

## **Record of Cabinet decisions**

**Tuesday, 23 October 2018**

**3.00pm to 4.20pm**

**Date of publication: 24 October 2018**

**Subject to call-in these decisions will be effective from 1 November 2018  
The record of decisions is subject to approval at the next meeting of the Cabinet**

<b>Present:</b>	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 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
	<b>In Attendance:</b>	Neil Davies, Chief Executive
	Richard Hicks, Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive	
	Perry Holmes, Chief Legal Officer/Monitoring Officer	
	Jade Milnes, Democratic Services Officer	
	Ian Sutherland, Director of Children and Adults Services	
	Phil Watts, Chief Finance Officer	
	James Williams, Director of Public Health	

### **Leader's Announcement**

The Leader paid tribute to former Councillor Janice Bamber who had recently passed away. The Cabinet observed a minute's silence.

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### **Apologies for absence**

An apology for absence was received from Councillor Jane Chitty (Planning, Economic Growth and Regulation).

### **Record of decisions**

The record of the meeting held on 25 September 2018 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 significant interests (OSIs)

Councillor Mackness declared an OSI in agenda item 5 (Special Educational Needs and Disabilities Provision Proposal) because he is the Chairman of Medway Commercial Group and he relied on a dispensation agreed by the Councillor Conduct Committee to enable him to take part in the discussion and vote on this item.

Councillor Turpin declared an OSI in agenda item 4 (Special Educational Needs and Disabilities Free School Bid) because he has a child who attends a Special Educational Needs (SEN) school. He left the room during consideration of this item.

Councillor Turpin declared an OSI in agenda item 5 (Special Educational Needs and Disabilities Provision Proposal) because he has a child who attends a Special Educational Needs (SEN) school. He left the room during consideration of this item.

Councillor Turpin declared an OSI in agenda item 6 (Referral from Health and Adult Social Care Overview and Scrutiny Committee: Health Impact Assessments) because he has a child who attends a Special Educational Needs (SEN) school. He left the room during consideration of this item.

Councillor Turpin declared an OSI in agenda item 11 (Gateway 1 Procurement Commencement: Special Educational Needs (SEN) Transport Framework) because he has a child who is in receipt of Special Educational Needs (SEN) home to school transport support. He left the room during consideration of this item.

#### Other interests

There were none.

## Special Educational Needs and Disabilities Free School Bid

### Background:

This report provided details of an opportunity, under Central Government's Special Free School Initiative, for the Council to bid for a Special Educational Needs and Disabilities (SEND) Free School. The report outlined that this was an opportunity for the Council to increase provision to meet demand within Medway, therefore reducing the need to place children with Special Educational Needs and Disabilities out of area.

The deadline for submission of a bid was 15 October 2018. The report advised that the Department for Education would then consider the responses and in early 2019 determine which submissions had been successful. It was noted that if the Council was successful in its bid, it was unlikely that a new Special Free School would be operational until 2022.

An addendum report, tabled at the meeting, provided details of the expected increase in demand for complex Severe Learning Disability (SLD) and Profound and Multiple Learning (PMLD) places in 2019-20, which had not been included in the main report.

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

- |                 |   |
|-----------------|---|
| <b>123/2018</b> | <b>The Cabinet noted the report and supported the bid for a new SEND Free School.</b>   |
| <b>124/2018</b> | <b>The Cabinet delegated authority to the Director of People – Children and Adults Services, in consultation with the Portfolio Holder for Children's Services (Lead Member), to work with the Department for Education, who will hold responsibility for assessing applications from proposer groups, if the Local Authority is successful in its bid.</b> |

### Reasons:

Having a new SEND Free School for children with complex needs will help the Council to meet known and future demand, to reduce the high cost of out of area placements and ensure that wherever possible children are educated close to their homes, families and communities.

## Special Educational Needs and Disabilities Provision Proposal

### Background:

This report outlined a proposal to establish an Independent Free School including residential, respite and outreach provision. This proposal would address demand for school places within Medway for children who have complex Autism Spectrum

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Disorder (ASD) with challenging behaviour, but whose cognitive ability was average or just below and who could not be supported in a mainstream school.

It was noted that currently 82 pupils with this diagnosis were placed out of area, some in residential provision, at a cost of approximately £5.2m. The report advised that this proposal would aim to enable more pupils to be educated in Medway, close to their families and communities. It would also provide a cost saving. The benefits of an Independent Free School were set out in paragraph 3.5 of the report.

It was proposed that Medway Commercial Group (MCG) would build this Independent School. The report explained that MCG would manage the design and planning process and oversee the delivery of the building. They would also manage the appointment of a suitable independent provider/sponsor that would ensure the provision met the necessary educational standards.

The report noted that the Cabinet had approved the setting up of MCG with the freedoms and flexibilities of a company and on 4 September 2018, the Cabinet approved the leasing of the site at Cornwallis Avenue to MCG (decision number 112/2018 refers).

It was stated that a Programme Board and Steering Group had been established to oversee the project's progress.

