

Record of Cabinet decisions

Tuesday, 26 September 2023

7.00pm to 8.24pm

Date of publication: 27 September 2023

**Subject to call-in these decisions will be effective from 5 October 2023
The record of decisions is subject to approval at the next meeting of the Cabinet**

Present:	Councillor Vince Maple	Leader of the Council
	Councillor Teresa Murray	Deputy Leader of the Council
	Councillor Tracy Coombs	Portfolio Holder for Education
	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

In Attendance: Richard Hicks, Chief Executive
Adam Bryan, Director of Place
Lee-Anne Farach, Director of People and Deputy Chief Executive
Vicky Nutley, Head of Legal Services
Jon Pitt, Democratic Services Officer
Phil Watts, Chief Operating Officer

Apologies for absence

There were none.

Cabinet, 26 September 2023

Record of decisions

The record of the meeting held on 5 September 2023 was agreed by the Cabinet and signed by the Leader as correct.

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.

Medium Term Financial Outlook 2023 - 2028

Background:

This report set out projections for the Council's finances over the coming five years, presenting estimates of the available income streams alongside initial assumptions around pressures on the cost of services.

The report provided details of initial projections for additional resources, which were limited to £21.378million. However, initial projections for the increased budget requirement stood at £60.123million, leading to a potential budget gap for 2024/25 of £38.745million, rising to £71.840million in 2027/28.

Progress in reducing the projected gap would be reflected in the Draft Budget 2024/25, which would be presented to the Cabinet in November 2023.

Three key actions to be taken by the Cabinet in response to the budgetary situation were highlighted during discussion. These were as follows:

- 1) National lobbying through the cross party F20 group of lowest funded councils in the country, which Medway was a member of. This group was lobbying the Government to implement a fairer method for the distribution of local government funding. Medway would be writing to the other 19 F20 members to highlight the need for a strong collective voice to central government to highlight that Medway and local government deserved better.
- 2) Working with local government sector support organisations including the Local Government Association, the Chartered Institute of Public Finance and Accountancy (CIPFA) and Solace, the network for local government and public sector professionals, to share best practice and identify what actions could be taken to improve the financial outlook of local government.

Cabinet, 26 September 2023

- 3) Direct engagement with the Department for Levelling Up, Housing and Communities to make the case for Medway to receive an increased and fairer level of funding.

**Decision
number:**

Decision:

The Cabinet noted the forecast level of budget pressures and funding over the medium term and the resultant projected budget deficit for 2024/25.

Reasons:

The Medium Term Financial Outlook (MTFO) provides the framework that underpins the budget setting process for 2024/25 and beyond.

Ofsted Inspection of Local Authority Children's Services (ILACS)

Background:

This report provided a summary of the findings of the Ofsted Inspection of Local Authority Children's Services (ILACS), which had taken place in July 2023. The results of the inspection had been published on 11 September 2023.

The report advised that the re-inspection had followed a previous ILACS in July 2019, when the service had been found to be inadequate. Since that time, the service had worked to improve under a Statutory Direction from the Department for Education (DFE), requiring oversight of progress from an independently chaired Improvement Board. Ofsted had continued to monitor progress through quarterly Monitoring Visits.

The re-inspection had acknowledged progress made and graded the service as Good overall. Following publication of the findings, the Government Minister had indicated that the Statutory Direction would be rescinded, but the service would continue to be inspected by Ofsted as part of their regular programme of inspection.

**Decision
number:**

Decision:

The Cabinet noted the report.

Reasons:

To formally notify the Cabinet of the outcome of the inspection.

Update to Local Flood Risk Management Strategy (LFRMS) - Request to go to Public Consultation

Background:

This report presented the draft Local Flood Risk Management Strategy, required under the Flood and Water Management Act 2010. Cabinet approval was requested to go out to public consultation.

The report explained that the first Local Flood Risk Management Strategy had been adopted in Autumn 2014. This update recognised areas which had increased in flood risk, policy changes at both the national and local level and took account of new development within Medway.

Decision number:

151/2023

Decision:

The Cabinet approved commencement of public consultation on the Local Flood Management Strategy, set out at Appendix 1 to the report.

Reasons:

By agreeing to the consultation, it will enable the Council to fulfill its duties as a Lead Local Flood Authority to develop, maintain, apply, and monitor a strategy for local flood risk management in its area (a Local Flood Risk Management Strategy).

The report proposed the adoption of a new Outdoor Events Policy and proposed new standardised fees and charges.

Temple Marsh Open Space

Background:

This report requested Cabinet approval of the development and subsequent ongoing management of Temple Marsh Open Space, Strood, which is a former landfill site intended to be the open space provision for the adjacent development of Temple Waterfront. This would ensure that the Council delivered the open space elements of the adjacent Temple Waterfront in line with the original outline planning permission and revisions agreed through reserved matters.

Decision number:

152/2023

Decision:

The Cabinet agreed to the development of Temple Marsh Open Space, including the Project Start-up and procurement of a Design and Planning Team to begin feasibility and outline design work on Temple Marsh and then deliver the sites improvement works, as detailed in section 5.1 of the report (option 1).

