

Record of Cabinet decisions

Tuesday, 14 January 2020

3.01pm to 4.17pm

Date of publication: 15 January 2020

**Subject to call-in these decisions will be effective from 23 January 2020
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 Mrs Josie Iles	Portfolio Holder for Children's Services – Lead Member (statutory responsibility)	
	Councillor Martin Potter	Portfolio Holder for Education and Schools	
	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 People - 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 17 December 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.

Review of the Old Vicarage Children's Home Provision

Background:

This report provided details of the outcome of the public consultation relating to the proposed closure of the Old Vicarage Children's Home. There were two options proposed in the public consultation, these were:

- Option 1: Continue to provide the current service, recognising the cost for each client is disproportionate to those receiving similar services.
- Option 2: Close the service and investigate what service type would better serve the needs of Medway's children and young people - ensuring that current residents have a clear plan for the future. This was the recommended option.

The consultation ran for 30 days from 19 November 2019 to 18 December 2019. There were 89 responses to the consultation which were set out in detail at section 4 of the report. A staff consultation was also undertaken.

The report explained that overall, the majority of respondents were not in favour of the proposal, and that the largest group represented was the professional partners. The general view was that the provision fulfilled a need for Medway children. There was recognition of the good work carried out with the young people who were currently, and had been, resident at the Old Vicarage.

Of those who were in favour of the proposal, a number expressed concern about the operation of the provision and the amount of money devoted to keeping the provision open, compared with fostering, for example. There was a view that the closure would be acceptable so long as any savings were reinvested.

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A number of respondents, including those who were not in favour of the proposal, acknowledged that the funding currently dedicated to resourcing the Old Vicarage could potentially be used for other purposes, which might reach a broader range of children and young people. Some questioned what the future provision may look like.

Having considered the feedback from the consultation, the report explained that it was vital that the needs of vulnerable children and young people in Medway were considered and that as the current service model of the Old Vicarage no longer met the more complex needs of service users, it needed to be re-engineered for the children and young people currently presenting to the Council in need of statutory help. It was also explained that there was a need to explore the feasibility of alternative provisions.

The report noted that continuing to provide the current service in its current format, was not financially viable. The current residents were approaching 18 and the provision would continue to be under-used as children/young people with similar needs were now placed in a family environment, i.e. Foster Care. The unit cost of accommodation per young person in the Old Vicarage would be much greater than the cost of suitable alternative provisions.

The report, therefore, recommended to proceed with the option to close the service and analyse alternative provisions that could be established (option 2).

The Children and Young People Overview and Scrutiny Committee considered this report on 9 January 2020 and its draft comments were set out in an addendum report.

A Diversity Impact Assessment had been undertaken for both staff and public consultations, as set out in Appendices 1 and 2 to the report.

Decision number: ***Decision:***

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

1/2020 The Cabinet agreed the proposed closure of the current provision at the Old Vicarage Children's Home, with continuation of care pathways for current residents at the home, finding suitable provision that meets their eligible needs, with the aim of minimising disruption to their care pathways.

2/2020 The Cabinet agreed that a provision is developed that ensures a greater number of children and young people receive the right intervention at the right time, a need highlighted during the ILACS (Inspection of Local Authority Children's Services) inspection.

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Reasons:

The proposals will enable the Council to provide a service which would better serve the needs of Medway's children and young people, improving their outcomes, as highlighted during the ILACS inspection. It will also enable the Council to realise savings.

Kent, Bexley and Medway Regional Adoption Agency (RAA)

Background:

This report provided details of the business case for the regionalisation of adoption services across Kent, Bexley and Medway. The business case set out in detail the principles of the Regional Adoption Agency (RAA) and aimed to add clarity and assurance around budget, HR and governance and accountability.

The report noted that the Government had set a very clear direction that all local authorities' adoption services must be delivered on a regionalised basis by 2020. The Kent, Bexley and Medway RAA was now formally proposing a partnership model that required no physical transfer of staff but operated under a robust governance structure. Work was underway to fully scope this and produce an associated governance framework involving the joint exercise of adoption functions underpinned by a partnership agreement.

The Children and Young People Overview and Scrutiny Committee considered this report on 9 January 2020 and its draft comments were set out in an addendum report.

