

**Kent  
County  
Council**  
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## **FORWARD PLAN OF DECISIONS**

**13 December 2022 - 30 April 2023**

**This Edition of the Forward Plan Supersedes ALL Previous Editions**

Leader of the County Council – Roger Gough  
Published by Democratic Services

This Forward Plan lists “Key Decisions” which Kent County Council intends to take over the next six months. It gives information on the projects that will be coming forward and who will be involved with them. The Plan also contains reference to other proposed decisions, which although not Key Decisions are nonetheless significant in terms of their outcomes.

Please use the contact details given to let us know your views.

## **FORWARD PLAN OF DECISIONS**

Each month the Council publishes a Forward Plan of Decisions expected to be taken during the following six months.

A “Key Decision” is an Executive-side Decision which is likely to:

- (a) result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council’s budget for the service or function to which the decision relates; or
- (b) be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the local authority.

Key Decisions can only be taken by the Cabinet, the Leader or an individual Cabinet Member.

Decisions which should be regarded as Key Decisions because they are likely to have a significant effect either in financial terms or on the Council’s services to the community include:

- (a) Decisions about expenditure or savings over £1,000,000 which are not provided for within the approved budget or Medium Term Financial Plan
- (b) Adoption of major new policies not already included in the Policy Framework (Constitution Appendix 3) or changes to established policies
- (c) Approval of management and business plans
- (d) Decisions that involve significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality. For example, closure of a school, approval of a major project (such as a highway scheme) or programme of works, major changes in the eligibility criteria for provision of a service, major changes in the fees charged for a service, or proposals that would result in a service currently provided in-house being outsourced.
- (e) Decisions where the consequences are likely to result in compulsory redundancies or major changes in the terms and conditions of employment of a significant number of employees in any of the Council’s functions.

Preparation of the Forward Plan helps the Council to programme its work and ensures compliance with the Local Government Act 2000. Every month, the period covered by the Plan will be rolled forward by one month and the plan will be republished.

The Plan outlines the consultation that is proposed in respect of future decisions and who members of the public and the Council should contact to make comments on any particular item. Anyone is entitled to obtain copies of the documents that will be relied upon when a decision is taken, unless those documents are ‘Exempt’ within the meaning of the relevant sections of the Local Government Act 1972 (as amended).

Reports related to decisions will be published on the Council's web site at [www.kent.gov.uk](http://www.kent.gov.uk) at least five days before the decision it is due to be taken. Once the decision has been taken, a copy of the Record of Decision will also be published on the Council's website.

<b>The Kent County Council Cabinet Members are:</b>	
Mr Roger Gough	Leader of the Council
Mr Peter Oakford	Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services
Mrs Clair Bell	Cabinet Member for Adult Social Care and Public Health
Miss Susan Carey	Cabinet Member for Environment
Mrs Sue Chandler	Cabinet Member for Integrated Children's Services
Mr Mike Hill	Cabinet Member for Community and Regulatory Services
Mr Richard Long	Cabinet Member for Education and Skills
Mr Michael Payne	Cabinet Member for Highways and Transport
Mrs Shellina Prendergast	Cabinet Member for Communications, Engagement and People
Mr Mike Whiting	Cabinet Member for Economic Development

All Members can be contacted by writing to Kent County Council, Sessions House, County Hall, Maidstone, Kent, ME14 1XQ or by email via the Council's website.



**NEW**

**NOT BEFORE 11 JANUARY 2023**

<p><b>Responsible Cabinet Member</b> - Cabinet Member for Highways and Transport</p> <p><b>Reference No:</b> There are no legal implications associated with this scheme. The Section 106 Agreements associated with the scheme are signed, with most of the funding already banked.</p> <p><b>Key</b> Yes</p>
<p><b>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</b></p>
<p><b>Title:</b> <b>22/00110 - Thames Way Scheme - Kent Thameside Strategic Infrastructure Programme</b></p> <p><b>The Decision needed:</b> Proposed decision –</p> <p>The Cabinet Member for Highways &amp; Transport is asked to give approval to progress the Thames Way scheme through the stages of development and delivery as indicated below and specifically for:</p> <ol style="list-style-type: none"><li>I. Approval to delegate the scope change decision, required to allow the scheme to proceed through to detailed design and for the Ebbsfleet Central Application to be determined, to the Corporate Director of Growth, Environment &amp; Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member.</li><li>II. Approval to delegate the decisions to enter into the appropriate land, development and funding agreements, and all other acts, consents and any subsidiary contracts required to allow the scheme to be progressed to the appropriate Corporate Director.</li><li>III. Approval to carry out any public engagement or consultation required for the Thames Way scheme;</li><li>IV. Approval for any further decisions required to allow the scheme to proceed through to detailed design to be taken by the Corporate Director of Growth, Environment &amp; Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member.</li></ol>
<p><b>Section 2 – Who is taking the final decision and when</b></p>
<p><b>Who is taking the Decision</b> Cabinet Member for Highways and Transport</p> <p><b>Date:</b> Not before January 2023</p>

**Reason if Key Decision**

An updated EQIA Assessment will be included with the Committee report.

**Reason if this decision has been delayed/withdrawn from a previous plan****Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors****Consultees****Section 4 – Responsible Officer – Who to contact for more information.****Your name, Your Service, Your phone number and email address:**

The available budget for the project is £5.5m. This will be fully funded through Developer Contributions into the STIP funding pot. The STIP funding banked for the Thames Way scheme currently totals £3.385m, the remaining £2.115m is secured through S106 agreement with the following development sites:

- £2.1m Northfleet Cement Works 16/0004 (Expected trigger date: 2026)
- £150k Northfleet Embankment East (Expected trigger date: 2023)

This budget, for the preferred scheme, is considered healthy with a significant contingency and risk provision, but will be kept under review. There is no expectation that KCC will be required to forward fund this scheme. An additional paper will be presented to ETCC at detailed design stage to determine whether the scheme can progress to delivery.

Should the Cabinet Member choose not to approve the scope change as outlined above, the scheme estimate (£14.4m) will exceed the scheme budget and secured funding. As such, the scheme will be unable to

**Support documents**

**NOT BEFORE 23 DECEMBER 2022**

**Responsible Cabinet Member - Cabinet Member for Integrated Children's Services****Reference No:**

- There is no statutory requirement for the Local Authority to provide this funding stream for VCS organisations and no contractual obligations to continue funding beyond 31 March 2023.

