

# Record of Cabinet decisions

**Tuesday, 11 July 2023**

**7.00pm to 9.11pm**

**Date of publication: 12 July 2023**

**Subject to call-in these decisions will be effective from 20 July 2023  
The record of decisions is subject to approval at the next meeting of the Cabinet**

<b>Present:</b>	Councillor Vince Maple	Leader of the Council
	Councillor Teresa Murray	Deputy Leader of the Council
	Councillor Simon Curry	Portfolio Holder for Climate Change and Strategic Regeneration
	Councillor Lauren Edwards	Portfolio Holder for Economic and Social Regeneration and Inward Investment
	Councillor Naushabah Khan	Portfolio Holder for Housing and Property
	Councillor Harinder Mahil	Portfolio Holder for Heritage, Culture and Leisure
	Councillor Tristan Osborne	Portfolio Holder for Community Safety and Enforcement
	Councillor Adam Price	Portfolio Holder for Children's Services (including statutory responsibility)
	Councillor Zoë Van Dyke	Portfolio Holder for Business Management
<b>In Attendance:</b>	Richard Hicks, Chief Executive	
	Lee-Anne Farach, Director of People - Children and Adults' Services	
	Bhupinder Gill, Assistant Director, Legal and Governance	
	Teri Reynolds, Democratic Services Officer	

## **Apologies for absence**

An apology for absence was received from Councillor Coombs.

## **Record of decisions**

The record of the meeting held on 13 June 2023 and the record of Leader using urgency powers on 28 June 2023 were agreed by the Cabinet and signed by the Leader as correct.

## Cabinet, 11 July 2023

### Leader's announcements

The Leader advised that on Monday 10 July 2023, the Council had received an update from the Department for Levelling Up, Housing and Communities (DLUHC) that they would not be supporting the Housing Infrastructure Fund (HIF) Scheme going forward. He, along with other Cabinet Members, expressed deep disappointment at this news and the loss of the £170m investment. Concern was raised about the impact this would have on Medway, in particular in relation to the provision of sustainable infrastructure to support additional housing, but the Leader stated that he remained committed to continue dialogue with the Secretary of State and DLUHC on this issue.

### Declarations of Disclosable Pecuniary Interests and Other Significant Interests

#### Disclosable pecuniary interests

Councillor Osborne declared a DPI in relation to item 7 (Additional and Selective Licensing for the Private Rented Sector) due to being a landlord in Medway. He therefore withdrew from the meeting during the discussion and decision on this item.

#### Other significant interests (OSIs)

There were none.

#### Other interests

There were none.

### Cost of Living Plan Crisis Response Plan 2023-2024

#### **Background:**

This report presented the Council's Cost of Living Crisis Response Plan 2023-24, which set out activity in place across the Council to support Medway's residents to mitigate some of the impact of the cost of living crisis. The Plan itself was attached in full at Appendix 1 to the report. The Leader thanked officers for ensuring this had been delivered within the first 100 days of the current administration.

The report also sought Cabinet approval to introduce new developments to enhance the Council's work in this area, namely the Low Income Family Tracker (LIFT) and ReferKent, which were detailed in paragraphs 3.2 and 3.3 of the report.

**Decision  
number:**

**90/2023**

**Decision:**

**The Cabinet approved the Cost of Living Crisis Response Plan 2023-2024 for Medway, as set out at Appendix 1 to the report.**



## Cabinet, 11 July 2023

### Better Care Fund Plan 2023 - 2025

#### Background:

This report presented Medway's draft Better Care Fund (BCF) plan for 2023-25. New policy and planning guidance had been released in March, which required a two year plan to be developed by local areas and submitted for national approval by 28 June 2023. The Plan had been drafted with consideration of strategic priorities for NHS Kent and Medway ICB, Medway and Swale Health and Care Partnership, Medway Council and Medway Foundation Trust and captured activity both funded by the BCF and those services funded more widely, where they contributed to the BCF Metrics.

