

Record of Cabinet decisions

Tuesday, 14 December 2021

3.00pm to 4.12pm

Date of publication: 15 December 2021

**Subject to call-in these decisions will be effective from 23 December 2021
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 Gary Hackwell	Portfolio Holder for Business Management
	Councillor Mrs Josie Iles	Portfolio Holder for Children's Services – Lead Member (statutory responsibility)
	Councillor Martin Potter	Portfolio Holder for Education and Schools
In Attendance:	Neil Davies, Chief Executive	
	Bhupinder Gill, Assistant Director, Legal and Governance	
	Jon Pitt, Democratic Services Officer	

Apologies for absence

There were none.

Record of decisions

The record of the meeting held on 16 November 2021 was agreed by the Cabinet and signed by the Leader as correct.

Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

Councillor Hackwell declared a pecuniary interest in agenda item number 4, Medway Adult Education (MAE) Business Plan, as his wife is a part time assessor for MAE. Councillor Hackwell left the room during discussion and determination of the item.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

Medway Adult Education (MAE) Business Plan

Background:

This report presented the Medway Adult Education (MAE) Business Plan which the Cabinet was asked to approve. The Business Plan set out a short-term and medium-term framework for Medway Adult Education, focusing on work outside of business as usual. It considered challenges and opportunities, both from a commercial and holistic perspective and laid out the priorities and an action plan to deliver against the Plan.

The MAE Business Plan and its Action Plan were set out at Appendix 1 and Appendix 2 to the report respectively. A diversity Impact assessment had been completed and was attached at Appendix 3 to the report.

The report had previously been considered by the Business Support Overview and Scrutiny Committee on 25 November 2021 and its comments were set out in section 4 of the report.

Decision number: ***Decision:***

The Cabinet noted the comments of the Business Support Overview and Scrutiny Committee, as set out in section 4 of the report.

133/2021 The Cabinet approved the Medway Adult Education Business Plan, as set out in Appendix 1 of the report.

134/2021 The Cabinet agreed to delegate authority to the Director of Place and Deputy Chief Executive, in consultation with the Deputy Leader and Portfolio Holder for Housing and Community Services to consider how coverage of social prescribing could be enhanced within the Plan, as

suggested at paragraph 4.7 to the report and to make the relevant changes as required.

Reasons:

Approving the MAE Business Plan will:

- Set the direction for the service towards greater sustainability.
- Benefit residents through a wide variety of different opportunities through our curriculum.
- Align MAE with our growing skills & employment agenda.

Kent and Medway Adult Learning Disability and Autism Collaborative Options

Background:

This report set out proposals to improve health and social care outcomes for adults with learning disability and autistic people across Kent. This would be achieved by a new NHS Provider and Council 'Collaborative Agreement' and a new 'Section 75 Agreement' to implement a 'Whole System Model'. The report proposed that the Cabinet agree to Medway joining this collaborative agreement.

Appendix 1 to the report set out Kent's Learning Disability and Autism whole system approach. A diversity Impact assessment had been completed and was attached at Appendix 2 to the report.

The report had previously been considered by the Health and Adult Social Care Overview and Scrutiny Committee on 9 December and its comments were set out in an addendum report within Supplementary Agenda No.2. The addendum report also set out revised recommendations to Cabinet to reflect the recommendations made by the Committee.

Decision number: ***Decision:***

135/2021 **The Cabinet agreed Option 2, as set out in paragraphs 3.4 to 3.5 of the report, as this would secure the Council's place as an equal partner in key decisions with the NHS, which affect how healthcare services and support for Medway's residents with a learning disability and autistic residents were planned, delivered and held accountable.**

136/2021 **The Cabinet agreed to ensure that Medway has an equal voice in decision making and service delivery; suitable performance monitoring arrangements are put in place and if the outcomes for Medway residents with learning disabilities and/or autism are not improved to re-consider the model.**

The Cabinet noted that a progress report on the new arrangements, including outcomes, would be reported to the Health and Adult Social Care Overview and Scrutiny 6 months after the start of the new arrangements and a briefing paper after 3 months.

