficiencies in relation to the two-year extension of the collection contract.

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

**The Cabinet noted the progress made to date with the collection and disposal contracts.**

**8/2012      The Cabinet agreed that the waste collection contract with Veolia be extended by 2 years to enable the authority to realise the cost savings as detailed in the exempt appendix to the report.**

**Reasons:**

The decisions are provided on the basis of value for money, a realisation of annual cost savings and that Veolia have a track record of delivering high quality services for the residents of Medway with very high satisfaction levels recorded.

### **Gateway 4 Procurement Post Project Completion Review: Household Waste Recycling Centres**

**Background:**

This report reviewed the progress of the Household Waste Recycling Centre (HWRC) contract currently delivered by Waste Recycling Group (WRG).

This contract broadly consisted of the following elements:

- the management of three HWRCs
- the haulage of all materials arising at the sites with the exception of waste electrical and electronic equipment and household batteries, which were covered by producer compliance schemes
- the marketing and sale of materials arising at the sites with the exception of residual waste, wood waste, and those detailed above
- achievement of a 50% recycling rate target at each site in the first 12 months after commencement, and 60% for each following 12 month period



## Cabinet, 17 January 2012

- the provision and maintenance of containers necessary to provide the service to supplement those provided by the Council
- the provision of all plant and equipment necessary to provide the service including remote access to the CCTV system, an electronic data management system and an automatic number plate reader system at each site.

This was based upon the procurement process undertaken during 2009 -2010 and had led to an award of contract by Cabinet on 20 July 2010 for service commencement on 1 October 2010.

The report set out details of a number of options, together with their respective advantages and disadvantages. It had been approved for submission to Cabinet after review and discussion at Regeneration, Community and Culture Directorate Management Team on 24 November 2011 and Strategic Procurement Board on 30 November 2011.

A performance report providing an overview of the work carried out in the first year of the contract was attached to the report and an exempt appendix set out details of key information in relation to finance and the whole life costings for this contract.

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

**The Cabinet noted the progress made to date with the collection and disposal contracts and the requirement to return with a Gateway 5 report once negotiations with the contractor regarding 2-year extension and efficiencies were completed.**

**Reasons:**

The decision is on the basis that this contract is providing value for money, and that WRG have achieved their year one target of a 50% recycling rate while delivering high quality services for the residents of Medway with high satisfaction levels recorded.

**Gateway 4 Procurement Post Project Completion Review: Organic Waste (Garden and Kitchen) Processing**

**Background:**

This report reviewed the progress of the garden and food waste processing contract currently delivered through Countrystyle.

It was noted that this contract was for the processing of collected garden and food waste (i.e. materials collected and delivered to their site at Ridham Docks, Sittingbourne, under the waste collection contract) with the aim of diverting biodegradable waste from landfill and producing a compost style product suitable for use on local agricultural land.

## Cabinet, 17 January 2012

This was based upon the procurement process undertaken during 2007 - 2009 and had led to an award of contract by Cabinet on 22 September 2009 for service commencement on 4 October 2010.

This report set out details of a number of options, together with their respective advantages and disadvantages. It had been approved for submission to Cabinet after review and discussion by the Regeneration, Community and Culture Directorate Management Team on 24 November 2011 and Strategic Procurement Board on 30 November 2011.

A performance report providing an overview of the work carried out in the first year of the contract was attached to the report and an exempt appendix set out details of key information in relation to finance and the whole life costings of this contract.

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

**The Cabinet noted the progress made to date with the garden/food waste processing contract.**

**9/2012      The Cabinet agreed to continue with the current contract, negating the need for further Gateway 4 or Gateway 5 reporting requirements, unless a change in contract term was required.**

**Reasons:**

The decisions are on the basis that this contract is providing value for money, and that Countrystyle are delivering high quality services for the residents of Medway while greatly assisting to achieve our statutory Landfill Allowance Trading Scheme (LATS) targets.

**Exclusion of the press and public**

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

**10/2012      The Cabinet agreed that the press and public be excluded from the meeting during consideration of agenda item 14 (Gateway 5 Report Contract Procurement Management Report: Disability Services/Sensory Impairment) because consideration of this matter in public would disclose information falling within Paragraph (3) of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 13, and, in all the circumstances of the case, the Cabinet considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.**

**Gateway 5 Report Contract Procurement Management Report: Disability Services/Sensory Impairment**

**Background:**

This exempt report reviewed the progress of the Disability Services/Sensory Impairment contract and set out details of a number of options, together with their respective advantages and disadvantages. It had been approved for submission to the Cabinet after review by the Director of Children and Adult Services on 9 December 2011 and Strategic Procurement Board on 21 December 2011.

It was noted that a Diversity Impact Assessment screening form had been completed and was attached as Appendix 1 to the report. This showed that a full Diversity Impact Assessment was not necessary.

**Decision number:      Decision:**

**11/2012      The Cabinet agreed to the 'preferred option' highlighted in Section 4.1 of the report (bringing the core assessment function in-house and retendering the advice and information element of this service).**

**12/2012      The Cabinet authorised a short term extension to the current contract if this was necessary in order to achieve a smooth transition of the service from the current provider to in-house provision and to comply with any TUPE implications.**

**Reasons:**

These decisions ensure that the service continues to be responsive to the needs and wishes of current and future service users.

.....  
**Leader of the Council**

.....  
**Date**

**Wayne Hemingway/Anthony Law, Democratic Services Officers**  
Telephone: 01634 332509/332008  
Email: democratic.services@medway.gov.uk

This page is intentionally left blank