<b>Key</b> Yes
<b>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</b>
<p><b>Title:</b>  <b>22/00109 - Local Children's Partnership Group Grants Programme</b></p> <p><b>The Decision needed:</b>  <b>Proposed Decision:</b></p> <p><b>As Cabinet Member for Integrated Children’s Services, I propose to:</b></p> <p>A) Cease the funding for the Local Children’s Partnership Group (LCPG) Grants programme from the end of the 2022/23 financial year; and  B) Delegate authority to the Corporate Director of Children, Young People and Education to take relevant actions including but not limited to entering into legal agreements as necessary to implement this decision.</p>
<b>Section 2 – Who is taking the final decision and when</b>
<p><b>Who is taking the Decision</b>  Cabinet Member for Integrated Children's Services</p> <p><b>Date:</b>  Not before December 2022</p> <p><b>Reason if Key Decision</b></p> <ul style="list-style-type: none"> <li>• The decision will impact each of the protected characteristics, though no one group will be disproportionately impacted. This will continue to be developed.</li> </ul> <p><b>Reason if this decision has been delayed/withdrawn from a previous plan</b></p>
<b>Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors</b>
<b>Consultees</b>
<b>Section 4 – Responsible Officer – Who to contact for more information.</b>
<p><b>Your name, Your Service, Your phone number and email address:</b></p> <ul style="list-style-type: none"> <li>• The LCPG Grants Programme is a county-wide pot of £600,000, divided between the 12 districts, to fund projects to meet local need and support the priorities set out by each of the LCPG’s.</li> <li>• There are limited financial risks associated with this proposal as all existing grant provision linked to the LCPGs is due to end 31 March 2023.</li> </ul>

The 2023/2024 round of grants have not yet commenced.

- The current providers are all small to medium voluntary sector organisations. The removal of the LCPG Grants should have limited impact as this funding stream is short term and not guaranteed year to year. Therefore, it is unlikely that removal of the grants would impact on ongoing viability of many organisations.

### **Support documents**

**Responsible Cabinet Member** - Cabinet Member for Integrated Children's Services

**Reference No:** • An implication of this approach is that the council is operating outside of Spending the Council's Money in that the contracts should have been the subject of being competitively tendered.

- The risk has been mitigated through knowledge of the market and whether there are other organisations that could deliver the services at scale and pace in the particular locations. The situation satisfies the requirements as set out in Public Contracts Regulations 2015 (PCR 2015) clause 72(1)(e) and clause 72(8) which permits modifications to contracts so long as not materially different.

**Key** Yes

**Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.**

**Title:**  
**22/00108 - Commissioned Children's Centre Provision - Direct Award**

**The Decision needed:**

**Proposed Decision:**

**As Cabinet Member for Integrated Children's Services I propose to**

- A) Extend the Children's Centres services currently provided by Millmead and Seashells via a direct award for a period of not more than 12 months (end 31 March 2024).
- B) Delegate authority to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for ICS (Integrated Children's Services), to negotiate, finalise and enter into the contracts with Millmead and Seashells.

and



C) To take the necessary actions including but not limited to negotiating, finalising and entering into relevant legal agreements such as the direct award contract, as required to implement this decision.

**Section 2 – Who is taking the final decision and when**

**Who is taking the Decision**

Cabinet Member for Integrated Children's Services

**Date:**

Not before December 2022

**Reason if Key Decision**

An Equality Impact Assessment (EqIA) screening has been completed and has concluded that the proposed decision does not present any adverse equality impact.

**Reason if this decision has been delayed/withdrawn from a previous plan**

**Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**

**Consultees**

**Section 4 – Responsible Officer – Who to contact for more information.**

**Your name, Your Service, Your phone number and email address:**

- This service will be funded from within the existing revenue KCC base budget reported against the Early Help and Preventative Services Key Service in the Budget Book.
- Any commercial negotiation in addition to the existing contract values would be subject to budget and Director approval.
- Financial risks associated with this proposal are expected to be low. Potential pressures will be managed through ongoing contract management for the commissioned service.

**Support documents**

**Responsible Cabinet Member - Cabinet Member for Integrated Children's Services**

**Reference No:** • Known as the Youth Services Duty, Local Authorities have a statutory duty to “secure, so far as is reasonably practicable, sufficient provision of educational and recreational leisure-time activities for young people.”.

- An implication of this approach is that the council is operating outside of Spending the Council’s Money in that the contracts should have been competitively tendered.
- The risk has been mitigated through knowledge of the market and whether there are other organisations that could deliver the services at scale and pace in the particular locations. and the situation satisfies the requirements as set out in Public Contracts Regulations 2015 (PCR 2015) clause 72(1)(e) and clause 72(8) which permits modifications to contracts so long as not materially different.

**Key** Yes

**Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.**

**Title:**  
**22/00107 - Commissioned Youth Provision - Direct Award**

**The Decision needed:**  
**Proposed Decision: As Cabinet Member for Integrated Children’s Services I propose to**

- A) Extend the Commissioned Youth Service Provision via a direct award to the seven current providers for a period of not more than 12 months (end 31 March 2024).
- B) Delegate authority to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Integrated Children’s Services, to negotiate, finalise and enter into the relevant contracts.

And

- C) To take the necessary actions including but not limited to negotiating, finalising and entering into relevant legal agreements such as the direct award contract, as required to implement this decision.

**Section 2 – Who is taking the final decision and when**

**Who is taking the Decision**  
Cabinet Member for Integrated Children's Services

**Date:**  
Not before December 2022

<p><b>Reason if Key Decision</b> An Equality Impact Assessment (EqIA) screening has been completed and has concluded that the proposed decision does not present any adverse equality impact.</p> <p><b>Reason if this decision has been delayed/withdrawn from a previous plan</b></p>
<p><b>Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors</b></p>
<p><b>Consultees</b></p>
<p><b>Section 4 – Responsible Officer – Who to contact for more information.</b></p>
<p><b>Your name, Your Service, Your phone number and email address:</b></p> <ul style="list-style-type: none"> <li>• This service will be funded from within the existing revenue KCC base budget reported against the Early Help and Preventative Services Key Service in the Budget Book.</li> <li>• Any commercial negotiation in addition to the existing contract values would be subject to budget and Director approval.</li> <li>• Financial risks associated with this proposal are expected to be low. Potential pressures will be managed through ongoing contract management for the commissioned service.</li> </ul> <p><b>Support documents</b></p>

**NOT BEFORE 14 DECEMBER 2022**

<p><b>Responsible Cabinet Member - Cabinet Member for Community and Regulatory Services</b></p> <p><b>Reference No:</b> This tendering opportunity has not been subject to competition. The existing contract can be extended, as supported by Regulation 72 (c) (ii) and (iii) of the Public Contract Regulations which states that a contract may be modified without a new procurement procedure in accordance (c) (ii) the modification does not alter the overall nature of the contract; (iii) any increase in price does not exceed 50% of the value of the original contracts or framework agreement.</p> <p><b>Key</b> Yes</p>
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**Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.**

**Title:**

**22/00102 - Contract extensions for the provision of Post-Mortem Facilities for the Mid Kent & Medway, North West Kent, and East Kent coroner areas**

**The Decision needed:**

**Proposed decision:**

To award 6-month extensions to contracts for the provision of Post-Mortem (PM) facilities to Dartford and Gravesham NHS Trust, East Kent Hospitals Trust and Medway NHS Trust and confirm current arrangements.