A Diversity Impact Assessment (DIA) would be completed once the business case and partnership agreement had been finalised and presented to Cabinet in the spring 2020.

Decision number:

Decision:

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

3/2020

The Cabinet agreed the business case for the Regional Adoption Agency as set out at Appendix 2 to the report.

Reasons:

Agreement of the business case will enable preparation of the partnership agreement which will be presented to the Cabinet in March 2020 and regionalisation within the timescale mandated by the Department for Education.

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Report from the Minister of State for Children and Families on Ways Forward for Children's Services in Medway

Background:

The Cabinet accepted this report as urgent to enable consideration of the matter at the earliest opportunity (the next scheduled Cabinet meeting was due to take place on 4 February 2020).

This report provided the Cabinet with details of the report from the Children's Services Commissioner appointed following the Ofsted Inspection of Local Authority Children's Services (ILACS) and in accordance with the statutory direction issued to Medway Council on 27 August 2019. The Commissioner's findings were summarised in paragraph 3.1 of the report.

The report also provided details of a new statutory direction issued to Medway Council in relation to Children's Services under Section 497A(4B) of the Education Act 1996. This was published on the 10 January 2020 and revoked the first direction.

The report explained that the Council would be directed to work with a Leadership Improvement Partner to drive forward the changes necessary to achieve the required standards in children's social care. In addition, the term of the Commissioner had been extended for a further 12 months to oversee the development of a comprehensive work plan with the Leadership Improvement Partner. A review of the arrangement would be carried out at six and twelve months.

The report also noted that Ofsted was required to carry out monitoring activity including an action planning visit, quarterly monitoring visits and a re-inspection after a period of around two years. The first quarterly monitoring visit by Ofsted would take place on 18 and 19 March 2020.

Section 6 of the report provided details of the progress made since the inspection.

The Children and Young People Overview and Scrutiny Committee considered this report on 9 January 2020 and its draft comments were set out in section 7 of the report.

Decision number: ***Decision:***

The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee

The Cabinet noted the content of this report and the improvement steps taken so far.

Reasons:

To formally notify the Cabinet of the outcome of the Commissioner's Report.

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To ensure Cabinet are informed of the feedback from the Children's Services Commissioner and the Statutory Direction from the Secretary of State.

Changes to the Corporate Management Team Structure

Background:

This report set out details of proposed changes to the corporate management team structure, this included:

- Deletion of the post of Deputy Director Children and Adult Services, and creation of two new Assistant Director roles, namely Assistant Director Children's Services and Assistant Director Education; and
- Deletion of the post of Assistant Director Transformation, moving responsibilities currently undertaken by this role to other members of the corporate management team in the Regeneration, Culture, Environment and Transformation (RCET) Directorate, and the Business Support Department (BSD).

Full details of the proposed changes were set out in sections 3 and 4 of the report respectively. The report noted that given the rapid changes that had occurred in the sector in recent years, the need to support service improvement areas such as Children's Social Care and Special Educational Needs and Disabilities (SEND), and to address the existing and future financial challenges, it was imperative that the Council's operations, structure and activities were continually reviewed to strive for increased efficiencies and revenue savings.

Decision number:

Decision:

4/2020

The Cabinet agreed to recommend to Council that the proposed changes to the Council's Corporate Management team structure as outlined within this paper are agreed.

5/2020

The Cabinet agreed to recommend to Council to agree the budget transfer between the Regeneration, Culture, Environment and Transformation (RCET) Directorate and the Business Support Department (BSD), to reflect the movement and reallocation of functions as explained in the report.

Reasons:

It is necessary to strengthen the senior leadership and management within the Children and Adults Directorate to improve services to Medway's vulnerable children and families, and to do this with urgency and at pace. It is also important to review and change the organisation's senior management structure, as and when opportunities for service improvement and revenue savings occur.

Outcomes of Consultation for the Proposals to Amalgamate Park Wood Infant and Junior Schools

Background:

This report provided details of the outcome of the informal consultation period on the Council's proposal to amalgamate Park Wood Infant and Junior Schools. The proposals were, by way of statutory prescribed alterations:

- to change the upper age range at Park Wood Infant School from 7 to 11 years old, to enable them to admit the older children from the junior school;
- the enlargement of the premises at Park Wood Infant School to enable it to incorporate the buildings currently occupied by Park Wood Junior School; and
- the closure of Park Wood Junior School.

