

# Record of Cabinet decisions

**Tuesday, 29 October 2024**

**7.00pm to 7.50pm**

**Date of publication: 1 November 2024**

**Subject to call-in these decisions will be effective from 11 November 2024  
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 Tracy Coombs	Portfolio Holder for Education
	Councillor Simon Curry	Portfolio Holder for Climate Change and Strategic Regeneration
	Councillor Nina Gurung	Portfolio Holder for Heritage, Culture and Leisure
	Councillor Alex Paterson	Portfolio Holder for Community Safety, Highways and Enforcement
	Councillor Louwella Prenter	Portfolio Holder for Housing and Homelessness
	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  
David England, Head of Valuation and Asset Management  
Lee-Anne Farach, Director of People and Deputy Chief Executive  
Bhupinder Gill, Assistant Director, Legal and Governance  
Jon Pitt, Democratic Services Officer

## **Apologies for absence**

An apology for absence was received from Councillor Mahil.

## **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.

## **Record of decisions**

The record of the meeting held on 1 October 2024 was agreed by the Cabinet and signed by the Leader as a correct record.

## **Property Asset Management Strategy & Property Review**

### **Background:**

The report provided the Cabinet with an updated Property Asset Management Strategy (PAMS) which would help the Council meet the challenges of the CIPFA Resilience Review January 2024. This recommended that the Council should carry out a property review to identify surplus property assets.

Alongside the updated Strategy, the report also presented phase 1 of the resulting property review in relation to those non-operational property assets which had been identified as being suitable for being declared surplus, so that they could potentially be disposed of, following appropriate consultation with stakeholders, including the Council's Corporate Landlord Board (CLB).

It was noted that all sites would be given careful consideration before any disposal decisions were made. Where communities considered that an asset had particular value, it was encouraged that these be submitted for possible inclusion on the register of Assets of Community Value. It was also noted that Medway Council was not required to publish the assets that would be considered for disposal but it had chosen to do so to ensure full transparency.

The report had previously been considered by the Regeneration, Culture and Environment Overview and Scrutiny Committee on 10 October 2024 and its comments were set out in section 9 of the report.

A Diversity Impact Assessment had been undertaken and was attached at Appendix 2 to the report.

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Plans of the properties located in Medway were attached to the report at Appendix 3, and an Exempt Appendix 1 to the report, contained further details of all properties recommended for disposal.

**Decision  
number:**

**Decision:**

The Cabinet noted the comments of the Regeneration, Culture and Environment Overview and Scrutiny Committee, as set out in section 9 of the report.

**128/2024**

The Cabinet agreed the updated Property Asset Management Strategy (PAMS), as set out in Appendix 1 to the report.

**129/2024**

The Cabinet declared the following non-operational properties surplus [as set out in decision Nos 129a/2024 to 129ac/2024], and agreed to delegate authority to the Director of Place in consultation with the Corporate Landlord Board (CLB), to agree the method of disposal for each property and to dispose of the properties in order to obtain the best price reasonably obtainable