**Background and reason for the decision:**

The Coroners and Justice Act 2009 places a duty on Coroners to investigate deaths that are referred to them if they have reason to think that:

- The death was violent or unnatural;
- The cause of death is unknown; or
- The deceased died while in prison, police custody or another form of state detention

In some cases, the Coroner will order a post mortem (PM) to establish the cause of death, and in such cases, the deceased is taken to one of five NHS mortuaries across Kent and Medway located at Margate, Ashford, Tunbridge Wells, Dartford, and Gillingham.

On behalf of the Kent and Medway Senior Coroners, KCC ensures access to body storage and PM facilities across the four Kent coroner areas. KCC does not have its own public mortuary facility and so like many other coroner areas across England and Wales it relies on local NHS hospitals which have the necessary facilities for this purpose; there are no private sector providers of PM facilities anywhere in England and Wales.

The contract extensions were initially entered into in 2021, with the details and intentions set out in planned decisions 21/00079 and 21/00096 (covering Mid Kent & Medway, North East Kent and Central & South East Kent coroner areas). It is now necessary to review, collate and update the relevant contracting and governance associated with these arrangements and to seek to extend the contracts by a further 6 months until the end of March 2023 via a single co-ordinated decision. The planned approach will address the outstanding governance and time gap involved with the prior decisions while also supporting ongoing provision – therefore this decision confirms the required arrangements undertaken for the previous year and allows for appropriate service continuation prior to new contracts being put in place (via separate relevant decision-making) for April 2023 onwards.

This six-month period will be used by the Coroner Service to better understand the service and associated costs of running the contract for

the Trusts. Contract terms will be updated and developed using these findings and in line with KCC's future needs, including the implementation of the Digital Autopsy (DA) service. Currently it is unclear how the DA project will be progressing; therefore a 6-month contract extension will allow more time for KCC to determine DA's direction of travel and develop a contractual arrangement that complements the DA service once it goes live.

**Options considered and discarded:**

**Option 1: Do nothing**

This is the current situation as the service is operating outside of a contract.

Unless a contract is put in place, the Council is at risk of receiving an inconsistent provision and quality of service, a lack of control over costs, and subsequent reputational ramifications.

**Option 2: Go out to tender**

Kent NHS Trusts do not have capacity to take on any extra work without significant capital investment, and past use of mortuaries outside Kent have not delivered a suitable service.

**Option 3: Use a framework or other viable contract mechanism**

There are no known frameworks or other viable mechanisms for the provision of mortuary facilities in England and Wales.

**Option 4: Extend the contracts for a longer period until the DA facility opens**

Extending the contracts for 12-18 months will not provide KCC with the flexibility to negotiate new contracts for mortuary services that support the DA facility.

**How the proposed decision supports Framing Kent's Future 2022-2026:**

The proposed Digital Autopsy facility, to which these contracts are directly linked, supports Priority 2: Infrastructure for Communities via a further digitalisation of KCC's service offer, and finding better ways to deliver services for Kent.

**Data Protection implications:**

A Data Protection Impact Assessment screening form has been completed, which concludes that a DPIA is not required.

**Section 2 – Who is taking the final decision and when**

**Who is taking the Decision**

Cabinet Member for Community and Regulatory Services

**Date:**

Not before December 2022

**Reason if Key Decision**

The Equalities Impact Assessment (EqIA) completed in 2019 for this service was reviewed last year when contract extensions were awarded to the three NHS Trusts. Nothing has changed since then, and no issues have

been identified by the service.

**Reason if this decision has been delayed/withdrawn from a previous plan**

**Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**

**Consultees**

The proposed decision will be discussed at the Growth, Economic Development and Communities Cabinet Committee on 22 November 2022.

**Section 4 – Responsible Officer – Who to contact for more information.**

**Your name, Your Service, Your phone number and email address:**

Unless a contract extension is put in place, the NHS Trusts can charge as much as they want for the provision of mortuary services.

The contract with East Kent NHS Trust is a fixed fee regardless of activity levels and will be paid in 6 equal instalments. The other two contracts with Dartford and Gravesham and Medway NHS Trusts are charged on a cost per PM basis. The estimated total cost of the contract extensions is within the budgeted revenue cost for 2022-23.

**Support documents**

Proposed Record of Decision  
Decision Report  
EXEMPT Appendix  
EqIA

**Responsible Cabinet Member - Cabinet Member for Integrated Children's Services**

**Reference No:** Direct Payments for parents or carers of disabled children are a statutory duty under the Children Act 1989 as amended by Sections 17A (inserted by the Health and Social Care Act 2001) and 17B (inserted by the Carers and Disabled Children Act 2000)

The contract legitimately allows for the extension.

**Key No**

**Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.**

**Title:**

## **22/00104 - Extension of the Direct Payment Support Service Contract**

### **The Decision needed:**

### **Proposed Decision:**

Authorise additional expenditure of £315,000 to enable Commissioners to enact the final 12-month extension of the Direct Payment Support Service from 1 April 2023 to 31 March 2024

### **Reason for Decision:**

As part of the support planning process, Direct Payments (DPs) are offered to individuals to provide a greater choice and control over their care and support arrangements. They are monetary payments that can be made to individuals to meet some or all of their eligible support needs. The legislative context is set out in the Care Act 2014, section 117(2c) of the Mental Health Act 1983, the Care and Support (DP) Regulations 2014 and the Children and Families Act 2014.

Disabled Children and Young People Service commission the Direct Payment Support Service with a not-for-profit provider of Children's and Young People Services The service is open to:

- Parents and carers of disabled children
- Parents and carers of children with special educational needs
- Young people aged 16-25 with special educational needs
- Young disabled people aged 16-25

The Key Decision to commission the Direct Payment Support Service was taken on the 30 October 2018. The Decision ([Decision - 18/00055 - Direct Payment Support Service \(kent.gov.uk\)](#)) provided for a three-year fixed term with two twelve-month extension periods within a maximum budget of £1.7 million over the five-year term. The contract is currently in the first of the two available extensions and demand for the service is increasing beyond current capacity. The cost of the recommended option, to extend the contract for the final year, will exceed the original Key Decision of £1.7 million over the 5-year term and a further Decision is required to authorise the additional expenditure.

### **Options:**

- 1) Do nothing. The contract will end on the 31 March 2023 and alternative plans for the current cases and ongoing administration, and support, for Children Young People and Education Direct Payments. Currently there is no resource to undertake this work in-house. This option is discounted
- 2) Extend with no additional capacity. Cases are forecast to increase beyond current contractual capacity, this means that a waiting list will be implemented with the anticipated wait length being 8-12 weeks before the case can be allocated to a worker within the commissioned provider. This option is discounted.

**The proposed Decision is in line with Kent’s Strategy for Children and Young People with Special Educational Needs and Disabilities 2021-2024**

Priority One: Improve the way we work with children and young people, parents and carers. Qualitative feedback from parents, carers and young people using the service remains extremely high. The survey indicates that as of March 2022 100% of service users rate the support they receive as ‘good’ or ‘excellent’, and a similar number stated that the knowledge of the worker provided to support them was ‘good’ or ‘excellent’

**Framing Kent’s Future Council Strategy 2022:**

Priority 4: New models of care and support: Our commitment is to reshape our commissioning practice to ensure we build strategic partnerships with our providers, through earlier engagement, more consistent and proactive commissioning practice, and a stronger focus on co-designing services.

