

Record of Cabinet decisions

Tuesday, 7 April 2020

3.03pm to 3.48pm

Date of publication: 8 April 2020

**Subject to call-in these decisions will be effective from 20 April 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 <i>remote participation</i>
	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 Rupert Turpin	Portfolio Holder for Business Management
In Attendance:	Neil Davies, Chief Executive	
	Jade Hannah, Democratic Services Officer	
	Wayne Hemingway, Principal Democratic Services Officer	
	Perry Holmes, Chief Legal Officer/Monitoring Officer	

Apologies for absence

Apologies for absence were received from Councillors David Brake (Portfolio for Adults' Services), Rodney Chambers OBE (Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships), Jane Chitty (Portfolio Holder for Planning, Economic Growth and Regulation) and Martin Potter (Education and Schools).

Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

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Other significant interests (OSIs)

There were none.

Other interests

There were none.

Record of decisions

The record of the meeting held on 3 March 2020 was agreed by the Cabinet and signed by the Leader as a correct record.

The record of the urgent decision taken by the Leader on 27 March 2020 was agreed by the Cabinet and signed by the Leader as a correct record.

Housing Infrastructure Fund (HIF) New Routes to Good Growth - Project Delivery

Background:

This report provided an update on the progress of Medway's Housing Infrastructure Fund (HIF) Bid, 'New Routes to Good Growth'. The report explained that on 1 November 2019, the Ministry of Housing, Communities and Local Government (MHCLG) announced that Medway's HIF bid had been successful. Since then, officers had responded to conditions that MHCLG required to be attached to the receipt of this funding. The Exempt Appendix to the report set out the HIF Grant Determination Agreement (GDA) (Appendix 1) and the pre- and post-commencement conditions (Appendix 2).

The report explained that there were a large number of conditions contained within the GDA which the Council either needed to achieve or set out how it could achieve them should they become necessary. The Council did not currently have the powers available to it to meet all requirements. However, to ensure that officers could do so in a timely and efficient manner, delegations were being sought from Cabinet and Full Council to enable respective executive and non-executive functions to be exercised.

Detailed financial information in relation to the delivery of the HIF bid was set out in section 6 of the report. The report stated that once the GDA was signed, MHCLG had indicated that funding would be provided based on monthly claims, with the first payment not expected until September 2020. The cost of borrowing to fund works in advance of claims would be charged to the capital scheme and would not impact on the Council's revenue budget.

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Decision number:

Decision:

47/2020

The Cabinet agreed:

- i) to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Leader, the Chief Finance Officer and the Chief Legal Officer, to enter in to the negotiated Housing Infrastructure Fund Grant Determination Agreement (GDA) and carry out all pre- and post-conditions, as detailed in the Exempt Appendix; and**
- ii) to recommend Full Council to agree the same delegation in relation to all non-executive aspects of the GDA.**

Reasons:

The alternative option would result in the loss of £170m of capital funding, which is considered vital in supporting Medway's future regeneration, and delivering against Local Plan targets.

Transport for the South East - Consent for Submission of Proposal to Government

Background:

This report provided details of a 'proposal to Government' seeking statutory status for the Sub-National Transport Body for the South East. The report explained that Transport for the South East (TfSE) formed as a shadow Sub-National Transport Body (STB) in June 2017 and brought together sixteen Local Transport Authorities: Bracknell Forest, Brighton and Hove, East Sussex, Hampshire, Isle of Wight, Medway, Kent, Portsmouth, Reading, Slough, Southampton, Surrey, West Berkshire, West Sussex, Windsor and Maidenhead and Wokingham.

The Shadow Partnership Board also included arrangements for involving five Local Enterprise Partnerships in its governance process, along with two National Park Authorities, forty-four Boroughs and Districts in East Sussex, Hampshire, Kent, Surrey and West Sussex, and representatives from the transport industry.