**Decision number:**

**125/2018      The Cabinet approved the progression by Medway Commercial Group of an Independent Autism Spectrum Disorder (ASD) Special School on the Cornwallis site, which includes provision for residential and respite care.**

**Reasons:**

Agreement to this proposal would:

- ensure that the Council's duty to provide school places is met;
- meet the recommendations of the SEND Ofsted report and the SEND strategy objectives that children should be placed in local provision close to their families wherever possible;
- reduce reliance upon potentially limited and expensive out of area provision, which will ease the pressure on the High Needs Block funding;
- make more cost effective use of funding from the High Needs Block; and
- present a new commercial opportunity for Medway Commercial Group.

**Referral from Children and Young People Overview and Scrutiny Committee:  
Needs Analysis on Future Demand for SEND Places**

**Background:**

This report set out details of a referral from the Children and Young People Overview and Scrutiny Committee held on 4 October 2018, following consideration of a report concerning a petition on Abbey Court School which had been referred to the Committee.

The comments of the Children and Young People Overview and Scrutiny Committee were set out in section 3 of the report. The Committee requested the Cabinet to indicate when the Special Education Needs and Disabilities (SEND) review was likely to be completed, for this to be completed as soon as possible and for the review outcomes to be published when completed.

The comments of the Director of People – Children and Adults Services were set out in section 4 of the report. It was explained that the SEND needs analysis was a detailed piece of work, which looked at forecast demand for Special Education Needs and Disabilities places within Medway of all young people with SEND. A significant amount of time was required to ensure that this work was completed comprehensively, and it was estimated that this would be ready for publication in January 2019.

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

**The Cabinet noted the Director of People – Children and Adults Services' comments, set out in section 4 of the report, including the timeline for the publication of the Needs Analysis on Future Demand for SEND Places, which responds to the referral from the Children and Young People Overview and Scrutiny Committee.**

**Reasons:**

The Children and Young People Overview and Scrutiny Committee has made this recommendation to Cabinet in accordance with its entitlement, under the Council's Constitution, to make recommendations to Cabinet arising from the outcome of the scrutiny process (Constitution – Articles of the Constitution - Chapter 2, Article 6, Paragraph 6.4). Cabinet is, therefore, required to consider its response.

**Referral from Health and Adult Social Care Overview and Scrutiny Committee:  
Health Impact Assessments**

**Background:**

This report set out details of a referral from the Health and Adult Social Care Overview and Scrutiny Committee held on 21 August 2018, in relation to a Member's item raised by Councillor Freshwater on GP provision on the Hoo Peninsula.

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The comments of the Committee were set out in section 6 of the report. The Committee requested the Cabinet to consider bringing forward the implementation of Health Impact Assessments (HIAs) for all planning applications of 25 or more new homes for the Hoo Peninsula and advise the Director of Public Health accordingly.

The comments of the Director of Public Health and the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive were set out in section 7 of the report. The report stated that in light of these comments, that it was not considered appropriate or a good use of resources to undertake HIAs as recommended by the Health and Adult Social Care Overview and Scrutiny Committee.

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

**The Cabinet noted the comments of the Health and Adult Social Care Overview and Scrutiny Committee, as set out at section 6 of the report.**

**The Cabinet noted that the Council has already taken action through the adoption of a Health Impact Assessment (HIA) process within the new Local Plan, as set out at paragraph 7.5 of the report.**

**126/2018      The Cabinet agreed that current practices, as set out in paragraphs 7.6 to 7.9 of the report, appropriately consider and address the health impacts arising from new planning applications and the likely allocations within the emerging Local Plan, and that no further action is taken.**

### **Reasons:**

The Health and Adult Social Care Overview and Scrutiny Committee has made this recommendation to Cabinet in accordance with its entitlement, under the Council's Constitution, to make recommendations to Cabinet arising from the outcome of the scrutiny process (Constitution – Articles of the Constitution - Chapter 2, Article 6, Paragraph 6.4). Cabinet is, therefore, required to consider its response.

Bringing forward the implementation of Health Impact Assessments for all planning applications of 25 or more new homes is not considered appropriate or necessary for the reasons set out in section 7 of the report, the Director of Public Health's and the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive's comments.

## RVS Older Persons Centre

### Background:

This report set out details of progress made to ensure the future sustainability of the Royal Voluntary Service (RVS) Older Persons' Centre. The report explained that the RVS and Medway Council had established a plan of work to take forward, this was set out at paragraph 3.3 of the report.

It was explained that moving to a new volunteer-led model of delivery was challenging and focus had moved towards joint efforts to find and move to a more affordable property to achieve sustainability. Progress in this regard was set out at section 4 of the report.

This report was considered by the Health and Adult Social Care Overview and Scrutiny Committee on 16 October 2018. The comments of the Committee were set out in addendum report.