Our commitment is to support the most vulnerable children and families in our county, ensuring our social work practice supports manageable caseloads, reflective learning, joined up safeguarding and effective corporate parenting arrangements.

**Section 2 – Who is taking the final decision and when**

**Who is taking the Decision**

Cabinet Member for Integrated Children's Services

**Date:**

Not before December 2022

**Reason if Key Decision**

Equalities implications :

An equality impact assessment has been undertaken and no issues have been identified at this stage. The equality impact assessment shall be kept under constant review as this project continues.

Data Protection implications:

Not applicable. There are no changes to the requirements of the contract other than the extension of service and increased capacity to manage demand.

**Reason if this decision has been delayed/withdrawn from a previous plan**

**Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**



## Consultees

The proposed decision will be considered at the Children's Young People and Education Cabinet Committee on 29<sup>th</sup> November 2022.

## Section 4 – Responsible Officer – Who to contact for more information.

### Your name, Your Service, Your phone number and email address:

The original Key Decision taken on the 30 October 2018 provided for a maximum contract value of £1.7 million over the five-year term. Demand has increased beyond current contract capacity and the recommended option to extend and increase capacity to meet growing demand means that the total cost over the five-year term will exceed by £315,000.

The costs for the contract are funded from the Children's Disability 0-18 Commissioning Revenue Budget. Efficiencies within this budget are expected to fund the majority of the increase required, with the increase relating to inflationary pressures, to be identified as part of the medium-term financial plan.

### Support documents

PROD  
Report  
EqIA

**Responsible Cabinet Member** - Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

**Reference No:** External legal advisors will be appointed in consultation with General Counsel.

**Key** Yes

## Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.

### Title:

**22/00106 - Disposal of the Former Laleham Gap School, Southcliffe Parade, Broadstairs CT10 1TJ**

### The Decision needed:

### Proposed decision:

To agree to the disposal of the property, the former Laleham Gap School and playing field, Southcliffe Parade, Broadstairs CT10 1TJ and delegate authority to:

1. The Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise

the terms of the disposal; and

2. The Director of Infrastructure, to authorise the execution of all necessary or desirable documentation required to implement the above.

### **Reason for the decision**

The property is surplus to the Council's operational requirements and, due to the value, a key decision is required as per the Kent County Council's constitution.

### **Background**

The site is a former school building and playing field. It has been declared surplus by the Council as it is no longer required for operational purposes. The school was relocated to a new purpose-built facility on another site.

The Council intends to progress with the disposal of the site in line with its adopted Freehold Asset Disposal Policy. The site has been allocated for housing within the Local Plan and initial advice provided from agents regarding anticipated values indicates that a key decision is required.

Consent has been sought and gained from the Secretary of State for Education, allowing Kent County Council to progress with a disposal, given the former education use of the site.

A decision is sought to authorise disposal of the site and to delegate authority to the Director of Infrastructure to finalise the terms, subject to consultation with the relevant cabinet member.

### **Options**

The Council has an overarching duty under Section 123 of the Local Government Act 1972 to secure not less than best consideration in respect of property disposals. It also has a fiduciary duty to the residents of Kent.

The property is not required for the Council's operational purposes and has been considered surplus to education needs following the relocation of the school to the new site. Since vacation of the school site, alternative service needs were considered and none have been identified. A disposal provides an opportunity to reinvest capital in agreed priorities, as set out in the Council's Capital programme.

### **How the proposed decision supports the Interim Strategic Plan**

By securing a capital receipt to fund the Capital programme and to streamline the Council's property portfolio to achieve financial and efficiency benefits, in line with appropriate policy.

## **Section 2 – Who is taking the final decision and when**

### **Who is taking the Decision**

Deputy Leader and Cabinet Member for Finance, Corporate and Traded

Services

**Date:**

Not before December 2022

**Reason if Key Decision**

An equalities impact assessment will be performed, however, no direct equalities implications are anticipated to arise from the disposal of the site as the decision has no service impact.

Data Protection implications:

As part of this approval process and in the handling of marketing and conveyancing of the site, data protection regulations will be observed.

**Reason if this decision has been delayed/withdrawn from a previous plan**

The proposed decision will be discussed by the Policy and Resources Cabinet Committee on 23 November 2022.

**Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**

**Consultees**

**Section 4 – Responsible Officer – Who to contact for more information.**

**Your name, Your Service, Your phone number and email address:**

The sale of the property will result in a capital receipt which will be reinvested back into the Council's Capital programme.

The disposal of the property will remove holding costs associated with the property, easing pressure on revenue budgets.

**Support documents**

**NOT BEFORE 7 DECEMBER 2022**

**Responsible Cabinet Member - Cabinet**

**Reference No:** Each project identified in the KCP will be subject to a separate consultation and decision-making process. The legal implications of each proposal will be identified at that time.

<b>Key</b> Yes
<b>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</b>
<p><b>Title:</b>  <b>22/00101 - Commissioning Plan for Education Provision in Kent 2023 - 2027</b></p> <p><b>The Decision needed:</b>  <b>Proposed decision:</b></p> <p>To agree the Commissioning Plan for Education Provision in Kent 2023-27.</p> <p><b>Reason for Decision and Background</b></p> <p>Kent County Council (KCC), as the Local Authority (LA), has a statutory duty to ensure sufficient school places are available. The County Council’s Commissioning Plan for Education Provision in Kent 2023-27 (KCP) is a five-year rolling plan which is updated annually. It sets out our future plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent.</p> <p>The Plan details how we will carry out our responsibility for ensuring there are sufficient high quality places, in the right places for all learners, while at the same time fulfilling our other responsibilities to raise education standards and promote parental preference. The Plan indicates the expected future need for education provision, thereby enabling parents and education providers to put forward proposals as to how these needs might best be met.</p> <p>The KCP sets out the principles by which we determine proposals, and it forecasts the need for future provision. It also sets out in more detail plans to meet the commissioning needs which arise in each District in Kent during the Plan period.</p>
<b>Section 2 – Who is taking the final decision and when</b>
<p><b>Who is taking the Decision</b>  Cabinet</p> <p><b>Date:</b>  Not before December 2022</p> <p><b>Reason if Key Decision</b>  Equalities implications:  An Equality Impact Assessment (EqIA) has been completed for the KCP. The screening found no evidence that the KCP will impact negatively on pupils from Protected Groups or lead to them being treated less favourably.</p> <p>Data Protection implications:</p>

