

Record of Cabinet decisions

Tuesday, 9 April 2019

3.00pm to 3.57pm

Date of publication: 10 April 2019

Subject to call-in these decisions will be effective from 18 April 2019
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
Ann Domeney, Deputy Director, Children and Adults Services
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
Teri Reynolds, Democratic Services Officer
Phil Watts, Chief Finance Officer
James Williams, Director of Public Health

Apologies for absence

There were none.

Cabinet, 9 April 2019

Record of decisions

The record of the meeting held on 5 March 2019 was agreed by the Cabinet 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)

There were none.

Other interests

There were none.

Draft Medway Children and Young People's Plan 2019-2024

Background:

This report provided details of the draft Children and Young People's Plan (CYPP), which set key strategic priorities for partnership action to improve outcomes for Medway's children and young people and help them achieve their potential. The Plan focused on three key outcomes for children and young people in Medway:

- Thriving in Our Community;
- A Healthy Start;
- Learning Well.

The draft plan refocused the priorities from its 2011 counterpart, coalesced the previous 14 priorities into ten and attached a set of indicators to measure the impact of these priorities. The draft plan was attached at Appendix 1 to the report.

The report provided details of its planned consultation, as set out in section 5 of the report.

The report had been considered by the Health and Wellbeing Board on 19 February 2019 and the Children and Young People Overview and Scrutiny Committee on 7 March 2019. Their comments were set out in sections 6 and 7 of the report respectively.

A Diversity Impact Assessment (DIA) had been undertaken on the draft plan and was set out in Appendix 2 to the report.

Cabinet, 9 April 2019

Decision number:

Decision:

The Cabinet noted the comments of the Health and Wellbeing Board, as set out in Section 6 of the report.

The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee, as set out in Section 7 of the report.

47/2019

The Cabinet agreed that the draft Children and Young People's Plan, attached at Appendix 1, be consulted on as set out at Section 5 of the report, before being reported back to the Cabinet for final approval.

Reasons:

The CYPP will provide a high level framework for helping children and young people in Medway to achieve their potential and be used to inform commissioning in the children's services system.

Consultation on the draft plan will ensure that the voice of children and young people, along with parents/carers and partners is at the centre of the approach.

Proposed Safeguarding Partnership Arrangements

Background:

This report set out the proposals for the new safeguarding partnership arrangements for children in Medway in accordance with the Children and Social Work Act 2017 and associated statutory guidance, which placed a duty on three agencies, namely the local authority, the police and the clinical commissioning group, to make arrangements for safeguarding and promoting the welfare of children in the area.

The proposed arrangements were detailed at sections 5 and 6 of the report. There was a requirement to publish the arrangements and submit them to the Department for Education by 29 June 2019 and for transition of the new arrangements to be completed by 29 September 2019.

The report had been considered by the Health and Wellbeing Board on 19 February 2019 and the Children and Young People Overview and Scrutiny Committee on 7 March 2019. Their comments were set out in sections 8 and 9 of the report respectively.

A Diversity Impact Assessment (DIA) had been undertaken on the proposals and was set out in Appendix 2 to the report.

Cabinet, 9 April 2019

Decision number:

Decision:

The Cabinet noted the comments of the Health and Wellbeing Board, as set out in Section 8 of the report.

The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee, as set out in Section 9 of the report.

48/2019 The Cabinet approved the proposed safeguarding partnership arrangements, as set out at Section 5 and 6 of the report.

49/2019 The Cabinet agreed to delegate authority to the Director of People – Children and Adults Services, in consultation with the Portfolio Holder for Children Services (Lead Member), to finalise the safeguarding partnership arrangements for publication by 29 June 2019, should any changes or more detail be required as set out in paragraph 7.3 of the report.

Reasons:

Approval of the proposed safeguarding partnership arrangements will enable the local authority to comply with the duties placed on the three Safeguarding Partners to make arrangements for safeguarding and promoting the welfare of children in the area and will enable the three safeguarding partners to meet the required deadlines of 29 June 2019 to publish the arrangements and 29 September 2019 to implement them.