Cabinet, 26 September 2023

The Cabinet noted that the Chief Operating Officer would make the following additions to the Capital Programme, using authority delegated to him in the Council's Employee Delegation Scheme:

- i) £961,102.97 from reserves for Temple Marsh improvements (which was funded from the £1m paid to the Council by Redrow, as detailed in paragraph 4.3 of the report) to undertake the work detailed in decision 152/2023.**
- ii) £216,097.07 and £55,422.58 from related s106 agreement funding to be used for the sites' ongoing improvement and management.**

153/2023

The Cabinet agreed to delegate authority to the Director of Place, in consultation with the Portfolio Holder for Climate Change and Strategic Regeneration, to agree the final design of the Temple Marsh Open Space, prior to the commencement of its delivery.

Reasons:

These decisions will help the Council deliver its obligations to create open space at Temple Marsh to compliment the development in the adjacent Temple Waterfront and provide an enhanced greenspace offer for the wider community.

Public Space Protection Order - Nuisance Vehicles

Background:

The report set out outcomes of a public consultations carried out seeking views on the introduction of a Medway wide Public Spaces Protection Order (PSPO) to address anti-social behaviour from vehicles. The orders were 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. A breach of a PSPO was an offence punishable by a fixed penalty notice and/or prosecution in the Magistrates Court.

The report stated that over the past 18 months there had been an increase in complaints related to nuisance vehicles, on the road and off road. This had precipitated consideration of the powers currently available to police and the Council to address the issues that these vehicles cause. Public consultation had been undertaken on the proposal, details of which were set out at section 8 of the report and at Appendix 2.

Cabinet, 26 September 2023

**Decision
number:**

Decision:

The Cabinet noted the responses to the consultation to introduce a Medway wide PSPO, as detailed in section 8 and at Appendix 2 of the report.

154/2023

The Cabinet recommended Full Council to approve the introduction of a Medway wide PSPO to tackle nuisance vehicles.

Reasons:

The introduction of a PSPO should assist our Kent Police partners and Council Community Safety Team in addressing incidents of nuisance related to ASB from vehicles, and over the long-term improve the quality of life for residents, visitors and local businesses.

Annual Review of the School Place Planning Strategy 2022-27

Background:

This report provided an update on the progress made against the School Place Planning Strategy 2022 - 2027, highlighting areas of demand for school places and made recommendations to ensure that sufficient good quality school places would be available through to 2027. The report set out options to fund the proposals.

This annual review report and the recommendations in it were based upon the annual round of forecasting undertaken in April 2023, using the latest available data.

**Decision
number:**

Decision:

The Cabinet noted progress made against the School Organisation Plan and School Place Planning Strategy frameworks, which had ensured that the Council had met its duty and that sufficient school places were currently available to meet demand.

155/2023

The Cabinet authorised officers to commence a feasibility study at Riverside Primary School, as set out in paragraph 11.3 of the report.

156/2023

The Cabinet approved a project to provide additional dining capacity at Leigh Academy, Rainham, as set out in paragraph 11.7 of the report, and recommended to Full Council that the scheme be added to the Capital Programme.

Cabinet, 26 September 2023

- 157/2023** **The Cabinet noted the overspend on Wayfield Primary School, as set out in paragraph 18.9 to the report, and recommended Full Council to approve the addition of £39,806 onto this project within the capital programme, to be funded from the Basic Need Grant.**
- 158/2023** **The Cabinet noted the retention payment for Sir Joseph Williamson’s Mathematical School, as set out in paragraph 18.10 of the report, and recommended Full Council to approve the addition of £5,734.64 to the capital programme, to be funded from the Basic Need Grant.**
- 159/2023** **The Cabinet noted the overspend on Maundene Primary School, as set out in paragraph 18.11 of the report and recommended Full Council to approve the addition of £14,377.49 spending onto this project within the capital programme, to be funded from available s106 funds.**
- 160/2023** **The Cabinet noted the increasing costs at Maritime Academy due to building control and fire risk assessment works, as set out in paragraph 18.12 of the report, and recommended Full Council to approve the addition of £140,000 to this project within the capital programme, to be funded from available s106 receipts.**
- 161/2023** **Due to escalating construction costs and resultant insufficient funding being available to complete all SEND projects previously approved, the Cabinet approved the withdrawal of the resourced provision at the Howard School and recommended to Full Council the virement of £1.2m of funding to the Rivermead expansion onto the former Stoke Primary School site, as set out in paragraph 13.2 of the report.**
- 162/2023** **Due to an increase in the scope for an additional 20 pupils for the Danecourt Special School project, and resultant costs, the Cabinet approved the virement of £500k to the project.**
- 163/2023** **The Cabinet recommended Full Council to approve the removal of the remaining budget of £1,533,208.69, funded by prudential borrowing, from the SEND New Places Scheme and agreed that £1,533,208.69 of SEND grant for the Strood Academy SEND scheme be converted to prudential borrowing.**

Cabinet, 26 September 2023

Reasons:

To ensure that the Council meets its statutory duty to ensure sufficient good quality school places are available.