N/A
<b>Reason if this decision has been delayed/withdrawn from a previous plan</b>
<b>Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors</b>
<p><b>Consultees</b></p> <p>The Commissioning Plan will be presented to the Children’s, Young People and Education Cabinet Committee on 29 November 2022 for comment, prior to Cabinet in January 2023.</p>
<b>Section 4 – Responsible Officer – Who to contact for more information.</b>
<p><b>Your name, Your Service, Your phone number and email address:</b></p> <p>The LA as Strategic Commissioner of Education Provision has a key role in securing funding to provide sufficient education provision in the County, particularly in schools, in order to meet its statutory responsibilities. The cost of providing additional school places is met from Basic Need grant from the Government, prudential borrowing by the County Council, Section 106 property developer contributions and the Community Infrastructure Levy (CIL). Government funding for ‘Basic Need’ is allocated on a formula based upon information provided by local authorities concerning forecast numbers of pupils and school capacity.</p> <p><b>Support documents</b></p>

**NOT BEFORE 3 DECEMBER 2022**

<p><b>Responsible Cabinet Member - Cabinet Member for Environment</b></p> <p><b>Reference No:</b> See above</p> <p><b>Key</b> Yes</p>
<b>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</b>
<p><b>Title:</b>  <b>22/00099 - Kings Hill Solar Park: Additional funding requirement</b></p> <p><b>The Decision needed:</b>  <b>Proposed Decision:</b></p>

Deployment of £878,000 additional funding to cover the increase in costs including risk contingencies to complete the Kings Hill Solar Park project.

**Reason for Decision:**

The original agreed funding of £4,167,000 is not sufficient to deliver the project due to delays from the land purchase, ecology finds, additional surveys, UKPN uplifted costs and additional contingencies

**Background:**

Kent County Council has used some time limited grant funding from Salix towards the delivery of a number of low carbon energy projects including two solar parks (see decision 21/00034). Key Decision 21/00109 approved £4,167,000 capital to deliver a 2.98MW solar park in Kings Hill. The project is at RIBA Stage 5 (construction) and actual project costs are currently anticipated to be no more than £5,044,617.

The scheme is seeking to offset over 633 tonnes of carbon a year from KCC's energy requirement and will contribute significantly to the de-carbonisation of KCC's energy supplies. Construction started in March 2022 and will be completed by or before 30 June 2023.

Revenue income from the project will increase once completed based on current market rates and a longer lifespan of the asset. Based on the original business case the cost offset from the Solar Park was anticipated to be upwards of £90k in year 1 (part year effect) and £140k/annum (on average). The updated position based on the increased capital costs, revenue and projected lifespan now anticipates these figures to be c.£360k in the first full year and an annual equivalent of £330k/annum over the 40-year lifespan of the project.

**Options:**

**Do nothing** –stop works and do not complete the project due to the cost increases. There is the risk/likelihood that KCC would have to hand back the full PSDS grant, will incur abortive costs that will exacerbate the in-year 2022/23 revenue monitoring overspend position as well as have to adjust the Medium-Term Financial Plan (MTFP) and remove the planned surplus/rebate of £140,000 per year from future budgets. **(REJECTED)**

**Seek alternative funding** – potential to stop works and seek alternative funding solutions, applying for further funding where possible. There is a risk that KCC might have to hand back the full PSDS grant funding used on the project if it is not completed. KCC would also incur significant abortive costs on the project to date and not benefit from the income the project would generate in the future if works were not completed which is already built into the 2022/23 and 2023/24 KCC budgets. **(REJECTED)**

**KCC fund the shortfall** complete the project, retain the full PSDS allocated grant, including the element via switch funding, and fund the additional capital cost with Net Zero Reserve funds. **(PREFERRED OPTION)**

**KCC fund the shortfall (Borrowing)** – complete the project, retain the allocated grant, and fund the offset with KCC capital borrowing. Currently KCC is very close to its key performance indicator of borrowing costs at less than 10% of revenue budget, plus KCC's capital strategy is to prioritise borrowing towards statutory projects/rolling programmes such as basic need, highways, and the corporate estate. **(REJECTED)**

**How the proposed decision meets the priority actions of Framing Kent's Future: Kent County Council's Strategic Plan 2022-2026**

Decision meets the following priority actions within Framing Kent's Future

- Support Kent to become a leading county for carbon zero energy production and use
- Make use of low-grade land (e.g., landfill, low grade agricultural through use of solar and wind farms)
- Work towards Kent being Net Zero by 2050
- Use our commissioning and procurement power to support Net Zero and the green economy, reduce our carbon miles and prioritise buying local goods and services wherever possible, and to further support green economy jobs in Kent
- Support strategic opportunities for growth through the delivery of sites and premises and support for new investment and business expansion where it will deliver higher value jobs and increased productivity and contributes to our net-zero target.

**Financial Implications:**

- Purchase of land has been completed;
- Project costs have increased and are now anticipated to cost no more than £5,044,617 including client costs, increased contingency, and cost of land;
- The funding gap of £878,000 is proposed to be funded via the Net Zero Reserve.
- Given that the council is projecting a significant overspend in the current year, the funding options and approach to complete the project may change to ensure minimal impact on the Council's financial position.
- The project assumes that the PSDS switch funding of £1,294,127 is coming back into the project via the Commercial Services Kent Ltd (CSKL) dividend.
- Further discussions are underway with CSKL around alternative funding options that maybe more beneficial for the Council to pursue.
- The projected cost offset from the solar park has increased from an average of £140k to £330k per annum, inclusive of these additional capital costs.
- The increased saving on energy costs set against the increased

contingency means that the overall financial benefit from the Kings Hill Solar Park to the council has improved.

**Legal Implications:**

- The terms and conditions of the Salix grant funding mean that the energy produced by the solar park must directly benefit KCC through lower carbon outputs and these must be reported back to Salix over the coming years.
- KCC has entered into contract with Kier for the construction of the development;
- KCC will enter into contract(s) with private and or Latco companies for the running of the solar park including both operations and management and the sale and purchase of electricity.
- A decision on access route for utilities.

**Section 2 – Who is taking the final decision and when**

**Who is taking the Decision**

Cabinet Member for Environment

**Date:**

Not before December 2022

**Reason if Key Decision**

Equalities implications:

An EqIA screening has been undertaken and no impacts were identified as the site is a static power generation project.

Data Protection implications:

None required.

**Reason if this decision has been delayed/withdrawn from a previous plan**

**Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**

**Consultees**

The proposed decision will be considered by the Environment and Transport Cabinet Committee on 8<sup>th</sup> November 2022.

**Section 4 – Responsible Officer – Who to contact for more information.**

**Your name, Your Service, Your phone number and email address:**

See above

**Support documents**



Proposed Record of Decision  
Decision Report  
EXEMPT - Appendix  
EqIA

**NOT BEFORE 30 NOVEMBER 2022**

**Responsible Cabinet Member - Leader of the Council**

**Reference No:** If Kent-based projects are awarded additional GBF by SELEP, KCC will need to enter into deeds of variation for each GBF project.

**Key** Yes

**Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.**

**Title:**  
**22/00098 - Further investment of Getting Building Funding**

**The Decision needed:**

**Proposed decision:**

Agree that the Getting Building Funding (GBF) will be used to support the Kent-based projects that are awarded additional GBF by the South East Local Enterprise Partnership's Accountability Board.