The report noted that it was proposed, subject to the outcome of the period of statutory representation, to formally implement the changes on 1 September 2020, when the school would become known as Park Wood Primary School.

The six-week informal consultation took place between 9 September 2019 and 20 October 2019, and the results of this were set out in sections 4 and 5 of the report. There were four written responses to the consultation, three responses overwhelmingly supported the proposal and one was neutral. There were no objections.

Decision number: **Decision:**

6/2020 **The Cabinet noted the responses to the informal consultation together with the advice and analysis from officers and agreed to instruct the Director of People - Children and Adults Services to commence the period of statutory representation for the proposed changes to Park Wood Infant and Junior Schools, as set out in paragraphs 9.1 and 9.2 of the report, when statutory notices and full proposals will be published.**

7/2020 **The Cabinet agreed to delegate authority to the Director of People - Children and Adults Services, in consultation with Portfolio Holders for Children's Services (Lead Member) and Education and Schools, to determine whether to approve the proposals at the end of the statutory consultation period if no objections are received. However, if any objections are received during that time then a report will be prepared and presented to Cabinet for determination.**

Reasons:

Approval to proceed to a period of statutory representation will ensure the Council complies with its duty to follow the full consultation process when proposing changes to school organisation.

Referral from the Regeneration, Culture and Environment Overview and Scrutiny Committee - Member's Item: Use of Herbicides on Green Space Assets

Background:

This report provided details of a referral from the Regeneration, Culture and Environment Overview and Scrutiny Committee with regards to the Member's item that was considered by the Committee on 5 December 2019. This report reviewed the use of herbicides on green space assets and alternatives that were available.

The Committee agreed to recommend to Cabinet that:

- a) due to conflicting opinion, glyphosate no longer be used in children's play areas.
- b) as the current product has been deemed safe to use by independent scientific experts working for the EU and UK Government, the service continue the adopted practice on all other green space assets.
- c) the service continue to review usage of glyphosate herbicides in greenspace / public areas within legislation guidelines.
- d) that for a period of one year, an uncut area of approximately 3ft be left untreated around the base of trees in public parks, with one cut during the season.

The report provided details of the various options available for Cabinet's consideration.

Decision number: **Decision:**

8/2020

The Cabinet agreed that:

- a) **due to conflicting opinion, glyphosate no longer be used in children's play areas.**
- b) **as the current product has been deemed safe to use by independent scientific experts working for the EU and UK Government, the service continue the adopted practice on all other green space assets.**
- c) **the service continue to review usage of glyphosate herbicides in greenspace / public areas within legislation guidelines.**

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- d) **for a period of one year, an uncut area of approximately 3ft be left untreated around the base of trees in public parks, with one cut during the season.**

Reasons:

Glyphosate is currently considered to be a safe method of chemical weed control. However, an integrated approach using non-biochemical products would also be effective and would reduce the use of glyphosate. Leaving an area uncut would minimise visible spray lines around assets.

Land at Eastcourt Lane and Woodchurch Green, Twydall, for Proposed Residential Use

Background:

This report provided details of two areas of land which were currently areas of green space at Eastcourt Lane and Woodchurch Green, Gillingham which would need to be appropriated to the Housing Revenue Account (HRA) before they could be used for the development of housing. The report noted that these sites were required for the delivery of the HRA's phase 4 development programme, which also included two further sites already in the HRA ownership. These were Brabourne Avenue and Lynsted Road, Gillingham.

The report explained that following appropriation, the Council could, subject to planning permission, develop the sites to help meet the housing need in the area. Planning applications for the development of these sites were submitted in November 2019 and the land would not be appropriated until if and when planning permission had been granted for the development of land.

The report noted that on 19 November 2019, the Cabinet recommended to Full Council that the capital programme be increased by £4.1 million for the HRA new Build Phase IV as set out in paragraph 3.11 of the Capital Budget Monitoring 2019/20 – Round 2 report, to be funded 70% from borrowing and 30% from 'Right to Buy' capital receipts in line with the existing scheme (decision no. 143/2019 refers). Full Council would consider and determine this recommendation on 23 January 2020. Appropriation of the land was subject to approval of this capital addition.