Infant Feeding Strategy 2023-2028

Background:

The report set out the draft Medway Infant Feeding Strategy for Cabinet approval. This was a refresh of the 2018 Strategy, and aimed to ensure the strategic ambitions and actions were fit for purpose.

The Strategy outlined the steps taken during the refresh of the strategy. This included detailed data analysis, community and stakeholder engagement and the assessment of best practice. The Strategy concluded with the Infant Feeding priorities for Medway that would need to be delivered by a range of partners over the next five years.

A Diversity Impact Assessment had been undertaken in relation to the new Infant Feeding Strategy. This was set out at Appendix B to the report.

The Strategy had previously been considered by the Health and Wellbeing Board on 7 September 2023 and its comments were set out at section 8 of the report.

Decision number:

Decision:

The Cabinet noted the comments made by the Health and Wellbeing Board, as set out at section 8 of the report.

164/2023

The Cabinet approved the Infant Feeding Strategy 2023-2028, as attached at Appendix A to the report.

Reasons:

The outcomes set out in the Infant Feeding Strategy 2023-2028, aim to produce better outcomes for the local population.

Gateway 3 Contract Award: Medway Voluntary Community Sector (VCS) The Better Together Consortium

Background:

This report requested approval to award contracts for the four lots included within the Medway Voluntary Community Sector (VCS) 'Better Together' Consortium procurement.

It was proposed that the new contract would commence on 1 January 2024.

Cabinet, 26 September 2023

The report had previously been considered by the Procurement Board on 18 August 2023.

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

***Decision
number:***

Decision:

165/2023

The Cabinet agreed to award the Medway VCS 'Better Together' Consortium Model contract, for Lot 1, Infrastructure to support the Voluntary Community Sector (VCS) Organisations in Medway, to Medway Voluntary Action as they had been evaluated as the most economically advantageous tender within their respective Lot against the Council's award criteria as per the evaluation spreadsheet appended to the Exempt Appendix.

166/2023

The Cabinet agreed to award the Medway VCS 'Better Together' Consortium Model contract, for Lot 2, Local Healthwatch Medway, to Engaging Kent as they had been evaluated as the most economically advantageous tender within their respective Lot against the Council's award criteria as per the evaluation spreadsheet appended to the Exempt Appendix.

167/2023

The Cabinet agreed to award the Medway VCS 'Better Together' Consortium Model contract, for Lot 3, Carers Information, Guidance and Support, Young Carers and Carers Support Payments (Adult and Young Carers Support Services), to Carers First as they had been evaluated as the most economically advantageous tender within their respective Lot against the Council's award criteria as per the evaluation spreadsheet appended to the Exempt Appendix.

168/2023

The Cabinet agreed to award the Medway VCS 'Better Together' Consortium Model contract, for Lot 4, Children's and Adults Visually Impaired Support and Information Services, to Kent Association of the Blind as they had been evaluated as the most economically advantageous tender within their respective Lot against the Council's award criteria as per the evaluation spreadsheet appended to the Exempt Appendix.

Cabinet, 26 September 2023

Reasons:

The services support a number of local strategies and plans and enable the Council to meet its statutory obligations to provide Lots 2-4.

Lot 1 Infrastructure to VCS organisations, is an integral and vital part of supporting the Kent and Medway Social Prescribing and Community Navigation Strategy and improving the health and wellbeing of Medway residents. It is pivotal in supporting a resilient and thriving VCS within Medway, that supports the health and care sector. The current service provided a return on investment of £13.98 for every pound spent on funding, achieving £5.8 million income generation for the sector between 2019 to 2022.

The risk of not awarding contracts would be a failure to meet our statutory obligations to provide the services in Lots 2-4. Lot 1 is funded from the Better Care Fund and supports the delivery of our Better Care Fund plan. It also provided a significant return on investment during the term of the current contract, which supports the voluntary and community sector in Medway.

Gateway 3 Contract Award: Health Visiting and School Nursing Service

Background:

This report requested approval to award the contract for the Health Visiting and School Nursing service.

An open market procurement using an invitation to tender process had been undertaken to enable the market to be tested and a service specification informed by the interested providers to be drafted. It was proposed that the new contract would commence on 1 January 2024.

The report had previously been considered by the Procurement Board. An Exempt Appendix to the report set out details of the proposed contract to be awarded.

Decision number:

169/2023

Decision:

The Cabinet agreed to award the Health Visiting and School Nursing contract to Medway Community Healthcare, as they had been evaluated as the most economically advantageous against the Council's award criteria as per the evaluation spreadsheet contained within section 3.1 of the Exempt Appendix.

Reasons:

Awarding the contract will ensure the continues to Council meet its statutory responsibility to deliver and commission public health services for children and young people aged 5-19 years – delivered principally through a school nursing and health visiting services.

Cabinet, 26 September 2023

.....
Leader of the Council

.....
Date

Jon Pitt, Democratic Services Officer/Teri Reynolds, Democratic Services Officer

Telephone: 01634 332715/332104

Email: democratic.services@medway.gov.uk

This page is intentionally left blank