Delegate to the Section 151 Officer the authority to sign on KCC's behalf a deed of variation to the original grant agreement or equivalent, where this is required to draw down GBF funds following business case approval.

**Further Information:**

Getting Building Funding was announced by the Government in June 2020. The funding is part of the Government's plan to deliver upgrades to local infrastructure, boost skills, and help fuel a green economic recovery by investing in shovel-ready housing and infrastructure projects, creating jobs and supporting economic recovery during the COVID-19 pandemic.

The Government choose that the South East Local Enterprise Partnership (SELEP) would allocate the funding with their endorsement. In total, the Government provided £85m of GBF to SELEP in 2020.

In summer 2022, the SELEP Accountability Board removed one East Sussex GBF project and one Essex projects from the GBF programme. This meant £3.3175m of GBF became available for reallocation to alternative projects by SELEP.

The SELEP Strategic Board has decided to create a GBF reserve project pipeline, so this money can be reallocated. The SELEP Strategic Board has decided that the only projects eligible to be on this reserve project pipeline are existing schemes that have previously been awarded GBF.

Ten Kent-based projects have previously benefitted from a GBF award and are thus eligible to bid for the funding. Four of these Kent-based projects chose to submit a bid to SELEP by their August deadline.

The GBF will be awarded only to existing GBF projects because:

- a) The project has experienced a cost increase due to the impacts of the COVID-19 pandemic, Brexit, or high inflation levels, OR
- b) The project wants to support a further phase of delivery (i.e. project extension).

The SELEP Strategic Board is due to meet in October 22 to decide the pipeline of existing GBF schemes which will receive the extra GBF funding. A formal award of the GBF funding to these projects is then expected to be made by the SELEP Accountability Board in November 22.

This key decision is required to enable KCC to enter into the deeds of variation to the existing grant agreements, so that additional Government funding may be secured for Kent-based projects on SELEP's reserve GBF pipeline.

For reference, Kent County Council took decisions 20/00085, 20/00086 and 21/0005 previously to secure GBF funding for Kent.

### **Options (other options considered but discarded)**

If Kent County Council were to choose to not enter into a deed of variation for the GBF projects selected by the SELEP Strategic Board, the GBF funding could be either (i) retained by central government or (ii) reallocated to other projects by the SELEP Strategic Board.

### **How the proposed decision supports Framing Kent's Future 2022-2026:**

<https://www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies/our-council-strategy>

The award of GBF to Kent-based projects supports KCC achieve its Levelling up Kent, Infrastructure for communities, and Environmental step change key priorities.

## **Section 2 – Who is taking the final decision and when**

### **Who is taking the Decision**

Leader of the Council

### **Date:**

Not before December 2022

**Reason if Key Decision**

Equalities implications:

Each individual GBF project has its own EqIA, which is a requirement of SELEP's business case approval process.

Data Protection implications:

The award of GBF relates to infrastructure projects, so a DPIA is not required.

**Reason if this decision has been delayed/withdrawn from a previous plan**

**Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**

**Consultees**

The proposed decision was considered and endorsed by the Growth, Economic Development and Communities Cabinet Committee on 22 November 2022.

**Section 4 – Responsible Officer – Who to contact for more information.**

**Your name, Your Service, Your phone number and email address:**

If KCC-led GBF projects (such as Javelin Way and Thanet Parkway) are selected by SELEP, this will reduce the cost pressures on KCC.

**Support documents**

**NOT BEFORE 25TH NOVEMBER 2022**

**Responsible Cabinet Member - Cabinet Member for Highways and Transport**

**Reference No:** The Council has a legal duty to keep roads and pavements clear of vegetation for safe passage of highway users. The award of any contracts will be in full compliance with all relevant procurement regulation.

**Key** Yes

**Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.**

**Title:**

**22/00095 - Highway Weed Control Contract**

**The Decision needed:****Proposed Decision:**

To procure and delegate authority to the Director of Highways and Transportation to award and enter into appropriate contractual arrangements for the provision of Highway Weed Control including any potential extension periods in accordance with the expectations set out in the report.

**Further Information:**

The Council has a legal duty to keep roads and pavements clear of vegetation for safe passage of highway users. The main service areas comprise; the control of weeds within hard surfaces; the control of invasive and injurious weeds such as Japanese Knotweed, Giant Hogweed and Ragwort; the management of invasive species such as oak processionary moth and brown tail moth. Due to the specialised nature of the works a standalone specialist contract is required. The current contract expires on March 31st, 2023.

Two weed treatments per year will be provided across twelve districts in Kent.

To enable this delivery across the county the following lots are being sought:

- Lot 1 - Dartford & Gravesham
- Lot 2 – Sevenoaks & Tonbridge & Malling
- Lot 3 – Maidstone & Tunbridge Wells
- Lot 4 – Ashford & Swale
- Lot 5 – Canterbury & Thanet
- Lot 6 – Folkestone & Hythe

**Other Options Considered:**

## Option 1 – Do Nothing

Discounted as The Council has a legal duty to keep roads and pavements clear of vegetation for safe passage of highway users.

## Option 2 – Deliver in House

Discounted as this is not a core service to the authority. Due to the limited period to apply weed control, the staff would not be utilised all year round and this is of specialist nature.

## Option 3 – Procure one provider to deliver the county

Discounted as unlikely to access SME providers and fails to provide resilience throughout the county.

**Section 2 – Who is taking the final decision and when****Who is taking the Decision**

Cabinet Member for Highways and Transport

**Date:**

Not before November 2022

**Reason if Key Decision**

An Equalities Impact Assessment has been carried out and no implications have been identified at this early stage.

**Reason if this decision has been delayed/withdrawn from a previous plan**

**Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**

**Consultees**

The proposed decision will be considered at the Environment and Transport Cabinet Committee on 8<sup>th</sup> November 2022.

**Section 4 – Responsible Officer – Who to contact for more information.**

**Your name, Your Service, Your phone number and email address:**

It is expected that any new procurement and delivery model could present a price increase which reflects changes in market prices and inflation since the contracts were let in 2018. A competitive procurement process will appoint the best value contractor from the tenders submitted.

The annual spend for the service including Japanese Knotweed will be in the region of £479k. Total spend over the contract duration of three years plus potential total of 24 months extension is estimated at £2.4m.

As with previous contracts the work for the first weed treatment will be funded from the existing Soft Landscape budget, with the second treatment coming from any underspend in the Highways winter service. This approach was introduced in the 2017-2018 financial year. The Head of Highways is currently re-profiling highways revenue budgets to mitigate the pressure on budgets when there is no winter underspend.

**Support documents**

**Responsible Cabinet Member** - Cabinet Member for Adult Social Care and Public Health

**Reference No:** Technology Enabled Care will be a tool to support the Adult Social Care and Health directorate to deliver its requirements to promote wellbeing and preventing, delaying or reducing needs under the Care Act 2014, and support the delivery of Framing Kent's Future.

Legal implications have been identified in relation to data processing and data management across a range of technological devices and systems. Legal

advice has been obtained to develop the DPIA and ensure the service will be compliant with the Data Protection Act 2018.

