

Record of Cabinet decisions

Tuesday, 30 April 2024

7.00pm to 8.06pm

Date of publication: 2 May 2024

**Subject to call-in these decisions will be effective from 13 May 2024
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
Jackie Brown, Assistant Director Adult Social Care
Adam Bryan, Director of Place
Bhupinder Gill, Assistant Director, Legal and Governance
Teri Reynolds, Principal Democratic Services Officer
Phil Watts, Chief Operating Officer

Apologies for absence

There were none.

Cabinet, 30 April 2024

Record of decisions

The record of the meeting held on 9 April 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.

One Medway Council Plan 2024-2028

Background:

This report presented the proposed new One Medway Council Plan 2024-28. This set out the vision, ambitions, priorities and associated Performance Indicators (PIs) that would be used to track performance against the Council's key priorities and sub-priorities.

Public consultation had been undertaken which had resulted in 318 responses being received, a summary of which was provided at Appendix 2 of the report.

The report stated that under each of the five interconnected priorities that would drive the work of the Council, there would be sub-priorities accompanied by relevant performance indicators. The Council Plan would act as the primary framework for setting the direction and vision of the Council over the medium term, supported by several key corporate strategies.

The report had previously been considered by the Business Support and Digital Overview and Scrutiny Committee on 4 April 2024 and its comments were set out in section 9 of the report. Following Cabinet, the Council Plan would be presented to Full Council to agree on 15 May 2024.

A Diversity Impact Assessment had been undertaken in relation to the Council Plan and was attached at Appendix 4 to the report.

**Decision
number:**

Decision:

The Cabinet noted the comments of the Business Support and Digital Overview and Scrutiny Committee, as set out in section 9 of the report.

69/2024

The Cabinet recommended to Full Council the adoption of the new One Medway Council Plan, as set out at Appendix 1 to the report.

The Cabinet noted that Full Council would be asked to delegate authority to the Chief Executive, in consultation with the Leader of the Council, to agree any final measures/benchmarks in relation to the Performance Indicators, once data was received, as set out at paragraph 5.4 of the report.

The Cabinet noted that Full Council would be asked to delegate authority to the Chief Executive, in consultation with the Leader of the Council, to agree the yearly performance monitoring, including interim targets where appropriate.

Reasons:

The One Medway Council Plan sets the high-level objectives and direction for the Council and includes the Performance Indicators that will measure progress and outcomes. Agreement of the One Medway Council Plan will ensure continued delivery of the objectives and effective monitoring of performance.

One Medway Financial Improvement and Transformation Plan

Background:

This report set out the Council's One Medway Financial Improvement and Transformation Plan for the medium term.

The report explained that on 11 January 2024, the Leader of the Council and Chief Executive had written a joint letter to the Minister for Local Government, requesting 'exceptional financial support'. On 27 February 2024 the Leader had received a response from the Minister which confirmed that the Secretary of State was minded to approve this request.

The Plan was intended to meet the requirement to produce an improvement and transformation plan, as a condition of the 'exceptional financial support'.

The Plan was closely aligned with the priorities within the One Medway Council Plan. For each priority, the former set out a brief narrative explaining the areas requiring improvement, a detailed savings plan for the next twelve months in respect of the particular service or area of activity and a range of other key actions which aimed to achieve longer term financial sustainability.

Cabinet, 30 April 2024

**Decision
number:**

Decision:

70/2024

The Cabinet agreed the One Medway Financial Improvement and Transformation Plan, as set out at Appendix 1 to the report.

The Cabinet noted that responsibility for delivering the savings and actions set out within the Plan had been assigned to specified Corporate Management Team colleagues and that the plan would be subject to regular and frequent monitoring via Corporate Management Team.

Reasons:

The Plan represented how the Council would monitor achievement of the 2024/25 savings targets and sets out how the Council will deliver the improvements necessary to achieve the One Medway Council Plan objectives. It will also fulfil the conditions attached to the 'exceptional financial support' approved in principle by the Secretary of State and the wider requirements of the 'productivity plans' proposed by Government.

Joint Kent and Medway Economic Framework

Background:

This report introduced a new draft Kent and Medway Economic Framework. The Framework set out a high level strategy to guide activity to support the sustainable growth of Kent and Medway's economy through to 2030.

The Framework was a non-statutory document and did not set out any specific future resource commitments for Medway Council. It would, however, help to make the case for future Government funding and powers, in the context of the forthcoming closure of the South East Local Enterprise Partnership. It was a framework within which local government, business, education, and the voluntary sector could work together in support of common objectives and embraced a collaborative partnership working approach consistent with the values and aims of the Council.

**Decision
number:**

Decision:

71/2024

The Cabinet considered and supported the Kent and Medway Economic Framework.