Decision number: **Decision:**

9/2020 **The Cabinet agreed to delegate authority to the Director Regeneration, Culture, Environment and Transformation and Deputy Chief Executive, in consultation with the Deputy Leader and Portfolio Holder for Housing and Community Services and the Portfolio Holder for Resources to:**

- i) **advertise the proposed appropriation of the land at**

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Eastcourt Lane, Gillingham and Woodchurch Green, Gillingham, as shown edged red on the plans attached at Appendices 1 and 2 to the report respectively, to the Housing Revenue Account (HRA).

- ii) **consider any objections to the proposal and determine whether or not to appropriate the land at Eastcourt Lane, Gillingham and Woodchurch Green, Gillingham as shown edged red on the plans attached at Appendices 1 and 2 to the report, so that the land can be used for residential use, subject to planning permission being obtained for this purpose.**
- iii) **once planning consent has been obtained for housing on the land to appropriate the land to the HRA.**

Reasons:

The appropriation of the land will allow the Council to help meet its housing targets and address the need for affordable homes for those on the housing register.

Council Tax Reduction Scheme

Background:

This report provided details of the Council Tax Reduction Scheme (CTRS) 2020/2021 for Cabinet's consideration ahead of final consideration and approval by Full Council on 23 January 2020.

The report stated that the April 2020 allowances were not due to be announced until January 2020 and would be included in the Council report. However, the uprating intentions for 2020/21 had been announced and were included at Appendix 1 to the report. Other than the annual uprating, there were no proposed changes to the CTRS for 2020/21.

A Diversity Impact Assessment had been undertaken on the proposals, as set out in Appendix 2 to the report.

Decision number:

Decision:

10/2020

The Cabinet agreed to recommend the current Council Tax Reduction Scheme (which will therefore be subject to annual uprating) to Council for adoption on 23 January 2020.

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Reasons:

The scheme continues to balance the need for supporting those currently in receipt of CTRS and the ability of the Council to fund the scheme within the current budgetary constraints.

The Council's Council Tax Discretionary Relief scheme provides additional support in the case of hardship.

Provisional Local Government Finance Settlement

Background:

The Cabinet accepted this report as urgent to enable consideration of the matter at the earliest opportunity given that the final budget proposals would be submitted to the next scheduled Cabinet meeting on 4 February 2020.

This report provided details of the provisional local government settlement announced by the Secretary of State on 20 December 2019. It also provided updated assumptions in relation to locally raised taxes.

The report explained that the Council Tax referendum limit had returned to its historic level of 2%, however the Adult Social Care precept had been extended for a further year, allowing upper tier authorities the flexibility to increase Council Tax by a further 2% above the referendum limit. Medway's Draft Budget assumed that Council Tax would be increased by 3.994%. In addition, it had been confirmed that the 50% business rate retention scheme would continue in its existing form and Medway remained a top-up authority.

The report also provided details of the impact on other grants, set out at sections 6 to 10 of the report.

Decision number: **Decision:**

The Cabinet noted the implications of the provisional settlement in formulating its 2020/21 budget proposals

Reasons:

These provisional levels of grant are a fundamental component of the 2020/21 budget, and their announcement is a further stage in the process of preparing a balanced budget.

Gateway 3 Contract Award: Medway Integrated Community Equipment Service (MICES)

Background:

This report provided details of the outcome of the procurement exercise for Medway Integrated Equipment Service (MICES) which included minor adaptations.

The report stated that MICES was a statutory service that provided and supported adults and children in Medway with the appropriate equipment to meet therapeutic, rehabilitation, mobility and independence needs. Minor adaptations involved modifying clients' homes to enable them to remain independent and safe at home.

The report explained that the commissioning intentions of the preferred option were for a five year contract; three year initial term with two options to extend by a further year.

An Exempt Appendix provided details of the financial analysis of the submissions and the outcome of evaluation.

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 contract before the end of the standstill period.

Decision number:

11/2020

Decision:

The Cabinet approved the award of the contract to Medequip Assistive Technology Ltd.

Reasons:

The option is recommended because it offers the highest quality, innovative, safe and efficient service.

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Leader of the Council

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Date

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