

Record of Cabinet decisions

Tuesday, 16 January 2018

3.00pm to 3.50pm

Date of publication: 17 January 2018

Subject to call-in these decisions will be effective from 25 January 2018 (with the exception of decision numbers 5/2018 and 6/2018)

The record of decisions is subject to approval at the next meeting of the Cabinet

Present:	Councillor Alan Jarrett	Leader of the Council
	Councillor Howard Doe	Deputy Leader and Portfolio Holder for Housing and Community Services
	Councillor David Brake	Portfolio Holder for Adults' Services
	Councillor Rodney Chambers, OBE	Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships
	Councillor Jane Chitty	Portfolio Holder for Planning, Economic Growth and Regulation
	Councillor Phil Filmer	Portfolio Holder for Front Line Services
	Councillor Adrian Gulvin	Portfolio Holder for Resources
	Councillor Andrew Mackness	Portfolio Holder for Children's Services - Lead Member (statutory responsibility, including education)
	Councillor Martin Potter	Portfolio Holder for Educational Attainment and Improvement
	Councillor Rupert Turpin	Portfolio Holder for Business Management
In Attendance:	Neil Davies, Chief Executive	
	Richard Hicks, Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive	
	Perry Holmes, Chief Legal Officer/Monitoring Officer	
	Julie Keith, Head of Democratic Services	
	Jade Milnes, Democratic Services Officer	
	Ian Sutherland, Director of Children and Adults Services	
	Phil Watts, Chief Finance Officer	
	James Williams, Director of Public Health	

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 19 December 2017 was agreed and signed by the Leader as a correct record.

Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other Interests

Councillors Doe and Gulvin disclosed a non-pecuniary interest in item 8 on the agenda, in their capacity as Directors of Medway Development Company Ltd, which was mentioned in paragraph 3 of the report.

Local Plan Update

Background:

This report provided the timetable and programme for the preparation of the new Medway Local Plan in a Local Development Scheme, set out in section 4 and Appendix 1 to the report. This included the scope of the formal stages of consultation that would need to be carried out before the proposed Plan was submitted to the Planning Inspectorate for independent examination.

The report stated that the Council had previously carried out two rounds of formal consultation on the emerging Plan. This included consultation on 'Issues and Options' in 2016, which set out the key matters that the new Plan needed to address, including projected housing growth and boosting the local economy. This report provided details of the outcome of the consultation on 'Development Options' undertaken in early 2017, between January and May.

The proposals consulted on included a draft vision and strategic objectives, policy approaches and four high level scenarios for how growth could be accommodated in Medway. The four scenarios considered different approaches to development:

- maximising the potential of urban regeneration;
- suburban expansion;
- Hoo Peninsula focus; and
- urban regeneration and rural town.

The report specified that over 330 general written responses had been received and over 650 people had attended the exhibition organised by the Planning Service, details of which were set out at section 6 and Appendix 2 to the report.

Cabinet, 16 January 2018

**Decision
number:**

Decision:

1/2018

The Cabinet approved the Local Development Scheme, 2018, as set out in Appendix 1 to the report, as the Council's programme for preparing the Medway Local Plan.

The Cabinet noted comments received on the Development Options stage of the Local Plan, as set out in Appendix 2 to the report.

Reasons:

The Local Development Scheme, 2018 provides an updated programme for the preparation of the new Medway Local Plan.

Review of Guide to Developer Contributions

Background:

This report provided details of the revised Medway Guide to Developer Contributions which had been prepared for consultation and set out at Appendix A to the report.

The report stated that the Medway Guide to Developer Contributions was first adopted as a Supplementary Planning Document in April 2008, providing specific guidance in relation to the determination of planning applications. The Guide had since been reviewed on a number of occasions, and the current version had been adopted in 2014. This review reflected the costs of service provision arising from new developments, addressed areas where developers had been successful when challenging the Council and included information from other service areas which may not require financial contributions from developers, but which would expect developers to provide onsite infrastructure or meet non-financial requirements, for example, air quality and flood risk management and sustainable drainage.

The report also stated that a more detailed review would be prepared to align to the draft Local Plan and its supporting Infrastructure Delivery Plan in 2019, which would also take account of further reforms to the Planning system.

A Diversity Impact Assessment had been undertaken on the proposals, as set out in Appendix B to the report.

**Decision
number:**

Decision:

2/2018

The Cabinet approved option 3 (update the Guide to Developer Contributions, 2014 to provide a more robust policy basis, pending the further progress of the Local Plan and government reforms to the Planning system) as set out in section 3 of the report.