The report stated that if statutory status was approved, TfSE would have the powers and responsibilities that were required to support the work of its constituent authorities and partners. It would allow TfSE to directly influence government decision-making and give it the tools to develop regional transport solutions and deliver major improvements to the transport network in the South East. Its main purpose would be to facilitate the development of a Transport Strategy for the region and to promote economic growth.

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To achieve statutory status, TfSE was required to develop a 'proposal to Government'. This needed to demonstrate the strategic case for the creation of a Sub-national Transport Body and set out how TfSE would fulfil the statutory requirements outlined in the enabling legislation. The proposal needed to also identify the types of powers and responsibilities sought, and the proposed governance structure. The proposal was set out at Appendix 1 to the report.

Decision number:

Decision:

48/2020

The Cabinet agreed to support the creation of a Sub National Transport Body for the South East.

49/2020

The Cabinet approved the submission to the government of the proposal for statutory status of the Sub National Transport Body as set out at Appendix 1 to the report.

Reasons:

TfSE's aim to grow the region's economy by delivering an integrated and sustainable transport system aligns with Medway's vision to improve the quality of life for all our residents, protect and enhance our natural and built environment and deliver economic regeneration and growth.

TfSE provides an opportunity to support the delivery of growth plans in Medway through the development of a long-term strategic programme of transport measures to facilitate economic growth and make the South East more competitive. It will develop a Transport Strategy that complements the work of the Local Economic Partnerships and supports the delivery of Local Plans.

TfSE will address strategic transport infrastructure issues that have acted as a barrier to growth of the economy. As a constituent authority, Medway Council will be able to influence the prioritisation of investment by the major national transport agencies such as Highways England and Network Rail in a way that has not been possible in the past. Medway stands to benefit from a greater collective influence with Government and key stakeholders, helping to secure delivery of longstanding transport infrastructure ambitions.

Joint Local Area Special Educational Needs and Disabilities (SEND) Inspection Revisit

Background:

This report provided details of the outcome of the Special Educational Needs and Disabilities (SEND) Local Area revisit, which was carried out jointly by the Office for Standards in Education, Children's Services and Skills (Ofsted) and the Care Quality Commission (CQC) between the 9 and 11 December 2019.

This inspection followed an initial inspection carried out by Ofsted and the CQC from 4 to 8 December 2017 in which eight areas of serious weakness were identified and

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resulted in a requirement to produce and submit to the Department for Education (DfE) a Written Statement of Action.

The report explained that following the most recent inspection the inspectors concluded that the Local Area had made significant progress in five out of the eight areas initially identified as areas of concern. These were:

- the extent to which providers in the area take suitable responsibility for ensuring the effective implementation of the reforms;
- the lack of clearly understood and effective lines of accountability;
- the quality and rigour of self-evaluation and monitoring and its effectiveness in driving improvement;
- the sufficiency of information to inform accurate evaluation; and
- the lack of effective co-production at all levels.

Whilst the inspectors saw that progress had been made in the remaining three areas, they reported that this progress had been slow to be realised and had not been embedded for long enough. These areas were:

- the lack of joint strategic leadership across the area between the Council, the CCG and education providers;
- the lack of a clearly communicated strategy that is understood and shared by leaders across the area; and
- The quality of education, health and care plans.

The report outlined that it was expected that, following the outcome of the revisit, the CCG and Medway Council would be asked to submit an 'Accelerated Progress Plan' to the DfE. This plan would describe how the Local Area would continue to make progress to improve the remaining three areas of concern.

The report also noted that there was an expectation that the DfE and NHS England would continue to offer monitoring and scrutiny meetings with the CCG and Medway Council to ensure that progress was being made and there would be two monitoring visits over the period of a year.

The Portfolio Holder for Children's Services (Lead Member) confirmed that an 'Accelerated Progress Plan' had been submitted.

The Children and Young People Overview and Scrutiny Committee considered this report on 5 March 2020, details of which were set out in section 6 of the report.