72/2024

The Cabinet supported the Kent and Medway Economic Partnership with the implementation of the Framework.

73/2024

The Cabinet agreed to delegate authority to the Director of Place, in consultation with the Portfolio Holder for Economic and Social Regeneration and Inward Investment, to take any necessary actions required to support implementation of the Framework.

Reasons:

The Kent and Medway Economic Framework is a joint economic strategy that has been developed for Kent and Medway to guide economic development until 2030. It provides long-term strategic direction and economic development objectives for Kent & Medway to support economic growth, productivity, and wider regeneration. It will support the delivery of Medway 2035, the Council Corporate Plan, Medway's Town Centres Strategy, which all embrace and support a co-creation and co-production approach of collaborative partnership working. It has been discussed and supported by local authority leaders across Kent & Medway and is now recommended for formal support by the Cabinet.

Referral From the Regeneration, Culture and Environment Overview and Scrutiny Committee - Asset Management Strategy

Background:

This report set out a referral from the Regeneration, Culture and Environment Overview and Scrutiny Committee with regards to the Corporate Building Survey Results report that had been considered by the Committee on 28 February 2024.

The Committee had recommended to Cabinet that it ask officers to review the Asset Management Strategy for corporate buildings and provide an update and action plan at a future Overview and Scrutiny Committee. Members of the Committee were keen to ensure that the deficit would be more closely monitored in future alongside robust action planning to address the shortfall and its impact.

The Cabinet report advised that officers had begun to review the corporate property portfolio to look at asset rationalisation and Building Repairs and Maintenance Fund (BRMF) spending as a holistic project rather than separate. The work had begun following the report to the scrutiny committee and it was anticipated that this would be reported back to Members during quarter 2 2024/25.

Decision number:

Decision:

74/2024

The Cabinet requested that officers review the Asset Management Strategy.

75/2024

The Cabinet instructed that following a review of the Asset Management Strategy, officers would report back to Regeneration, Culture and Environment Overview and Scrutiny Committee with an update and action plan for corporate buildings.

The Cabinet noted that the revised Asset Management Strategy and action plan would be reported back to the Cabinet for approval, having been considered by the Regeneration, Culture and Environment Overview and Scrutiny Committee as pre-decision scrutiny.

Cabinet, 30 April 2024

Reasons:

The Regeneration, Culture and Environment Overview and Scrutiny Committee has made these recommendations to Cabinet in accordance with its entitlement, under the Council's Constitution, to make recommendations to Cabinet arising from the outcome of the scrutiny process (Constitution – Articles of the Constitution – Chapter 2, Article 6, Paragraph 6.4). Cabinet was, therefore required to consider its response.

Revised Advertising and Sponsorship Policy

Background:

The Advertising and Sponsorship Policy set out the Council's approach to seeking and taking sponsorship and advertising. The report sought approval of proposed revisions to the Policy.

The report explained that since the Policy had been agreed in 2018, there had been a number of developments within the Council that had set health and wellbeing of local people and climate response as key priorities for the Council. The current policy allowed for advertising content and sponsorship agreements that might come into conflict with these priorities and therefore a number of revisions had been proposed to ensure that no priorities were contradicted in any advertising or sponsorship arrangements that might be entered into across the Council.

A Diversity Impact Assessment had been undertaken in relation to the Advertising and Sponsorship Policy and was attached at Appendix 2 to the report.

The report had previously been considered by the Business Support and Digital Overview and Scrutiny Committee on 4 April 2024, the minutes of which were set out at section 7 of the report.

Decision number:

Decision:

The Cabinet noted the comments of the Business Support and Digital Overview Scrutiny, as set out in section 7 of the report.

76/2024

The Cabinet approved the revised Advertising and Sponsorship Policy, as set out in Appendix 1 to the report.

Reasons:

The current Advertising and Sponsorship Policy allows for advertising content and sponsorship agreements that might come into conflict with the Council's priorities. Approval of the revisions proposed will ensure that the Council does not contradict its priorities in any advertising or sponsorship arrangements that might be entered into across the Council.

RIPA Policy Update Report

Background:

This report provided Cabinet with an update on the RIPA ('the Regulation of Investigatory Powers Act 2000') Surveillance Policy following a recent inspection by the Investigatory Powers Commissioner's Office and asked Cabinet to adopt the updated policy following minor amendments being made post inspection.

The updates to the Policy proposed would ensure it remained up to date and prevent any negative impact on the Council's investigations and prosecutions. Compliance with the statutory regime empowered the Council to actively investigate matters such as under age sales of alcohol and tobacco.

Decision number:

Decision:

77/2024

The Cabinet agreed to adopt the updated policy and noted the Inspector's Comments regarding the improvement in Medway's position.

The Cabinet noted the use of powers for the years 2021 to 2023 inclusive as set out in paragraph 4.3.