Reasons:

Option 2 will secure the Council's place as an equal partner in key decisions with the NHS, which affect how healthcare services and support for Medway's residents with a learning disability and autistic residents are planned, delivered and held accountable.

By negotiating equality in the director post and governance and by undertaking strong commissioning and oversight to the progress of this area of work we feel confident we can provide the Council with a level of assurance that Medway residents will have equality in offer and that quality and innovation is championed.

The model ensures that the Council can apply its broader strategic leadership role and its experience and knowledge across Council Members and officers, in developing solutions with the NHS and other partners including experts by experience that raise the life chances, wellbeing and quality of life of Medway's autistic residents and residents with a learning disability.

Public Space Protection Orders Extension

Background:

This report set out that Public Space Protection Orders (PSPOs) were an order created in relation to areas within the local authority's jurisdiction, where activities were taking place that were, or were likely to be, detrimental to the local community's quality of life. PSPOs imposed conditions or restrictions on people within that area.

Public consultation had been undertaken in relation to proposals to extend the boundaries of the existing PSPOs which covered the consumption of alcohol in Chatham, Rochester, and Strood. The consultation responses were set out in Appendices 3, 4 and 5 to the report. The proposed extensions to these PSPO areas were shown in the maps at Appendix 1 to the report.

Decision number: ***Decision:***

The Cabinet noted that although the response rate was low, those that responded to the consultation were in favour of the boundary extensions as was the Police and Crime Commissioner and Kent Police's Borough Commander.

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- 137/2021** The Cabinet recommended Full Council to approve the boundary extension of the existing town centre PSPO in Chatham, as shown in the map at Appendix 1 to the report.
- 138/2021** The Cabinet recommended Full Council to approve the boundary extension to the existing town centre PSPO in Rochester, as shown in the map at Appendix 1 to the report.
- 139/2021** The Cabinet recommended Full Council to approve the boundary extension to the existing town centre PSPO in Strood, as shown in the map at Appendix 1 to the report.

Reasons:

The extension of the PSPOs should assist our Kent Police partners in addressing incidents of alcohol related ASB in the new areas over the long-term and improve the quality of life for residents, visitors and local businesses.

School Admissions Arrangements 2023

Background:

This report provided details of the outcome of the consultation on the coordinated admission schemes and arrangements for primary and secondary schools for September 2023.

Section 3 of the report outlined the proposed changes to admissions arrangements.

The proposed changes to the 2023 secondary admission arrangements were:

- the revision of dates to fit the 2023/24 admission timeline
- removal of the Medway Test late registrations deadline
- change of Medway Test results publication from 4pm Monday 3 October 2022 to 10am Tuesday 4 October 2022
- change of deadline for schools to provide work for Medway Test review from 10am 12 October 2022 to 4pm 11 October 2022
- definition of looked after/previously looked after children updated to reflect changes to School Admissions Code September 2021. The definition now includes those who appeared to be in state care outside of England.

The proposed changes to primary admissions 2023/24 were:

- the revision of dates to fit the 2023/24 admission timeline.
- definition of looked after/previously looked after children updated to reflect changes to School Admissions Code September 2021. The definition now includes those who appeared to be in state care outside of England.
- reduction of the published admission number at Crest Infant School from 90 to 60 due to falling demand in the part of Rochester where the school is located.

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The report explained that 13 responses to the consultation had been received. These were summarised in section 4 to the report.

A Diversity Impact Assessment had been undertaken on the proposals, as set out in Appendix 3 to the report.

Decision number: ***Decision:***

140/2021 **The Cabinet noted the outcome of the consultation process as set out in section 6 of the report, agreed the amendments to the admissions arrangements for 2023 as set out in section 3 of the report and approved:**

- a) The co-ordinated scheme for admissions to secondary schools 2023 (Appendix 1).**
- b) the co-ordinated scheme for admissions to primary schools 2023, incorporating the admissions arrangements for Community and Voluntary Controlled schools (Appendix 2).**

Reasons:

Approving the proposed admissions arrangements would ensure that the Council meets its statutory duty to comply with admissions legislation.