**Key** Yes

**Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.**

**Title:**  
**22/00096 - Technology Enabled Care Service**

**The Decision needed:**  
**Proposed decision:**

Procure a Countywide Technology Enabled Care Service and delegate authority to the Corporate Director Adult Social Care and Health to take relevant actions, as required to facilitate procurement activity.

**Background:**

Technology Enabled Care is a key area of the Making a Difference Every Day; Our Strategy for Adult Social Care 2022 – 2027 and aligns with Framing Kent's Future Strategy, which lays out four priorities, one of which is the delivery of new models of care and support.

Technology Enabled Care will contribute towards the delivery of the key ambition *"we have real opportunities to improve the effectiveness and efficiency of our adult social care services by making full use of new technology and innovations that mean we can better manage demand and focus resources where they are most needed."*

Technology Enabled Care is a term to describe a range of personalised IT and digital solutions which can be used to support outcomes for people who draw on care and support and carers. Innovative technology solutions and data are allowing people to remain independent for longer, identifying risk, preventing incidents and ensuring quick and appropriate responses to avoidable events such as falls.

The data harnessed from these technologies will not only support people more effectively at an individual level, but over the long-term has the potential to support management of health and wellbeing at a population-level and provide insights which support future service planning.

Technology Enabled Care has been evidenced in other local authorities to improve outcomes for people and achieve significant financial and non-financial benefits. The objective of the Technology Enabled Care Service is to fully embrace the range of technology now available in the market and embed a technology-focused and data-led approach in Adult Social Care.

The aim is:

- To commission and deliver an innovative digital Technology Enabled Care offer that empowers a person and supports them to maintain or improve their independence, safety, and wellbeing.
- To transform Practice and the way care and support is delivered which will improve lives and make social care sustainable.
- The future service will bring together the existing KARA and Telecare contracts and the new technology provision in order to develop a transformational service offer that progresses our strategic objectives.

procurement will start in December 2022 with the aim to award the contract in June 2023. It is proposed the contract will run for five years with a two-year contract extension option.

### **Options:**

As part of the development of the Technology Enabled Care Service, several options have been considered and assessed against the following critical success factors:

- Develop a robust data evidence base which is used to proactively support independence, improve outcomes and generate insights about future service requirements and population-level need, and support a data-led approach to practice.
- A clear and innovative offer that empowers people, supports independent living and provides greater choice and control.
- Proactively considering assistive technology across the social care pathway, including but not limited to, at the first point of contact, care and support assessments and reviews and enablement support.
- A flexible model that enables Technology Enabled Care to develop over time and explore benefits of partnership working.
- To develop the private pay market, exploring options for promoting Technology Enabled Care to self-funders and commercial opportunities.
- Maximise efficiencies in Adult Social Care and embed digital technologies to manage demand. From the start ensuring systems in place to collate and report comprehensive and reliable data, that show the financial and non-financial benefits and impact of Technology Enabled Care.

A short list was then formulated as potential opportunities:

#### **1. Do Minimum**

This option represented the current situation and provided a baseline against which the other short-listed options were measured. Although this option will be cheaper to deliver, it failed to address the requirement for innovation and culture change which seeks to embed Technology Enabled Care. Therefore, with this option there is a risk that a service will be procured but not utilised.

#### **2. Less Ambitious than Preferred**

This option represented the desired level of service based on the minimum level of change. Although this option would meet the majority of the critical success factors, it failed to include the development of the private pay market. Additionally, there was limited-service development and culture change included in the scope, which means the maximum benefits of implementing Technology Enabled Care are unlikely to be realised and technology will not be fully embedded.

### 3. More Ambitious than Preferred

This option represented the desired level of service change based on the maximum level of change. Although this option had the ability to meet and/or exceed all of the Critical Success Factors. The timescales for the procurement of the Technology Enabled Care Service were for the entire service to go live from June 2023, these timescales are extremely tight and not viable to mobilise.

### 4. The Preferred Option

This option represents the desired level of service change:

**Scope:** County-wide Technology Enabled Care Service which is outcome focused and device agnostic with a focus on embedding innovation and culture change through the development of practice and a data-led approach

**Service Solution:** A Technology Enabled Care Partner that delivers core requirements: assessment and referrals, products, installation, monitoring, data dashboards and culture, change management.

**Delivery:** The Technology Enabled Care Partner will work closely with Kent County Council (KCC) to implement the core service and embed the approach in adult social care, as well as exploring commercial opportunities including private pay offer and developing opportunities with partners.

**Implementation** – A phased go-live enables the mobilisation of existing people drawing on Telecare, KARA and Build and Test services and full service go-live from September 2023.

This option is the preferred due to its ability to meet and/or exceed all of the Critical Success Factors. The partnership model outlined in this option will enabled KCC to benefit from the expertise to drive change and embed Technology Enabled Care, achieving benefits and ensure there are effective ways to measure and demonstrate the impact of Technology Enabled Care. The timescales for implementation are achievable.

## Section 2 – Who is taking the final decision and when

### Who is taking the Decision

Cabinet Member for Adult Social Care and Public Health

### Date:

Not before December 2022



**Reason if Key Decision**

Equalities implications: A full Equality Impact Assessment (EQIA) has been undertaken and has determined that the Technology Enabled Care Service is not expected to have a significant negative impact on any protected characteristic. The EQIA identified an action to ensure Technology Enabled Care is promoted widely and in a way that is accessible to all individuals and communities in Kent. The EQIA will be updated once a provider is appointed.

Data Protection implications: A full Data Protection Impact Assessment (DPIA) has been developed following the completion of the initial screening. The DPIA has been informed by engagement with KCC's Data Protection Office and the Adult Social Care Information Governance Lead. However, some of the mechanisms on how the data will be processed will not be known until the preferred provider is selected. The preferred provider will also be required to undertake DPIAs to manage any devices and systems delivered under sub-contracting arrangements.

**Reason if this decision has been delayed/withdrawn from a previous plan****Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors****Consultees**

The proposed decision was considered and endorsed by the Adult Social Care Cabinet Committee on 17 November 2022.

**Section 4 – Responsible Officer – Who to contact for more information.****Your name, Your Service, Your phone number and email address:**

Financial modelling has been undertaken based on extensive market consultation and engagement with local authorities who have implemented Technology Enabled Care services. The financial model assumes that a certain proportion of people will transfer from existing technology services into the new contract and explores a number of scenarios based on different service growth over the proposed life of the contract.

The Technology Enabled Care Service will grow over the life of the contract so that 50% of people entering Adult Social Care will receive some form of Technology Enabled Care as part of their care and support package by Year 5 of the contract. The contract value of this option over a 5+2 year contract has been modelled as £27,585,392 (7 years).

The entire cost is revenue cost, as under the proposed model KCC will lease technology devices from the provider rather than purchasing devices which potentially have a short lifecycle.

**Support documents**

**Responsible Cabinet Member - Cabinet**

**Reference No:** KCC is a partner local authority in the Kent and Medway Integrated Care System and a statutory member of the Kent and Medway Integrated Care Partnership.

