

Record of Cabinet decisions

Tuesday, 13 March 2012

3.00pm to 4.30pm

Date of publication: 16 March 2012

Subject to call-in these decisions will be effective from 26 March 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	
	Councillor David Wildey	Portfolio Holder for Children's Social Care	

In Attendance: Rose Collinson, Director of Children and Adults
Neil Davies, Chief Executive
Richard Hicks, Assistant Director, Customer First, Leisure, Culture, Democracy and Governance
Julie Keith, Head of Democratic Services
Anthony Law, Democratic Services Officer
Mick Hayward, Chief Finance Officer
Perry Holmes, Monitoring Officer
Deborah Upton, Former Assistant Director Housing and Corporate Services

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 14 February 2012 was agreed and signed by the Leader as correct.

Declarations of interest

Councillor Mason declared a personal interest in agenda item 7 (Park and Ride Site, Marconi Way, Rochester), as he was a member of Kent and Medway Fire and Rescue Authority who may have an interest in the site. He retained his right to speak and vote on the item.

Councillor Mason also declared a personal interest in agenda item 8 (Tobacco Control Update) due to his work as a hypnotherapist. He retained his right to speak and vote on the item.

Strategic Plan for Special Educational Needs

Background:

This report set out proposals for the development of additional Medway based Special Educational Needs (SEN) provision, based on an analysis of need, including actual and forecast pupil numbers for the next five years.

The report set out the background to the proposals, including the provisions set out in the Special Educational Needs – An Inclusive Policy and Strategy for Medway 2009-2014 and the School Organisational Plan. The report set out details of the individual proposals including the need for additional SEN provision at sites across Medway together with information on site provision and the funding position.

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

It was noted that a Diversity Impact Assessment screening form would be completed in relation to any specific proposals that were taken forward.

Decision number:

49/2012 The Cabinet agreed to defer this item to a future meeting.

Reasons:

The report would be brought back to a future meeting of the Cabinet following further examination of the options and more work on the financial models.

Proposed CCTV Services Partnership

Background:

This report provided details of a proposal to establish a CCTV Services Partnership involving Gravesham, Maidstone, Medway and Swale Councils. The report set out the history of the Medway Control Centre, which had been in operation since 1998

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and had expanded from around 20 cameras to the current network of around 550 cameras. The report stated that the Council had been awarded a contract for the complete management of Swale Borough Council's CCTV infrastructure in 2010 and that more recently Gravesham Borough Council had also agreed the transfer of its CCTV infrastructure to the Council and Maidstone Borough Council had also awarded a tender to the Council to manage its CCTV infrastructure. This would see a further increase from 550 cameras to 700 cameras from 1 April 2012.

The report set out the basis for the establishment of a CCTV Services Partnership between these local authorities in terms of financial benefits, expertise and greater capacity.

An exempt appendix set out the outline business case, detailed financial implications, partnership structure and provisional heads of terms.

**Decision
number:**

Decision:

50/2012 The Cabinet approved the proposals for the proposed CCTV Services Partnership between Medway, Swale, Maidstone and Gravesham Councils.

51/2012 The Cabinet agreed to authorise the Director of Regeneration, Community and Culture, in consultation with the Portfolio Holder for Community Safety and Customer Contact, to take all necessary actions to enable the proposal for the Partnership, including all necessary legal agreements, to be finalised and implemented by 1 June 2012.

Reasons:

The proposed Partnership will enable the provision of improved and more cost effective CCTV services.

Pier Road Depot, Gillingham

Background:

This report provided details of a proposal to declare surplus or lease the Pier Road Depot, Gillingham. The report provided details of the site history, which related to the property being used by the Council and its contractors as a waste transfer facility and depot for a number of years. The current lessee, Veolia, had made its own arrangements and had terminated the lease on Pier Road.

The report also stated that the site did not have a direct frontage onto the public highway, with highway access currently being across Council owned private highway. It was proposed that this land was offered with the benefit of a right of way to the public highway.