Provisional Funding Formula for Mainstream Schools and Academies 2022-2023

Background:

This report provided details of the 2022-23 funding arrangements for schools and academies and set out proposed changes to Medway's mainstream schools and academies provisional funding formula, following consideration by the Schools Forum on 1 December 2021.

The report stated that the financial modelling had been built using the October 2020 census data but that the final budget allocations would be based on actual pupil numbers from the autumn census in October 2021. The data was due to be released by the Department for Education in Mid-December 2021.

The Schools Forum's recommendations were detailed in paragraph 4.2 of the report. This included implementation of a Medway schools and academies local funding formula from April 2022 and a recommendation to offer a Minimum Funding Per Pupil Guarantee of £4,265 for a Primary school/academy, £5,535 per pupil for secondary schools and £4,800 for an all-through school in 2022/23.

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In order to balance the funding formula allocation back to the actual funding received, the Schools Forum had recommended that the local authority should adjust the factors set out at paragraphs 3.5 and 3.6 of the report.

Decision number: ***Decision:***

141/2021 **The Cabinet instructed officers to implement the 2022-23 provisional funding formula, as detailed in paragraph 4.2 of the report, and noted that the Schools Forum, on 12 January 2022 will recommend approval of the final funding formula to Cabinet.**

Reasons:

The local authority is required to implement the funding formula changes from 2022-23 in accordance with the regulations and to inform the Education Skills Funding Agency.

Local Plan: Authority Monitoring Report and Infrastructure Funding Statement

Background:

This report presented the Annual Medway Authority Monitoring Report (AMR) 2021, which was set out at Appendix 1 to the report and the Infrastructure Funding Statement (IFS) 2021, set out at Appendix 2.

The report explained that Medway's Planning Service had been compiling and publishing annual Monitoring Reports for the last 17 years, following the statutory requirement introduced in the Planning and Compulsory Purchase Act, 2004. The Council had adhered to a timetable for the publication of the AMR on an annual basis each December. This provided a basis for comparison with previous years. The report brought together substantial information about the area for the period 1 April 2020 to 31 March 2021. This included statistics and indicators on Medway's population and development trends, and social, economic and environmental aspects of the local area. The AMR also provided an update on the progress of the preparation of the new Medway Local Plan with reference to the Local Development Scheme, which set out the programme for plan preparation and review.

The report also provided details of the IFS, which set out information on developer contributions. The report explained that it was a statutory duty of any authority that received a contribution from development through section 106 planning obligations or a Community Infrastructure Levy to prepare an IFS. Councils were required to publish annually details of receipts, expenditure and proposed spend of developer contributions. This was the second annual IFS, which reported on the financial year 2020/21 and indicated the Council's priorities for investment in future years to provide for the sustainable growth of Medway.

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<i>Decision number:</i>	<i>Decision:</i>
142/2021	The Cabinet approved the publication of the Medway Authority Monitoring Report 2021 as set out at Appendix 1.
143/2021	The Cabinet approved the publication of the Infrastructure Funding Statement 2021 as set out at Appendix 2.

Reasons:

To comply with the duty to compile and publish a planning monitoring report.

To satisfy the requirement to annually publish an Infrastructure Funding Statement.

Action to Return a Long-Term Derelict Property into use at 364 High Street, Rochester ME1 1DJ

Background:

This report sought Cabinet approval for the acquisition of the former Mak's Curry Nest at 364 High Street, Rochester ME1 1DJ, through a Compulsory Purchase Order (CPO). It was clarified that the address referenced in the recommendations to the report was incorrect and that the correct address was 364 High Street, Rochester.

The property had been vacant since 2012 and had fallen into significant disrepair. The Council had received a number of complaints relating to the external condition of the property. It was anticipated that use of a CPO would allow the physical appearance of the property to be brought in line with neighbouring properties, thereby increasing the economic and social wellbeing of the area.

The report was accompanied by an exempt Appendix. This set out key information relating to the likely cost of purchasing the property via a CPO and other associated costs.