Better Care Fund

Background:

This report presented an update on Medway's Better Care Fund (BCF) plan for 2019-2020. The BCF in Medway was a joint plan between NHS Medway Clinical Commissioning Group (CCG) and Medway Council with Medway NHS Foundation Trust as a key stakeholder. A pooled budget was administered in accordance with a Section 75 agreement between the CCG and the Council.

A BCF event held in March 2019 had confirmed that the period 2019/20 was viewed as a transition year ahead of a new spending period. The publication of guidance was expected shortly and requirements would be collected via a single template with a reduced, targeted, narrative input rather than a separate narrative plan.

There would be a single stage assurance process in 2019/20. The Cabinet was requested to agree an extension to the existing BCF Plan and S75 arrangements to cover the period 1 April 2019 to 31 March 2020 as set out in Appendix A to the report.

Cabinet, 9 April 2019

**Decision
number:**

Decision:

50/2019 **The Cabinet agreed an extension of the existing Better Care Fund Plan and S75 arrangements to cover the period from 1 April 2019 to 31 March 2020.**

51/2019 **The Cabinet agreed to delegate authority for the development and delivery of Medway's Better Care Fund programme to the Director of People - Children and Adults Services, in consultation with the Medway NHS Clinical Commissioning Group Deputy Managing Director, Chief Legal Officer and the Portfolio Holder for Adults' Services.**

Reasons:

The extension of the existing BCF Plan and S75 arrangements to cover the period from 1 April 2019 to 1 March 2020 will enable the arrangements and services that sit within the Better Care Fund to be dealt with as seamlessly as possible.

Acquisition of Depot Site for use in connection with the Waste Collection and Cleansing Service

Background:

This report detailed options available in relation to acquiring a depot site for use in connection with the Waste Collection and Cleansing Services. At its meeting on 6 March 2018 the Cabinet agreed to let the Waste Collection and Cleansing contract to Medway Norse, when the existing contract was due to end on 30 September 2019.

The report informed the Cabinet that the existing contractor had advised that they wished to retain their own depot facilities for their own commercial use and would not be letting the Council or its contractors use the facilities. It also provided detail of the current depot available to Medway Norse which was insufficient in size to accommodate these services, as well as the service it was already contracted by the Council to provide.

The report was accompanied by an exempt appendix which provided overall projected costs of acquisition and the enabling works needed.

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**Decision
number:**

Decision:

52/2019

The Cabinet agreed to delegate authority to the Chief Legal Officer, in consultation with the Leader and Portfolio Holder for Resources, to:

- **acquire a suitable site for a depot;**
- **apply for any necessary consents for its use;**
- **carry out works if required; and**
- **let the premises on the best terms reasonably obtainable.**

53/2019

The Cabinet recommended to Council that it adds the sum in the Exempt Appendix to the capital programme to acquire a suitable site, including relevant professional fees, obtain necessary consents and carry out works.

Reasons:

To give the Council more flexibility and security in terms of the letting of the waste collection and cleansing contract and to obtain a rental income from the letting of the site.

Strood Waterfront - Former Civic Centre Site

Background:

This report detailed issues relating to the redevelopment of the former Civic Centre site, access road and adjacent land at Jane's Creek, which had significant transformational potential and was a key part of the Strood Waterfront Development Brief, which had been adopted in June 2018.

In order to maintain a high degree of control over the selection of a housing developer and ensure the delivery of a high quality development, optimising densities and speed of delivery whilst obtaining best consideration, it was proposed that an OJEU procurement process be undertaken. As such, the land needed to be appropriated under Section 122 (1) of the Local Government Act 1972 for planning purposes so that it could be disposed of under S233 of the Town and Country Planning Act 1990.

**Decision
number:**

Decision:

54/2019

The Cabinet agreed to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Portfolio Holder for Inward Investment, Strategic

Cabinet, 9 April 2019

Regeneration and Partnerships to appropriate for planning purposes the land at the former Civic Centre site, access road and adjacent land at Janes Creek as shown edged black on the plan attached at Appendix A (“The land”).