Cabinet, 16 January 2018

- 3/2018** **The Cabinet agreed to change the name of the Guide from ‘The Guide to Developer Contributions’ to ‘Medway Guide to Developer Contributions and Obligations.’**
- 4/2018** **The Cabinet approved the publication of the draft document ‘Medway Guide to Developer Contributions and Obligations’ for consultation and agreed to consider the outcome of this consultation, by way of a report back to the Cabinet to agree the final version of the Guide.**

Reasons:

The revised Guide provides an effective basis for the collection of contributions from development to support the provision of services and infrastructure.

Provisional Local Government Settlement 2018/2019

Background:

This report provided details of the provisional local government settlement announced by Government on 19 December 2017 together with the impact on the Council’s proposed budget for 2018/2019 as underpinned by the Core Spending Power calculation, as set out in table 1 to the report.

It was noted that two announcements made as part of the provisional local government settlement could have significant implications for setting the 2018/19 revenue budget. These were an increase in the referendum limit for Council Tax, from 2% to 3% and the successful bid for a pilot scheme, in a pooled arrangement with Kent County Council, Kent Fire and Rescue Service and the twelve lower tier Kent authorities, for 100% business rate retention.

With regards to the Government’s “Fair Funding Review: a review of relative needs and resources”, it was noted this would be implemented in the 2020/21 financial year. The business rates baseline would be reset in 2020/21, with the introduction of a 75% business rates retention scheme. Several existing grants, including Revenue Support Grant and Public Health Grant would be incorporated into the scheme. The report noted that within the business rates retention system, the Non Domestic Rates (NDR) baseline and top up and tariff amounts had been amended to reflect Revaluation 2017. The implications on business rates within Medway were set out at section 4 to the report.

The report also provided details of the impact on other grants.

Decision number: Decision:

The Cabinet noted the implications of the provisional settlement in formulating its 2018/19 budget proposals.

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Reasons:

These provisional levels of grant are a fundamental component of the 2018/19 budget, and their announcement is a further stage in the process of preparing a balanced budget.

Final 2018-19 Mainstream Schools and Academies Funding Formula

Background:

This report provided details of the final funding proposals for Medway's schools and academies for 2018/2019. Officers, working with the Schools Forum, had consulted with schools and academies on the proposed new funding formula options for 2018/2019. It was noted that the Schools Forum had recommended these options to Cabinet in November 2017, which were approved.

Final pupil numbers and the total funding available through the Dedicated Schools Grant (DSG) had been confirmed by government in December 2017.

The Schools Forum met on 10 January 2018 and its final recommendations to Cabinet were set out in the first addendum report. A second addendum report provided the revised funding available for each funding factor, after the 2018/19 final funding formula had been processed using the revised census data issued by the Education and Skills Funding Agency.

The Portfolio Holder for Children's Services (Lead Member) placed on record his thanks to the Schools Forum.

It was noted that in line with rule 15.11 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. In this case, the deadline for the submission of the final funding formula to the Education and Skills Funding Agency was 19 January 2018. 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.

Decision number: **Decision:**

- | | |
|---------------|--|
| 5/2018 | The Cabinet instructed officers to implement the Final Funding Formula for 2018-19. |
| 6/2018 | The Cabinet agreed that the recommendation set out in decision number 5/2018 is considered urgent and therefore should not be subject to call in. |

Cabinet, 16 January 2018

Reasons:

The local authority is required to implement the funding formula changes from 2018-19 in accordance with the School and Early Years Finance (England) Regulations 2014. This is a Cabinet function.

The deadline for the submission of the final funding formula to the Education and Skills Funding Agency is 19 January 2018.

Strood Waterfront - Addition to the Capital Programme

Background:

This report provided details of the Strood Flood Management Works scheme which would require Full Council approval to be added to the Capital Programme.

The report noted that planning permission was secured in 2008 for the construction of a river wall around Strood Waterfront. However, owing to changing market conditions at the time, the site was not bought forward and the requirement of the Environment Agency was such that the river wall costs would now exceed the budget. A flood mitigation optioneering study was undertaken in August 2015 and a proposed solution had been reached to complete the flood defences for Strood in two phases. Planning applications for the flood risk management works were submitted in May 2017 and approval was given at Planning Committee on 22 November 2017.

The report stated that the total cost of the project would be £13.85m. The scheme would be funded by £4m of Council approved borrowing (in lieu of future capital receipts), investment of £3.5m which has been secured from the Local Growth Fund for the flood risk management works at the Civic Centre site; dependent on approval of the final business case, which was submitted to the South East Local Enterprise Partnership (LEP) at the end of December 2017. This would be presented at the LEP Accountability Board on 23 February 2018. Additional Council approved borrowing against future capital receipts of £550,000 for the demolition of the Civic site and a further bid for £5.8m was submitted on 3 November 2017 for the Land Release Fund, as part of the One Public Estate (OPE), to provide capital funding to contribute to the cost of the works on the Riverside site on Canal Road. The outcome of this bid was due on 8 December 2017, but had been delayed. Should part or all of the OPE bid be unsuccessful further borrowing against future capital receipts would be required.