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Decision number: **Decision:**

52/2012 **The Cabinet agreed to recommend to Full Council that it delegates authority to the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, to declare surplus the Pier Road Depot and dispose of it (together with a right of way between the site and the public highway) and/or lease it (together with a right of way between the site and the public highway).**

Reasons:

This will reduce revenue costs, realise revenue income and or capital receipts and gain investment in the Medway area.

Park and Ride Site, Marconi Way, Rochester

Background:

This report provided details of a proposal to declare surplus the Park and Ride site, Marconi Way, Rochester, to enable its disposal. The report stated that following a review of the park and ride bus service, a decision had been made to withdraw the service and close the car park from 1 April 2012. It was considered that it was not worth keeping the car park on a contingency basis owing to the costs involved.

Decision number: **Decision:**

53/2012 **The Cabinet agreed to delegate authority to the Chief Finance Officer, in consultation with the Portfolio Holder for Finance, to declare surplus and dispose of the Park and Ride site, Marconi Way, Rochester.**

Reasons:

To reduce revenue costs, realise a capital receipt and gain investment in the Medway area.

Tobacco Control Update

Background:

This report provided details of progress on tobacco control including information on the three priority areas for Medway: tackling illegal supply; de-normalising smoking and; advancing the smokefree agenda, as developed by the Tobacco Control Alliance.

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The report provided detailed information on a number of issues including the prevalence of smoking in Medway, health statistics, achievements to date, current activity and planned activity.

The report stated that the Tobacco Control Alliance, supported by the NHS funded Tobacco Control Coordinator, would continue to develop and deliver a comprehensive programme of work.

Decision number: **Decision:**

The Cabinet noted the contents of the report and noted the three tobacco control priorities, as set out in paragraph 2.2 of the report, identified by Medway's Tobacco Control Alliance from local research.

Reasons:

To ensure that a comprehensive programme of work to tackle tobacco issues is 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:**

54/2012 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) Accounting Technician**
- b) Management Information Officer**
- c) Management Information Officer**
- d) Political Assistant to the Conservative Group**

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Children's and Adults

- e) SEND Pathfinder and Personalised Budgets Project Manager
- f) Support Services Assistant (Redvers Centre)
- g) Support Services Assistant (Woodlands Place)
- h) Temporary Support Service Assistant (Gun Wharf)

Regeneration, Community and Culture

- i) Transport Contracts Inspector
- j) Transport Contracts Assistant.

Reasons:

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

Gateway 1 Procurement Commencement School Transport Contracts 2012

Background:

This report provided details of the proposed procurement process for tendering for a number of school transport contracts, including services to students with Special Educational Needs, for the 2012/2013 academic year.

The Strategic Procurement Board considered this report on 15 February 2012 and supported the recommendations set out in the report.

An exempt appendix provided key information in respect of finance and whole-life costing, as well as the cost of the contracted routes with end dates of July 2012.

Decision number:

Decision:

55/2012

The Cabinet approved the commencement of this procurement project for the re-tendering of the contracts set out in Appendix 1 of the report, on the basis set out in paragraph 4.1 of the report and delegated authority to the Chief Finance Officer, in consultation with the Portfolio Holders for Children's Services and Front Line Services, to award the School Transport Contracts 2012.

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Reasons:

This approach will ensure that services can be in place by end of July which will minimise the disruption to students with special educational needs and therefore reduce the number of actual complaints from parents in respect of the retendering process as well as mitigating the severity of any complaints.

In expediting the process of procuring these substantive SEN contracts, the Council will also secure a lower spend in providing these transport services by negating the need for more costly temporary arrangement should this process not be complete by the start of the new academic year.

The tendering process for SEN transport contracts this year, like last, will provide for an efficient and pro-active contract management. The comprehensive terms and conditions together with the improved evaluation method will demand the highest level of quality in the service.

Gateway 3 Procurement Tender Process Review and Contract Award: Connexions Services

Background:

This report provided details of the proposed contract for Connexions Services as required to fulfil Medway's statutory obligations under s68 of the Education and Skills Act 2008. This placed an obligation on local authorities to make available to young people under 19 and relevant young adults (i.e. those aged 20-25 with learning difficulties) support which would encourage, enable or assist them to participate in education and training.