On 9 March 2023, the Health and Adult Social Care Overview and Scrutiny Committee considered the current BCF Plan (2022/23), which enabled Members to review the potential content of the draft 2023 – 2025 BCF Plan and the context, helping to inform the development of this Plan. The Committee's comments were set out in Section 4 of the report.

The Health and Wellbeing Board also considered the report at its meeting on 7 July 2023, and its comments were set out in an addendum report.

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

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

	<b>The Cabinet noted the comments of the Health and Adult Social Care Overview and Scrutiny Committee, which are set out at section 4 of the report and the comments from the Health and Wellbeing Board, which were set out in an Addendum Report.</b>
<b>94/2023</b>	<b>The Cabinet agreed the Better Care Fund Plan for 2023-2025, as attached at Appendix 1 to the report.</b>
<b>95/2023</b>	<b>The Cabinet agreed to delegate authority to the Director of People and Deputy Chief Executive, in consultation with the Deputy Leader of the Council, to approve the submission of monitoring reports as required, in order to meet national reporting deadlines.</b>
<b>96/2023</b>	<b>The Cabinet agreed to delegate authority to the Director of People and Deputy Chief Executive, in consultation with the Deputy Leader of the Council, to agree any further changes needed to the BCF Plan to ensure it would receive Government approval.</b>

#### **Reasons:**

Approval of the Better Care Fund Plan 2023 – 2025 will formalise the submission made to NHS England, which had to take place as a provisional submission by 28 June 2023.

## Cabinet, 11 July 2023

### **Additional and Selective Licensing for the Private Rented Sector**

#### **Background:**

This report sought approval to formally commence an exercise to establish the need and scope of both additional licensing and selective licensing for homes in the privately rented sector (PRS).

Local authorities were able to designate areas as being subject to an additional licensing scheme, in relation to some or all the Houses in Multiple Occupation (HMO) in that area, which were not already subject to mandatory HMO licensing. A selective licensing designation could be made if the area to which it related satisfied one or more of conditions, including issues such as poor property conditions, high migration, high deprivation or high levels of crime. Both were subject to a number of considerations which would be borne out of formal assessment and consultation.

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

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

**97/2023**

**The Cabinet instructed officers to commence formal assessment in respect of the need for selective or additional licensing.**

**98/2023**

**The Cabinet instructed officers to enter into consultation with relevant parties in relation to selective or additional licensing.**

#### **Reasons:**

The decision was needed to formally commence assessing the need for either scheme but more specifically to enter into consultation with relevant parties.

### **Safer, Healthier Streets Programme - School Streets**

#### **Background:**

This report provided details of the School Streets projects within the Safer Healthier Streets Programme, including the results of recent informal public consultation and proposed next steps. The report sought approval to progress formal statutory consultation, and where appropriate, for the School Streets (timed restriction on roads outside schools, which prevent vehicular traffic passing through during school drop-off and pick-up times) to be implemented.

A Diversity Impact Assessment had been undertaken, details of which were set out in Appendix C to the report.

**Decision  
number:**

**Decision:**

**99/2023**

The Cabinet noted the results of the School Streets consultation as set out in Appendices A and B to the report.

**100/2023**

The Cabinet agreed to progressing the following eight School Streets, as detailed in paragraphs 4.5 and 4.6 in this report, to statutory consultation, and subject to the statutory process, delegated authority to the Director of Place, in consultation with the Portfolio Holder for Climate Change and Strategic Regeneration, to proceed with necessary infrastructure work and implementation:

- **Burnt Oak Primary School, Cornwall Road, Gillingham**
- **Greenvale Primary School, Symons Avenue, Chatham**
- **Miers Court Primary School, Silverspot Close, Rainham**
- **Phoenix Primary School, Glencoe Road, Chatham**
- **St William of Perth Catholic Primary School, Canon Close, Rochester**
- **St Mary's Catholic Primary School, Greenfield Road, Gillingham**
- **St Peter's Infant School, Holcombe Road, Rochester**
- **St Thomas More Catholic Primary School, Bleakwood Road, Walderslade**