**129a/2024**

Land to the South- east of the end of Northdane Way, Lordswood

**129b/2024**

Land at 126-150 Chatham Hill

**129c/2024**

Warren Wood Social Club, Rochester

**129d/2024**

Rainham District Shopping Centre

**129e/2024**

Industrial Estate - Railway Street, Gillingham

**129f/2024**

Indoor Bowls Club, Prince Arthur Road, Gillingham

**129g/2024**

Gillingham Business Park

**129h/2024**

Northbank House, Sir Thomas Longley Road, Rochester

**129i/2024**

Ground Floor Shop 23-25 High Street, Brompton

**129j/2024**

Britton Farm Shopping Centre, High Street, Gillingham

**129k/2024**

Former Fire Station and Public Toilets Arches, New Cut, Chatham

**129l/2024**

Unit 1 Court Farm Industrial Estate, Cwmbran, Gwent Wales

**129m/2024**

Unit 1 Cherry Trees Court, Hemel Hempstead, Hertfordshire

**129n/2024**

Vantage Point, Holborough Road, Snodland, Kent

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<b>129o/2024</b>	<b>Eldon Road, Aycliffe Industrial Estate, Newton Aycliffe</b>
<b>129p/2024</b>	<b>Saxon Business Park, Bromsgrove, Worcestershire</b>
<b>129q/2024</b>	<b>Suffolk Business Park, Bury St Edmunds, Suffolk</b>
<b>129r/2024</b>	<b>Unit 5 Deans Industrial Estate, Livingstone, Scotland</b>
<b>129s/2024</b>	<b>19 Lords Fold, Rainford, Merseyside</b>
<b>129t/2024</b>	<b>Unit A1 Boothroyds Way, Pontefract, West Yorkshire</b>
<b>129u/2024</b>	<b>Viking Park, Whitehill, Bordon, Hampshire</b>
<b>129v/2024</b>	<b>Temple Manor, Knight Road, Strood, Rochester</b>
<b>129w/2024</b>	<b>Site of 121-129 The Brook, Chatham</b>
<b>129x/2024</b>	<b>Eastcourt &amp; Mariners Fields Farmland adjacent to Riverside Country Park, Gillingham</b>
<b>129y/2024</b>	<b>Land and building rear of 70 Maidstone Road, Rochester</b>
<b>129z/2024</b>	<b>Stirling Sports Centre, Maidstone Road, Rochester</b>
<b>129aa/2024</b>	<b>Eastgate Cottage, High Street, Rochester</b>
<b>129ab/2024</b>	<b>Land at Abbotts Court Farm, Bredhurst, Gillingham</b>
<b>129ac/2024</b>	<b>Gillingham Golf Club, Woodlands Road, Gillingham</b>
<b>130/2024</b>	<b>The Cabinet recommended the Chief Executive use urgency provisions to approve an addition to the Capital Programme for a budget of up to £400,000 p.a. for up to 3 years, to fund the cost of additional staff required to dispose of the surplus properties. This expenditure was to be funded from the resultant capital receipts, under flexibilities granted by the Government.</b>

### **Reasons:**

The updated Property Asset Management Strategy (PAMS) will help the Council to meet the challenges of the CIPFA Resilience Review January 2024. The Review also recommended that the Council carry out a property review to identify surplus property assets.

To generate revenue savings and capital receipts for the Council.

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To free up properties, which could be disposed of and used by the private and third sectors to deliver development, including much needed housing.

### Public Space Protection Order - Dog Control

#### Background:

The report provided the Cabinet with the outcomes of the public consultations on the introduction of a Medway wide Dog Control Public Spaces Protection Order (PSPO).

Public Spaces Protection Orders (PSPOs) were introduced by section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (this section came into force on 20 October 2014). PSPOs are an order created in relation to areas within the local authority's jurisdiction, where activities are taking place that are, or are likely to be, detrimental to the local community's quality of life. PSPOs impose conditions or restrictions on people within that area. A Breach of a PSPO is an offence punishable by a fixed penalty notice and/or prosecution in the Magistrates Court.

The report had previously been considered by the Regeneration, Culture and Environment Overview and Scrutiny Committee on 10 October 2024 and its comments were set out in section 9 of the report.

#### **Decision number:**

#### **Decision:**

**The Cabinet noted the comments of the Regeneration, Culture and Environment Overview and Scrutiny Committee, as set out in section 9 of the report.**

**The Cabinet noted the responses to the consultation to introduce a Medway wide Public Spaces Protection Order, as detailed in section 8 of the report.**

**131/2024**

**The Cabinet recommended Full Council approve the introduction of a Medway wide Public Spaces Protection Order to control the behaviour of dogs.**

#### Reasons:

The introduction of the PSPO should help control several issues that arise as a result of people failing to exercise proper control of dogs in public places.

The PSPO included controls on dog fouling, defining areas where dogs were not permitted – such as playgrounds, and requiring dogs to be on leads in some public places across Medway and over the long-term improve the quality of life for residents, visitors and local businesses.