55/2019 The Cabinet agreed to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive in consultation with the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships to dispose of the land on the best terms reasonably obtainable whilst securing development of the land.

Reasons:

This will allow Medway to maintain control of the development of the former Civic Centre site in Strood, allowing it to be transformed into an area of prime, high quality residential development offering fantastic views of Rochester Castle and Rochester Cathedral and access to the River Medway.

Secondary Free School in Strood - Update

Background:

This report provided an update with regard to the acquisition of land for a secondary Free School in Strood. At its meeting on 5 March 2019 the Cabinet had approved the underwriting of the overage held against the Manor Barn land in Strood and that the legal agreement be in a format agreed by the Chief Legal Officer, in consultation with the Leader and Portfolio Holders for Children’s Services (Lead Member) and Resources (decision numbers 44/2019 and 45/2019).

This report informed the Cabinet that following notification from the Department for Education that the period of the overage was in operation until 2043, not 2033 as previously advised, the Chief Legal Officer had re-consulted the three named Cabinet Members and subsequently the Council had agreed a right of pre-emption which was extended to 2043, which did not materially impact on the risks associated with the decision. Therefore, the Chief legal Officer had completed the agreement on 28 March 2019, in accordance with decision number 45/2019.

Decision number: **Decision:**

The Cabinet noted the report.

Reasons:

To understand fully the basis for approving the overage agreement.

Recruitment Freeze

Background:

This report presented information on a number of vacancies that officers had requested 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:**

56/2019 **The Cabinet agreed to unfreeze the following posts, as detailed in Appendix 1 to the report:**

Regeneration, Culture, Environment and Transformation

- a) Innovation Centre Medway – Receptionist
- b) Customer and Business Support Officer x 5
- c) Command of the Heights – Learning and Participation Officer
- d) Greenspace Development Officer
- e) Operations Officer
- f) Data Processing Clerk
- g) Head of HR Medway and Gravesham
- h) HR Consultant, HR Officer, HR Assistant (1 form)

Business Support Department

- i) Trainee Solicitor x 2
- j) Senior Valuation Surveyor
- k) Lawyer, Contracts, Place Team (Legal Services)
- l) Capital Programme Manager
- m) Finance Business Partner
- n) Finance Business Partner (Secondment)
- o) Team Leader – Corporate
- p) Finance Assistant Exchequer
- q) Accounting Technician Systems
- r) Information Governance Officer x 2

Children and Adults

- s) Senior Meeting Support Officer
- t) Head of Service Business and Intelligence
- u) Head of Adult Services

Public Health

- v) Partnership Commissioning Programme Lead
Children Emotional Well-Being and Mental Health

Reasons:

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

Gateway 3 Contract Award: Home to School Framework Provision

Background:

This report provided details of the tender and evaluation process for the Home to School Travel Assistance Framework Provision. The framework proposed was an overarching framework from which individual transport contracts could be called off through mini-competitions and direct awards.

The report had been considered by the Procurement Board on 20 March 2019, details of which were set out in section 5 of the report.

This report was accompanied by an exempt appendix which contained key information in respect of the financial analysis, 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 conclude the framework agreement before the end of the standstill period.

Decision number: **Decision:**

57/2019 **The Cabinet approved the award of the contracts to the successful bidders, as outlined in Section 3.1 of the exempt appendix and set out below:**

Framework Submissions	Solo Transport	Shared Transport
ABC Taxis	Y	Y
City Travel	Y	Y
HATS Group	Y	Y
John Reilly	Y	Y
London Hire	X	Y
ASD Transport	Y	Y
Place to Place	Y	Y
Strood Cabs	Y	Y
Vokes Taxis	Y	Y
Total:	8	9

The Cabinet noted that there was nil financial impact as a result of this contract award and that the Procurement Board had agreed to receive a briefing paper providing details of the financial outturn in October 2019.

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Reasons:

Awarding the contract to the successful bidders is recommended on the basis that this will ensure a robust legal position for procuring transportation of children with Special Educational Needs to school, the procurement process has been conducted to deliver the expected results, to do so allows Medway to preserve reputation and have access to quality providers and approved routes.

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Leader of the Council

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Date

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