**101/2023**

The Cabinet agreed to progressing immediate feasibility studies for the following two Schools Streets, as detailed in paragraph 4.9 of this report, and where appropriate, delegated authority to the Director of Place, in consultation with the Portfolio Holder for Climate Change and Strategic Regeneration, to proceed to statutory consultation and, subject to the statutory process and to proceed with any necessary infrastructure work and implementation:

- **High Halstow Primary Academy, High Halstow**
- **St Benedict's Catholic Primary School, Lambourn Way, Chatham**

## Cabinet, 11 July 2023

### Reasons:

The School Streets initiative, within the Safer Healthier Programme, meet several key strategic polices and action plans set out by the Council. The implementation of the recommendations will create a safer environment for students, the wider school community, and residents, by enabling and encouraging more sustainable transport choices.

### The proposed changes to the Education Transport Assistance Policy from September 2023 - Outcome Following Consultation

### Background:

This report outlined the outcomes of the consultation period in relation to the Council's proposals to make changes to the Education Travel Assistance Policy, with effect from 1 September 2023 and requested the Cabinet to consider and determine the outcome on each individual proposal.

A Diversity Impact Assessment had been undertaken, details of which were set out in Appendix 2 to the report.

### **Decision number:**

**102/2023**

### **Decision:**

**The Cabinet noted the responses of the consultation.**

**The Cabinet agreed the following, with implementation from 1 September 2023:**

- **Proposal A – to instruct officers to develop and deliver an in-house Travel Training Service in line with current policy;**
- **Proposal B – to include the option to provide a suitably trained and vetted independent travel companion to accompany a child on their journey to and from school, where it is evidenced that a parent/carer is unable to do so due to disability;**
- **Proposal C - noting that this could become a statutory requirement, the Cabinet agreed to increase the fuel allowance from one return journey from home to school per school day (when an eligible pupil is in the vehicle), to two return journeys for both mainstream and SEND pupils;**
- **Proposal D - to increase the fuel allowance rate to 45p per mile (SEND) and 13.5p per mile (mainstream), (and noted that agreeing C and D**

## **Cabinet, 11 July 2023**

**would mean the number of journeys funded would double, as well as the rate being increased);**

- **Proposal E – not to progress this proposal in its current form;**
- **Proposal F – to instruct officers to reframe available Post 16 Travel Assistance arrangements to prioritise options which promote independent travel and public transport use and ensure more needs targeted provision of hired transport.**

**103/2023**

**In agreeing the above, the Cabinet approved the revised Education Travel Assistance Policy, as set out at Appendix 1.**

### **Reasons:**

Approval to proceed will provide a fairer and more progressive Education Transport Assistance Policy, which promotes the independence and more sustainable methods of travel.

In relation to Proposal F, although concerns were raised at consultation, coupled with travel training, it promotes independence and sustainable travel, only where appropriate, for Medway's young people.

### **Capital Additions Request - The Brook Theatre Refurbishment and Structural Works**

#### **Background:**

This report requested an addition to the Capital Programme, to facilitate the necessary structural and refurbishment works to the Brook Theatre, to ensure its longevity.

The Theatre had been awarded £300,000 from the Future High Street Fund (FHSF) and £6.5m from the Levelling Up Fund (LUF), to deliver improvements to the building, focussing on improvements / refurbishments to performance and training areas, improving the accessibility of the building and enhancing and modernising the digital offer, ensuring the building was user friendly and fit for purpose for current and future residents and visitors. The LUF and FHSF programmes were being delivered together to ensure maximum efficiencies and benefits.

The full scope of works included structural works, a complete package of accessibility and digital improvements, updating the building to current regulations and utilising the full capacity and potential of the space. Subject to capacity and opportunities, the Council would continue to look for opportunities to reduce Council spend within the financial requirement envelope.



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An Exempt Appendix set out key information in respect of financial analysis relating to the works required and the total amount requested.