78/2024

The Cabinet agreed to delegate authority to the Assistant Director, Legal and Governance to correct any typographical / administrative errors in the Policy attached as Appendix 1 to the report .

Reasons:

To comply with the statutory regime regarding the use of surveillance powers.

Gateway 3 Contract Award: Replacement of the Medway Council Refuse Collection Vehicle Fleet

Background:

This report requested the Cabinet's agreement to approve the contract award for the Replacement Medway Council Refuse Collection Vehicle (RCV) Fleet Contract.

The report set out that the Council had a duty to provide separate refuse and recycling collection services from residential premises in the area under Section 45 of the Environmental Protection Act 1990. A suitably configured fleet of RCVs was essential to discharging this duty to over 120,000 household premises in Medway.

An exempt Appendix to the report set out financial analysis in relation to the procurement and recommended the provider the contract should be awarded to.

Cabinet, 30 April 2024

**Decision
number:**

Decision:

79/2024

The Cabinet agreed to award the contract to Dennis Eagle, as they had been evaluated as the most economically advantageous against the Council's award criteria as per the evaluation spreadsheet contained within 3.1 of the Exempt Appendix.

Reasons:

This option delivers the 46 vehicles required in the most cost-effective way including the following benefits:

- Best possible buyers' terms and conditions to mitigate procurement bottlenecks as a result of increased RCV demand following October 2023 UK Government Simpler Recycling announcement.
- Reduced time to market ensuring quickest transition to a new fleet with associated operational, cost and climate benefits.
- Mitigation against any future inflationary pressures by locking in prices at time of order.
- Fleet homogeneity by direct award to the only manufacturer that provided the required narrow track chassis configuration, ensuring full flexibility to deliver the statutory waste collection service.

Gateway 3 Contract Award: Household Waste Recycling Centres Procurement

Background:

This report requested the Cabinet's agreement to re-engage Medway Norse under a Teckal exemption to continue to operate Medway Council's three Household Waste Recycling Centers (HWRCs).

The report set out that the current contract had been operating since 2017 and was due to expire in September 2024. The contract included operation of three recycling centres, haulage of waste deposited at these sites to disposal points, arrangement of these disposal points and sharing of commodities sales between the Council and Medway Norse.

An exempt Appendix to the report set out financial analysis in relation to the procurement and recommended the provider the contract should be awarded to.

**Decision
number:**

Decision:

The Cabinet noted the contents of the report and noted that the contract was performing equal to or above expectations.

Cabinet, 30 April 2024

80/2024 **The Cabinet approved the re-engagement of Medway Norse under the Teckal exemption to continue to operate Medway Council's three Household Waste Recycling Centers (HWRCs).**

Reasons:

Agreement of this contracted arrangement will enable the Council to continue to meet its statutory obligations.

Gateway 3 Tender Process Review and Contract Award: Building Contractor for the Healthy Living Centre, the Pentagon Shopping Centre

Background:

This report requested the Cabinet's agreement to award the procurement of the Building Contractor for the Healthy Living Centre Contract.

The report set out that various options had been considered for the redevelopment of the first floor of the Pentagon Centre, however most would be risky for the Council. The favoured option for development was for it to be used as an NHS Healthy Living Centre (HLC). This would provide a much-needed medical facility in Chatham, as well as bring in rental income for the Council and reduce void costs.

An exempt Appendix to the report set out financial analysis in relation to the procurement and recommended the provider the contract should be awarded to.

Decision number: ***Decision:***

81/2024 **The Cabinet agreed to award the building contract for the Healthy Living Centre to Bauvill Ltd as they had been evaluated as the most economically advantageous tender against the Council's award criteria as per the evaluation spreadsheet contained within 3.1 of the Exempt Appendix.**

The Cabinet noted that the formal award to the preferred contractor would not be issued until such time as the NHS had fully committed and signed the legal agreement.

82/2024 **The Cabinet agreed the waiver of a Performance Company Guarantee (PCG) or Performance Bond, as set out at 3.3.1 of the report.**

83/2024 **The Cabinet agreed that recommendations 1.1 and 1.3 [decision nos. 81/2024 and 82/2024] were urgent and therefore should not be subject to call in, as set out in 3.1.15 of the report.**

Cabinet, 30 April 2024

Reasons:

Bauvill Ltd had a successful track record of delivering healthcare projects. Most recently delivering a health centre facility in Ashford (£13.5million), as well as a Maritime Hospital D&B project (£8million), and separately experience with BREEAM and working in live environments.

Bauvill Ltd had been evaluated as the most economically advantageous tender against the Council's award criteria.

Thanks from the Leader

The Leader expressed his thanks to members of the Corporate Management Team and his Cabinet colleagues for their hard work during the administration's first year in office.

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Leader of the Council

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Date

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

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