Decision number: **Decision:**

The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Comments as set out in section 6 of the report and noted the progress towards meeting the improvements detailed in the Special Educational Needs and Disabilities (SEND) Written Statement of Action.

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Reasons:

To formally notify the Cabinet of the outcome of the SEND Local Area Revisit and outline the next steps.

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:

50/2020

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

Business Support Department

- a) Facilities Management and Compliance Manager
- b) Senior Valuation Surveyor (Temp)
- c) Lawyer – Place
- d) Paralegal

Children and Adults

- e) Senior Public Health Researcher
- f) Senior Partnership Commissioner
- g) Youth Offending Team Information and Analysis Officer
- h) Senior Commissioning Officer
- i) Data and Monitoring Officer
- j) Principal Social Worker (Head of Quality and Specialist Services)

Regeneration, Culture and Environment

- k) Adaptations Technical Assistant
- l) Bikeability Officer x2
- m) Administrative Support Officer
- n) Guardians of the Deep Project Officer
- o) Customer and Business Support Senior Officer x1
- p) Customer and Business Support Officers (Gun Wharf) 6.42 FTE
- q) Customer and Business Support Officers (Kingsley House) 7.81 FTE

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Reasons:

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

Gateway 3 Contract Award: Street Lighting LED and Column Replacement Programme

Background:

This report provided details of the LED (Light Emitting Diode) and Column Replacement Programme and procurement exercise following consideration at the Procurement Board on 18 March 2020. The report explained that at the Gateway 1 stage, this project was approved as a Category B, medium risk procurement activity. In accordance with the Council's Contract Procedure Rules, medium risk reports would be reviewed and approved by the Chief Legal Officer in consultation with the Procurement Board.

The report stated that the procurement exercise was undertaken via the Crown Commercial Services Framework (RM1089). The incumbent term contractor from the Council's pre-existing Highways Infrastructure Contract was also invited to tender alongside those Contractors on the Framework, under the same Terms and Conditions.

The tender encompassed both LED conversion and column replacements, with options for a Central Management System (CMS) for dimming and trimming light levels and Smart City future proofing and integration, with the preferred option being to install a CMS system, if it was financially viable.

An Exempt Appendix provided details of the financial analysis of the submissions and the outcome of evaluation. The report explained that the Gateway 3 report had been considered at the Procurement Board on 18 March 2020 and the Chief Legal Officer in consultation with the Procurement Board agreed that this procurement proceeds with award to the winning evaluated bidder, for the option with CMS set out in paragraph 3.2 in the Exempt Appendix, subject to approval of funding.

The report explained that the procurement requirement and its associated delivery would require Full Council approval for a new scheme to be added to the Capital Programme funded by prudential borrowing met from projected energy savings. The contract would not be awarded until a decision had been made by Full Council on 23 April 2020 on the funding award.

The Council's decision to award this contract would also 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: **Decision:**

The Cabinet noted the proposed contract award for the Street Lighting LED and Column Replacement Scheme

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with Central Management System (CMS) to the successful bidder as detailed in paragraph 5.1 of the report and paragraph 3.2 of the Exempt Appendix, which is subject to funding approval.

51/2020 The Cabinet agreed to recommend to Full Council on 23 April 2020 the addition of £11,155,144 to the Council's Capital Programme for the Street Lighting LED (light emitting diode) and Column Replacement Programme to be funded by prudential borrowing met from projected energy savings.

Reasons:

This scheme will upgrade the extensive street lighting network and increase the asset base condition, thus ensuring network safety and will contribute to both Medway Council's climate change and Smart City agendas.

The cost of the scheme, over the predicted 20 year life span of the LED lanterns, will be funded via cost avoided savings in energy, which are predicted to exceed the investment required over the period.

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Leader of the Council

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Date

Jade Hannah, Democratic Services Officer

Telephone: 01634 332008
Email: democratic.services@medway.gov.uk