***Decision number:***

***Decision:***

**104/2023**

**The Cabinet agreed to recommend Full Council to approve the addition of £14.7million to the Capital Programme, to be funded from borrowing if no grant funding from alternative sources can be found, as set out in Option 1 at paragraph 3.1.1 of the report.**

**105/2023**

**The Cabinet delegated authority to the Director of Place, in consultation with the Portfolio Holder for Property and Housing, in relation to any spend to be incurred on the risk allocation outlined in Table 4 in the Exempt Appendix.**

**Reasons:**

Securing the £14.7m funding at Full Council in July, will enable the project to be delivered within the funding bodies spend deadlines, securing the £6.8m investment and ensuring the future and longevity of the Brook Theatre as a key community and cultural facility, in the heart of the city centre.

### **Capital Additions Request - Waste Fleet Replacement Scheme**

**Background:**

This report requested an addition to the Capital Programme, to fund a replacement bespoke waste vehicle fleet. The report explored a number of options but recommended prudential borrowing to fund the procurement (option 3) and to give the Council flexibility for the future procurement of the waste collection and cleansing contract. The vehicles would be a Council asset and provide stronger business continuity and the Council would be well placed to convert these vehicles at end of life to electric, hydrogen or other low-emission technology, taking a more environmentally sustainable approach to future fleet replacement. The Council would also continually assess the appropriateness of acquiring any vehicles using alternative leasing.

***Decision number:***

***Decision:***

**106/2023**

**The Cabinet agreed to recommend Full Council to agree to the addition of £17million to the Council's capital programme, funded from borrowing, to procure a Council-controlled waste fleet, and noted that the revenue impact of this procurement would be addressed in the 2024/25 budget build.**

## Cabinet, 11 July 2023

### Reasons:

Option 3, procuring the new waste fleet using prudential borrowing, offers best value for money and flexibility in future service provision.

### Cabinet Advisory Groups

#### Background:

This report requested Cabinet to agree to the establishment of Cabinet Advisory Groups (CAGs) for 2023/24. It explained that the new Administration had reviewed the previous list of CAGs and had proposed that all CAGs, except the Corporate Parenting Board and Town Centres Board, would not be re-established for 2023/24.

The Medway Skills Partnership Board, Medway SEND Partnership Board and Medway Youth Justice Partnership Board, would continue to meet but would no longer be categorised as Cabinet Advisory Groups.

The report also proposed the establishment of two Member working groups on Climate Change and on the Local Plan.

#### **Decision number:**

#### **Decision:**

**107/2023**

**The Cabinet agreed the establishment of the Cabinet Advisory Groups for 2023/24 with the terms of reference, as set out in Appendices 2-3 to the report.**

**108/2023**

**The Cabinet agreed the appointment of Members to these groups, as set out in Appendix 1 to the report, for 2023/24.**

**109/2023**

**The Cabinet agreed the establishment of the working groups and the appointment of Members to these groups, as set out in Appendix 1 to the report, for 2023/24.**

**110/2023**

**The Cabinet agreed to delegate authority to the Assistant Director, Governance and Legal, to make any consequential changes to the Council's constitution arising from the decisions made at 107-109/2023.**

**111/2023**

**The Cabinet noted that an annual report would be submitted to Full Council on the work of the Corporate Parenting Board.**

### Reasons:

The re-establishment of these groups will support the Cabinet in decision making and the development of policies.

## Cabinet, 11 July 2023

### Local Authority Trading Companies (LATCOs)

#### Background:

This report sought Cabinet approval to change the governance model of the Council's LATCOs, by replacing councillor representation on the boards of directors by independent directors (executive or non-executive) and the establishment of shareholder boards to perform the shareholder responsibilities.

#### **Decision number:**

#### **Decision:**

**112/2023**

The Cabinet approved the establishment of three shareholder boards (Cabinet sub committees) for each LATCO (inclusive of their subsidiaries).

**113/2023**

The Cabinet agreed to delegate authority to the Assistant Director, Legal and Governance, in consultation with the Leader of the Council, to:

- finalise the terms of reference for each shareholder board;
- review and, where necessary, amend the articles of association for each LATCO, to improve transparency, accountability, oversight and refine matters reserved for shareholder approval.

**114/2023**

The Cabinet agreed to delegate authority to each shareholder board to exercise decisions that are reserved to the shareholder and to respond to matters raised by the board of directors.