Decision number:

Decision:

9/2018

The Cabinet agreed to insert the words “and/or” in replacement of “/” in line 5 of Table 1 of paragraph 2.13 in the report.

10/2018

The Cabinet recommended to Full Council to add the supplementary project costs in respect of the Strood Flood

Cabinet, 16 January 2018

Management Works scheme, as set out in section 2 of the report to the Capital Programme.

Reasons:

Additions to the Capital Programme are a matter for Full Council.

Recruitment Freeze

Background:

This report presented information on vacancies that officers had requested approval to commence recruitment for, following the process agreed by the Cabinet on 7 January 2003 (decision number 9/2003).

Details of the posts were set out within Appendix 1 to the report.

Decision number:

Decision:

11/2018 **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report.**

Business Support Department

- a) **Head of Revenue and Benefits;**
- b) **Lawyer, Child, Adult and Education x 3; and**

Regeneration, Culture, Environment and Transformation

- c) **Senior Administration Officer.**

Reasons:

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

Gateway 3 Contract Award: Kent & Medway Independent Fostering Provision (Joint Procurement)

Background:

This report provided details of the outcome of the procurement process for the award of contracts for the Kent and Medway Independent Fostering Provision as set out in section 2 of the report. The report stated this was a joint procurement between Medway Council and Kent County Council (KCC).

The report noted that KCC was the Contracting Authority and Medway was a named commissioner contained within the definition of the contract. KCC had approved the award of the contracts for Lot 1 and Lot 2, in-line with their Governance procedures, as set out in the Procurement Timetable at section 2.1 of the report.

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An Exempt Appendix provided information in respect of the financial analysis and the evaluation and award.

The Council's decision to award these contracts would be subject to observing the procurement standstill period of a minimum of 10 days in accordance with the requirements of the Public Contracts Regulations 2015. The Council would be unable to enter into the contracts before the end of the standstill period.

Decision number: **Decision:**

12/2018 **The Cabinet approved the award of these contracts as follows:**

- a) Lot 1 (Framework Providers) to providers as follows:**
- 24-Seven Fostering**
 - Action for Children**
 - Affinity Fostering Services Ltd**
 - All4U Fostering Ltd**
 - Anchor Foster Care Services Ltd**
 - Attachments Fostering Limited**
 - Barnardo's**
 - Be My Family Fostering Agency**
 - Blue Sky Fostering**
 - Brighter Futures Foster Care**
 - By the Bridge Limited**
 - Caldecott Fostering**
 - Capstone Foster Care**
 - CareTech Community Services Ltd parent company of Fostering Support Group Limited**
 - Channels & Choices**
 - Compass Fostering North Limited**
 - Cornerways Fostering Services Ltd**
 - Credo Care Ltd**
 - Diagrama Foundation**
 - Diverse Care UK Ltd**
 - Ethelbert Children's Services**
 - Family First Fostering**
 - Family Fostering Limited**
 - Five Rivers Child Care Limited**
 - Foster Care Associates**
 - Foster Care Link Ltd (parent holding company is Capstone Foster Care)**
 - Futures for Children**
 - Heath Farm Family Services Ltd.**
 - Homefinding and Fostering (Kent Homefinding and Fostering Ltd. Trading as: The Homefinding & Fostering Agency)**
 - Integrated Services Programme (ISP)**
 - Kasper Fostering**
 - Lighthouse Fostering**

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**Mosaic Foster Care Ltd
Next Step Fostering
Orange Grove FosterCare Ltd
Outlook Fostering Limited
Supported Fostering Services
The Adolescent and Children's Trust
The National Fostering Agency Ltd
UK Fostering
Xcel 2000 FosterCare Services Ltd**

b) Lot 2 (Partner Providers) to providers as follows:

**Orange Grove FosterCare Ltd
Barnardo's
The Adolescent and Children's Trust
Xcel 2000 FosterCare Services Ltd**

Reasons:

The Providers' proposed solutions and offer to deliver the service meet the objective criteria set out in the tender documents and represent value for money for Medway Council but also provide an opportunity for positive change to the service delivery model.

A full tender process has been completed in line with Medway Council's and Kent County Council's procedures and the evaluation process was vigorous to ensure quality compliance in line with the Councils' requirements.

It is felt that the existing arrangements are too complex and the revised specification is outcome focused which, together with a revised robust contract management framework, will ensure safeguarding and quality is maintained and the Council receives a value for money service.

The new approach should improve partnership arrangements with a small number of providers (Lot 2), bringing greater transparency and building levels of trust.

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Leader of the Council

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Date

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