An exempt appendix provided key information in respect of finance and whole-life costing and detailed procurement process tender evaluation information.

Decision number: ***Decision:***

56/2012 **The Cabinet agreed to refer this matter back to the Strategic Procurement Board for more detailed analysis.**

Reasons:

To enable further consideration at the Strategic Procurement Board.

Gateway 5 Procurement Contract Management Report: Community Meals Service

Background:

This report provided details of progress on the Community Meals contract currently delivered by Apetito Ltd. Cabinet agreed the original contract award on 29 October 2002 and subsequently agreed a single source exemption to award the contract to the current service provider on 19 February 2008. The service currently provided around 220 Medway residents with a meal service 365 days per year.

The Strategic Procurement Board considered this report on 15 February 2012 and supported the recommendations set out in the report.

An exempt appendix provided key information in respect of finance and whole-life costing.

Decision number:

57/2012	The Cabinet agreed an extension to the contract to 31 March 2013 with the current community meals supplier, in its current form, and explore a move towards a personalised approach to the provision of a community meals service.
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Reasons:

On the basis of the requirement to provide social care service users with increased choice and control about the services that they receive.

Gateway 5 Procurement Contract Management Report: Learning Disability Care Services Contract

Background:

This report provided details of progress with the Learning Disability Care Services Contract currently delivered by multiple providers. The report sought permission to extend the contract for residential and nursing care by 12 months to 31 March 2013, and to include a variation to the current contract terms and conditions for the same period.

It was noted that the commencement and delivery of this service pre-dated the establishment of a Procurement Board for Medway Council and no previous Gateway reports were available.

This report had been approved for submission to the Cabinet after review and discussion at the Children and Adult Directorate Management Team meeting on 2 February 2012 and Strategic Procurement Board on 15 February 2012.

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An exempt appendix provided key information in respect of finance and whole-life costing, providers and an efficiencies spreadsheet.

<i>Decision number:</i>	<i>Decision:</i>
58/2012	The Cabinet approved the extension of the current contract for the provision of residential and nursing care for Adults with a Learning Disability.
59/2012	The Cabinet approved the variation to the existing terms of the Learning Disability Care Services contracts to include the mandatory requirement for all providers to complete and comply where requested with the outcomes of the Care Funding Calculator tool.

Reasons:

The extension of the Learning Disability Care Services contracts will allow for the continuation of a successful and necessary service. It will also allow officers additional time to prepare for the restructuring of the service post March 2013 to ensure further continuity, service improvements and potential cost savings. The contract variation and inclusion of the Care Funding Calculator tool will ensure that for the remaining twelve-month period the service is operating with improved efficiencies. The additional twelve-month period will also allow for more robust analysis of the operation of the Calculator and its possible future use.

Exclusion of the Press and Public

<i>Decision number:</i>	<i>Decision:</i>
60/2012	The Cabinet agreed that the press and public be excluded from the meeting during consideration of the exempt material relating to agenda item 15 (HR Matter) because consideration of these matters in public would disclose information falling within Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, 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. The Cabinet decided under the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 that Councillors who are not members of the Cabinet should not have access to the exempt report and should be asked to leave the meeting.

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HR Matter

Background:

Members heard from the Chief Executive regarding the settlement of a staffing issue for resolution.

Due to the urgency of the matter, as set out in the report, it was exempt from call-in in line with rule 16.11 of Chapter 4, Part 5 of the Constitution. The Chief Executive confirmed that this had been agreed by the relevant chairmen of the overview and scrutiny committees. Additionally, and in line with Rule 16 (Special Urgency) Access to Information Rules (Part 2 of Chapter 4 of the Constitution), it was noted that the chairmen of the overview and scrutiny committees had agreed that the taking of these decisions could not be reasonably deferred.

Decision number:

Decision:

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| 61/2012 | The Cabinet agreed that the recommendations in the paper would be adopted. |
| 62/2012 | The Cabinet agreed that these decisions were considered urgent and therefore not subject to call-in. |

Reasons:

The reasons were explained in the report.

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Leader of the Council

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Date

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