<i>Decision number:</i>	<i>Decision:</i>
144/2021	The Cabinet agreed that the Council make a Compulsory Purchase Order (CPO) under the Acquisition of Land Act 1981 and s226(a) of the Town and Country Planning Act 1990, for the acquisition of the 364 High Street, Rochester for the purposes of the provision of housing accommodation with a potential commercial use on the ground floor.

145/2021 **The Cabinet agreed to delegate authority to the Director of Place and Deputy Chief Executive in consultation the Portfolio Holder for Resources to:**

- i) Delegate securing of funding for the CPO to officers.**
- ii) Take all necessary steps to secure the making, confirmation and implementation of the CPO, including the publication and service of notices and all other associated procedural steps.**
- iii) Acquire the Property whether by voluntary agreement or compulsorily using the statutory powers set out in paragraph 9.1.**
- iv) Once acquired, dispose of the Property by one of the two options set out in paragraph 3.3 with appropriate conditions to secure its repair.**
- v) Suspend or abandon the CPO proceedings or withdraw an order on being satisfied that the Property will be satisfactorily renovated and re-occupied.**
- vi) Take necessary action to deal with all matters relating to the payment of statutory compensation including, where required, instituting or defending proceedings.**
- vii) Take all other necessary action to give effect to these recommendations.**

Reasons:

The property is one of a number of similar abandoned and derelict buildings across Medway, including properties such as 6 High Street Gillingham which are being assessed and considered by officers in consultation with the Portfolio Holder.

The property has been derelict and empty for over 10 years, its condition has steadily deteriorated and is now proving to be detrimental to the character of the conservation area and neighbourhood as well as being a waste of employment space and residential accommodation in an area with high housing demand.

Officers and external agencies have also been unable to locate the owner.

The property has attracted a number of complaints from local residents and therefore is having a detrimental effect on them, as it is affecting enjoyment of their properties. CPO action will allow the physical appearance of the property to be brought in line

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with neighbouring properties, thereby increasing the economic and social wellbeing of the area.

Works to enhance the appearance of the property will remove its current blighting effect and improve the local environment for neighbouring properties. This will also link to further improvements in the area facilitated by HAZ funding.

Re-occupation/ re-use would also reduce the likelihood of the property attracting anti-social behaviour, crime and vandalism. It has already attracted squatters.

The Council considers that the CPO will result in the property being brought back into use. The CPO is necessary and justified as last resort as this benefit could not be achieved by agreement.

Gateway 1 Procurement Commencement: Recommissioning Supported Living Services in Medway

Background:

This report sought permission to commence the recommissioning of Supported Living Services in Medway.

The report explained that the Council currently operated a Dynamic Purchasing System (DPS) through which Supported Living services for residents with a learning disability, physical disability, or mental health condition were purchased. This contract commenced in June 2015.

A two-year extension built into the DPS contract had already been exercised with the re-commissioning of this service having been delayed due to the COVID-19 pandemic. Commissioners were therefore keen to commence this procurement exercise and so minimise any further delays.

The report was accompanied by an exempt Appendix. This set out financial analysis in respect of this procurement project.

Decision number: ***Decision:***

146/2021 **The Cabinet approved the commencement of the project to recommission Supported Living Services in Medway, as set out in paragraph 7.2.4 to the report.**

Reasons:

To fulfil the Council's obligations under the Care Act (2014).

To ensure that Medway residents are supported to live fulfilled and enriched lives.

To continue to ensure best value for money for provision of these services.

Scheme of Delegations

Background:

The Cabinet accepted the report as urgent to enable consideration of the matter at the earliest opportunity as a gap in the Council's Constitution had only recently been discovered. This required rectification urgently to ensure that the Council would be able to exercise its statutory functions.

The report requested Cabinet approval of amended delegations, as set out in Appendix 1 to the report. These delegations related to Council housing and homelessness functions.

Decision number: ***Decision:***

147/2021 **The Cabinet agreed to delegate authority to the Director of Place and Deputy Chief Executive to exercise and to delegate to officers at an appropriate grade the functions set out in the attached appendix.**

Reasons:

The amendments to the delegations be made to reduce the risk of legal challenge to the exercise of the Council's functions.

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Leader of the Council

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Date

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