## Medway Short Breaks Sufficiency Strategy 2024-27

### Background:

The report outlined to Cabinet the findings and recommendations of the short break sufficiency review undertaken by Children Services Commissioning in July – October 2023. The review found that the number of children with disabilities had risen significantly and the number of children and families who received a short break grant had risen by 68% since 2016. This negatively impacted families who were experiencing longer wait times to have their needs assessed and met, as well as significant cost implications for the Council.

A strategy had been developed, outlining the Council's plan. This sought to broaden the availability and uptake of inclusive universal services by those who could access them. The aim was to also make changes so that places on targeted and specialist short break schemes were available to those who needed them the most.

A Diversity Impact Assessment had been undertaken and was attached at Appendix 2 to the report.

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

### ***Decision:***

**The Cabinet noted the limitations of the existing model for short breaks in Medway.**

**132/2024**

**The Cabinet agreed to adopt the Short Breaks Sufficiency Strategy 2024-27, attached at Appendix 1 to the report.**

**133/2024**

**The Cabinet supported the following priorities, which had been designed to ensure compliance with UK short breaks legislation and improve sufficiency, efficiency and financial oversight of short breaks in Medway:**

- **Co-produce a short break services statement**
- **Review and update the Local Offer website and signposting**
- **Invest in community training and improve communication with parents and carers**
- **Review short breaks eligibility and inclusion criteria**
- **Invest in data intelligence**
- **Develop more commissioned services**
- **Address recruitment and retention challenges.**

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### **Reasons:**

The number of Children and Families who require short breaks is increasing significantly. A Strategy is necessary to ensure the ongoing sufficiency and financial oversight of short breaks provision in Medway.

### **Treasury Management Report 2024/25: Quarter 1**

#### **Background:**

The report provided the Cabinet with an overview of treasury management activity for 2024/25 Quarter 1. The Audit Committee was responsible for approving the quarterly treasury reports and this report was presented to the Cabinet for information.

It was noted that the Council had significantly reduced its Lender Option, Borrower Option borrowing and that there was advice against long term borrowing as it was anticipated that interest rates would fall.

The report had previously been considered by the Audit Committee on 26 September and its comments were set out at section 12 of the report.

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

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

**The Cabinet noted the comments of the Audit Committee, as set out at section 12 of the report.**

**The Cabinet noted the treasury management report.**

### **Reasons:**

In accordance with the Chartered Institute of Public Finance Accountancy's (CIPFA) Code of Practice for Treasury Management, there should be a report on treasury every quarter.

### **Gateway 1 Report: Deprivation of Liberty Safeguards (DoLS) Assessments**

#### **Background:**

The report sought permission from the Cabinet to commence the procurement of the Deprivation of Liberty Safeguards (DoLS) Contract.

Deprivation of Liberty Safeguards (DoLS) are an amendment to the Mental Capacity Act (MCA) 2005. Within the legislation there is a requirement that the Mental Health assessment was undertaken by a Mental Health assessor who had to be a doctor (approved under section 12 of the Mental Health Act 1983, or a registered medical practitioner with at least three years' post-registration experience in the diagnosis or

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treatment of mental disorders). The Council did not employ S-12 doctors and therefore needed to source an external provider to undertake these assessments.

An Exempt Appendix 1 to the report, contained financial analysis of the costings involved.

**Decision number:**

**Decision:**

**134/2024**

**The Cabinet agreed to the procurement of a contract provision of specialist doctor/mental health assessments as one of the six elements of a Deprivation of Liberty Safeguard (DoLS) Assessment via Open Market Procurement, open procedure, for a three year term which could then be extended three times by two years as identified in paragraph 7.4 of the report.**

**Reasons:**

The local authority is the supervisory body for the provision of DoLS assessments.

There is a requirement in the Mental Capacity Act (MCA) DoLS legislation that the mental health assessment is undertaken by a Section 12 registered (S-12) doctor.

Medway Council does not employ S-12 doctors so there is a need to source an external provider to undertake these assessments.

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**Leader of the Council**

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**Date**

**Jon Pitt, Democratic Services Officer/Vanessa Etheridge, Democratic Services Officer**

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