**115/2023**

The Cabinet agreed to delegate authority to the Assistant Director, Legal and Governance, in consultation with the relevant Chairperson for each shareholder board, to take decisions that are required as a matter of urgency.

**116/2023**

The Cabinet agreed to request the Leader of the Council to determine the membership of each shareholder board and the chairperson.

#### Reasons:

The Cabinet was requested to approve the recommendations above to improve the corporate governance of the Council's LATCOs.

## Cabinet, 11 July 2023

### **Gateway 1 Procurement Commencement: Health Visiting and School Nursing Service**

#### **Background:**

This report sought permission to commence the procurement of the Health Visiting and School Nursing Service (0-19) Contract.

This report was originally considered by Cabinet on 13 June 2023, however, it contained incorrect information about the preferred procurement procedure. This report corrected those errors and was therefore re-submitted to the Cabinet for approval.

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

**117/2023**

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

**The Cabinet approved the procurement commencement of the Health Visiting and School Nursing service as per the preferred option identified in paragraph 4.2.5 of the report.**

#### **Reasons:**

There is a limited number of providers able to deliver said service and therefore the recommended process will ensure all suitable providers are able to access and bid for the opportunity.

### **Gateway 1 Procurement Commencement - Support To Live At Home Service**

#### **Background:**

This report sought permission to commence the procurement of the Framework Contracts for homecare and Extra Care service. It was intended to procure a network of providers to deliver these services across Medway, which provide care and support to people in their own home and to those living in the five Medway Extra Care schemes. Medway provided homecare to approximately 1000 people. The proposed service would cover long-term homecare, enablement homecare and care provided within the five extra care schemes.

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

**118/2023**

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

**The Cabinet approved commencement of the procurement of the Support to Live at Home Service using Option 3, Open Market Procurement, as set out in paragraph 9.2.4 of the report.**

## Cabinet, 11 July 2023

### Reasons:

The procurement of the Support to Live at Home Service will deliver a Homecare and extra care service that will enable the following:

- High Quality – enhanced service for Medway residents.
- Outcomes Focused Care – to ensure the care received meets the service users' desired outcomes.
- Ongoing Development - the ability to continuously develop the service, in line with innovative approaches.

### Gateway 3 Contract Award - Medway Alternative Provision for Education

#### Background:

This report sought permission to award the procurement of the Medway's Alternative Provision (AP) for Education Contracts. This Gateway 3 report had not been considered by Procurement Board due to the timeliness of implementation in order to have an alternative provision in place by September, however, the bypassing of Procurement Board was agreed at the Gateway 1 stage.

The new proposals supported the local system leadership sharing collective responsibility for all children, strengthening school resources to continually develop the right skills and knowledge to meet the needs of children and young people presenting challenging behaviours and those with Special Educational Needs and Disabilities (SEND).

An Exempt Appendix to the report set out financial analysis in relation to the procurement.

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 any contracts before the end of the standstill period.

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

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

**119/2023**

**The Cabinet agreed to award contracts for Lot 1 to Alternative Learning Trust and Fortis Trust, Lot 2 to Fortis Trust and Lot 4 to Alternative Learning Trust as they have been evaluated as the most economically advantageous tender within their respective Lot(s) against the Council's award criteria as per the evaluation spreadsheet appended to the Exempt Appendix.**

**120/2023**

**The Cabinet agreed to not award contracts for Lot 3 as the bidders failed the quality submission and were therefore not eligible for award and instead agreed the progression of a negotiated procedure without**

## Cabinet, 11 July 2023

**prior publication, in accordance with Regulation 32 of the Public Contract Regulations 2015 and as detailed within 3.3 of the Exempt Appendix**

### **Reasons:**

Award of the contract will ensure the local authority meets its statutory duty to make arrangements for the provision of suitable education for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education.

### **Gateway 3 Contract Award: SEND Transport Services**

#### **Background:**

This report sought permission to award the procurement of the delivery of various SEND transport routes.

Following a mini-competition, 10 submissions were received from framework members, which were subsequently evaluated. Through this exercise, it was identified that the incumbent remained competitive and their annual rate, remained roughly £180k less than the next lowest bids.