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

**The Cabinet noted the comments of the Health and Adult Social Care Overview and Scrutiny Committee.**

**127/2018      The Cabinet supported the continued identification and consideration of buildings within the Council's Estate that could provide a low cost property for the Royal Voluntary Service (RVS).**

### Reasons:

Continued support would assist the RVS Centre to move towards a more sustainable model of delivery.

## Director of Public Health Annual Report 2017-18

### Background:

This report set out details of the Director of Public Health's Annual Report for 2017-18, titled: "Protecting the Health of Medway's Population: now and for the future".

The report focused on nine key areas of health protection, these were:

1. Infectious diseases and food-borne illness
2. Seasonal influenza
3. Screening
4. Emergency preparedness
5. Sexual health and blood-borne viruses
6. Health care associated infections
7. Air quality
8. Tuberculosis

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### 9. Vaccinations.

For each health protection area, the Annual Report examined four key questions which covered: the current situation in Medway; what partners were doing to protect the health of Medway's population; action people in Medway could take to protect their health; and focus areas for the future. The Annual Report also included case studies illustrating good practice in Medway and based on the findings of these lines of enquiry, the report then made recommendations.

The Director of Public Health's Annual Report for 2017-18 was considered by the Health and Wellbeing Board on 3 July 2018 and its comments were set out at section 4 of the report. The report was also considered by the Health and Adult Social Care Overview and Scrutiny Committee on 16 October 2018 and its comments were reported in an addendum report.

Cabinet Members expressed concern regarding the recent announcement by the Kent and Medway NHS, following their review of urgent stroke services in area, of the preferred option (option B). Under option B, Hyper Acute Stroke Units (HASUs) would be located alongside Acute Stroke Units (ASUs) at Darent Valley Hospital in Dartford, Maidstone Hospital and William Harvey Hospital in Ashford and would exclude Medway Maritime Hospital. The Cabinet noted the action being taken by the Council on the matter.

**Decision number:**

**Decision:**  
The Cabinet noted the comments of Health and Wellbeing Board and the comments of the Health and Adult Social Care Overview and Scrutiny Committee.

The Cabinet noted the Director of Public Health's Annual Report for 2017-18, in particular its findings and recommendations.

#### **Reasons:**

There is a statutory duty for Directors of Public Health to produce an Annual Report and Local Authorities to publish the report.

#### **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.



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

**128/2018**      **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report.**

**Business Support Department**

**a) Lawyer, Employment and Contracts, Place Team, Legal Services (locum)**

**b) Lawyer, Employment and Contracts, Place Team, Legal Services (permanent)**

**Regeneration, Culture, Environment and Transformation**

**c) LGF Programme Co-ordinator.**

**Reasons:**

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

**Gateway 1 Procurement Commencement: Special Educational Needs (SEN) Transport Framework**

**Background:**

This report sought approval to commence the procurement of Medway Council's home to school travel assistance contract following review and discussion at Procurement Board on 3 October 2018. The report explained that the Council had put in place a Special Educational Needs (SEN) Transport Framework in 2015 and that this Framework was coterminous with the academic year and due to expire at the end of the 2018/2019 academic year.

An options appraisal for the new SEN transport model was set out at section 4.2 of the report. Based on this appraisal it was recommended that the Council implement another OJEU framework and work towards building a Total Transport Solution within the awarded provision.

An Exempt Appendix provided details of the financial analysis in respect of procurement of this service.

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

**129/2018**      **The Cabinet approved the commencement of the OJEU Framework procurement process as per the options appraisal in section 4.2 of the report.**

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### Reasons:

A decision is required to allow for adequate time to have the new system in place for the school year 2019/2020.

A Dynamic Purchasing System (DPS) would not allow direct awards which have been utilised heavily on the current provision.

In-house provision could result in long term financial issues due to eradicating capacity.

Medway Norse (option 5) would result in long term financial issues due to also eradicating capacity.

### Gateway 1 Procurement Commencement: Street Scene Enforcement Service

#### Background:

This report sought approval to commence the procurement of Street Scene Enforcement Agent Services for littering, dog fouling and dog control orders, following review and discussion at Procurement Board on 3 October 2018.

An appraisal of the procurement options was set at section 4.2 of the report. Based on this appraisal it was recommended that the Council adopt an open market tender opportunity which includes an e-Auction as the pricing mechanism.

The report noted that the Procurement Board, at its meeting on 3 October 2018, decided that the decision to outsource this contract should be classified as high risk and therefore this was a matter for the Cabinet. Subject to Cabinet approval to outsource, the remainder of the procurement process would be undertaken in accordance with the Council's Contract Procedure Rules for medium risk procurements.

An Exempt Appendix provided details of the financial analysis in respect of procurement of this service.

#### **Decision number:**

#### **Decision:**

**130/2018**

**The Cabinet approved the procurement of a street scene enforcement agency contract as set out in paragraph 4.3.1 of the report.**

#### Reasons:

Outsourcing this service will result in a financial income to Medway Council and promote cleaner streets for residents.

**Cabinet, 23 October 2018**

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**Leader of the Council**

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**Date**

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