The report therefore recommended to make a direct award to the incumbent provider who was currently transporting approximately 400 children and young people.

An Exempt Appendix to the report set out details of the proposed contracts to be awarded.

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 any contracts before the end of the standstill period.

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

**121/2023**

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

**The Cabinet agreed to award a contract to Medway Norse for the routes detailed in paragraph 3.2 of the Exempt Appendix, which was based on the evaluation contained within 3.1 and section 4 of the Exempt Appendix.**

### **Reasons:**

Award of the contract will ensure the local authority meets its statutory duty to put in place arrangements for the provision of home to school travel assistance and transport for children and young people who meet the published eligibility criteria.

**Gateway 3 Contract Award: Supported Bus Contracts**

**Background:**

This report sought approval for the award of contracts providing subsidised local bus services and the MY school bus services through the mechanism of a Dynamic Purchasing System.

Additional funding had been confirmed for 2023/24, therefore the contracts could be let within the approved budget for that year. The additional grant required to cover the full-term of these contracts was not yet confirmed and Cabinet was therefore asked to instruct officers to take action to contain expenditure within the approved budget for each year of the contracts.

An Exempt Appendix to the report set out details of the proposed contracts to be awarded.

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 any contracts before the end of the standstill period.

***Decision number:***

**122/2023**

***Decision:***

**The Cabinet approved the award of contracts for the provision of local bus services and MY school bus services as set out below:**

<b>Route Contract</b>	<b>Proposed Contractor</b>
<b>M1</b>	<b>ASD Transport</b>
<b>MM</b>	<b>ASD Transport</b>
<b>113/185</b>	<b>ASD Transport</b>
<b>116am</b>	<b>Arriva</b>
<b>116pm</b>	<b>Arriva</b>
<b>120/121/600</b>	<b>Nu-Venture</b>
<b>130</b>	<b>Nu-Venture</b>
<b>131/183</b>	<b>Nu-Venture</b>
<b>132/141 evening</b>	<b>Arriva</b>
<b>141 early am</b>	<b>ASD Transport</b>
<b>142/156</b>	<b>Nu-Venture</b>
<b>145/135 evening</b>	<b>Nu-Venture</b>
<b>164 Sunday</b>	<b>Arriva</b>
<b>166 evening</b>	<b>Arriva</b>
<b>169/179/652</b>	<b>Nu-Venture</b>
<b>170</b>	<b>ASD Transport</b>
<b>174</b>	<b>Nu-Venture</b>

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<b>173/197/671</b>	<b>Nu-Venture</b>
<b>176 Suns</b>	<b>Arriva</b>
<b>177 evening</b>	<b>Arriva</b>
<b>190</b>	<b>Arriva</b>
<b>191infill M-F</b>	<b>ASD Transport</b>
<b>191 evening</b>	<b>Arriva</b>
<b>191/193 Sunday</b>	<b>Arriva</b>
<b>638</b>	<b>ASD Transport</b>
<b>783</b>	<b>ASD Transport</b>
<b>MY School Bus service</b>	<b>ASD Transport</b>

**123/2023**

**The Cabinet instructed officers to review the efficiency and value for money of all subsidised bus contracts within the first two years of the initial five-year contract term, ceasing contracts as required to contain expenditure within the approved budget for each financial year.**

**Reasons:**

The award of the bus contracts, and the MY school bus services, will ensure the continued provision of socially necessary bus services in Medway, facilitating access to key services and providing residents, visitors and businesses with sustainable transport options that support the Council's Climate Change Action Plan.

Existing central government BSIP+ grant funding will offset any overspend during the first two years of the contract, whilst it is expected that future BSIP+ grant funding allocations from central government will address any overspend during contract years 3 to 5 inclusive.

If future BSIP+ funding is not confirmed, an efficiency review of these supported services within the first two years of the contract will ensure that any spend during contract years 3 to 5 remains in line the Council's available budget, ensuring that the Council continue commissioning services which provide best value for money.

.....  
**Leader of the Council**

.....  
**Date**  
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