Within the new statutory ICS structures, the involvement of local government has been formalised through the ICP and through the direct representation of local authorities on the ICB. The Health and Care Act 2022 requires Integrated Care Partnerships to produce an Integrated Care Strategy to set out how the assessed health and care needs of the area can be met through the exercise of the functions of the Integrated Care Board, partner local authorities or NHS England. ICSs must draw on the joint health and wellbeing strategies and Joint Strategic Needs Assessments in producing their integrated care strategies and five-year system plans. Commissioners must have regard to the relevant Integrated Care Strategy when exercising any of their functions, so far as relevant.

**Key** Yes

**Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.**

**Title:**  
**22/00097 - Endorsement of the Kent and Medway Interim Integrated Care Strategy**

**The Decision needed:**  
**Proposed decision:**

To give KCC’s approval for the Kent and Medway Interim Integrated Care Strategy as recommended by the Integrated Care Partnership. In approving the Interim Strategy, KCC is committing to working with partners in the Kent and Medway Integrated Care System to deliver the objectives set out.

**Further Information:**

This will be the first Integrated Care Strategy to be produced since Integrated Care Systems came into existence in July 2022. Statutory guidance from the Department for Health and Social Care states that Integrated Care Strategies need to be published by the end of December 2022 to inform the first 5-year joint forward plans which Integrated Care Boards (NHS) are required to publish before the next financial year. The guidance recognises that 2022 to 2023 will be a transition period and that Integrated Care Partnerships will want to refresh and develop their Integrated Care Strategy as they grow and mature. Therefore, the Strategy published by the end of December will be an initial or interim

version that will be developed later. This later iteration will expand on the ambitions and commitments of the partners, including the County Council and, therefore, will be subject to a separate key decision through the normal governance process.

In its Council Strategy, *Framing Kent's Future*, KCC has committed to seize the opportunity of integrating our planning, commissioning and decision making in adult, children, and public health services through being a partner in the Kent and Medway Integrated Care System at place and system level. Through its statutory requirements and the commitments it has made, KCC is a key partner in the development and implementation of the Integrated Care Strategy.

The Integrated Care Partnership is required to produce the Kent and Medway Interim Integrated Care Strategy and this has been managed by the three statutory partners of the Integrated Care Partnership- KCC, Medway Council and the Integrated Care Board (NHS Kent and Medway). A multiagency steering group and project group which includes the Director of Public Health and the Director of Strategy, Policy, Relationships and Corporate Assurance working closely in partnership with wider partners have developed the Interim Strategy . providing regular updates to the Integrated Care Partnership which is chaired by the Leader of KCC. Development of the Interim Strategy has followed the requirements set out in statutory guidance, including contents to be included and involvement of stakeholders. The Interim Strategy has been shaped by the Joint Strategic Needs Assessments for Kent and Medway. It has a strong emphasis on the wider determinants of health, recognising that a wide range of factors influence health and wellbeing besides health and care services. The Interim Strategy sets out the commitment to closer working and integration between health and care services and with other services that influence the wider determinants, many of which are provided by KCC as well as other partners in the public and voluntary and community sectors.

Given the limited time available for the development of the Interim Strategy, engagement with stakeholders has been focused on key partner organisations across the Kent and Medway Integrated Care System including at a symposium on 28<sup>th</sup> October 2022 and presentations at Joint Kent Chiefs and Leaders meetings.

## **Section 2 – Who is taking the final decision and when**

### **Who is taking the Decision**

Cabinet

### **Date:**

Not before November 2022

### **Reason if Key Decision**

Equalities Implications:

An Equality Impact Assessment for the development of the Interim Integrated Care Strategy is in development alongside the development of

the Strategy. This document is being developed by NHS colleagues with input from KCC officers.

Data Protection Implications:

A Data Protection Impact Assessment is not required.

**Reason if this decision has been delayed/withdrawn from a previous plan**

**Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**

**Consultees**

Public consultation will be delivered from early 2023 to shape the development and implementation of the final Strategy.

However, there are opportunities to engage in the development of the Interim Strategy through:

- Symposium on October 28<sup>th</sup> involving Members, leaders and senior managers across the County from KCC, NHS, Medway Council, Voluntary and Community Sector and Business leaders to comment and contribute to the interim Strategy
- Online platform for Members, public and professionals to feedback (<https://www.kmhealthandcare.uk/about-us/kent-and-medway-health-and-care-symposium>)

The issue will be discussed, and a decision taken by Cabinet on 1<sup>st</sup> December 2022.

**Section 4 – Responsible Officer – Who to contact for more information.**

**Your name, Your Service, Your phone number and email address:**

In the new year, a comprehensive joint programme of engagement and consultation will be planned so that wider stakeholders and residents can influence the development of the Strategy and its implementation. KCC's Strategy, Policy, Relationships Corporate Assurance division has committed £30,000 to support this engagement and consultation activity. There are no other costs associated with the development of the Integrated Care Strategy for KCC except officer time.

**Support documents**

**NOT BEFORE 4 AUGUST 2022**

**Responsible Cabinet Member** - Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

**Reference No:** KCC is bound by the terms of the 2018 agreement to take the proposed 999-year lease.

This decision will ensure all arrangements are in place to open an 'All-Through School' to support KCC's statutory duty of providing school places.

**Key No**

**Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.**

**Title:**

**22/00071 - Agreement for a lease and subsequent formal lease for new primary and secondary school at Alkerden, Eastern Quarry, Ebbsfleet**

**The Decision needed:**

**Proposed decision:**

The Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services to agree to:

1. authorise the taking of an agreement for a lease for a term in excess of 20 years, in order that a new primary and secondary school can be built for use and occupation with the lease term to formally commence upon completion of the new schools in 2024;
2. agree that upon completion and satisfactory handover of the new primary and secondary school, Kent County Council shall take a formal lease of the new schools for a term of 999 years, commencing in 2024;
3. agree that upon completion and satisfactory handover of the new primary and secondary school, and taking of a formal lease, the Director of Infrastructure is authorised to enter into a 125-year lease to the Academy Trust;
4. note that the main heads of terms for the leases are already agreed and recorded within a section 106 agreement which Kent County Council is already a party to; and
5. authorise the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to take necessary actions, included but not limited to entering into relevant contracts or other legal agreements, as required to implement this.

**Reason for the Decision:**

Proposed taking of an agreement for a lease and formal lease over 20 years requires a key decision in accordance with the County Council's Property Management Protocol.

The agreement for a lease will need to be completed within the current financial year in order that a contract to build the new schools can be entered into to deliver the schools for 2024.

**Background:**

Kent County Council (KCC) entered into a section 106 agreement with numerous third parties on 28 March 2018, for the provision of a new primary and secondary school within the Eastern Quarry Development. KCC has previously entered into section 106 agreements for the provision of two other primary schools within the development; one school has been built and opened (Cherry Orchard Primary School) and the other school is to be built at a future date.

In accordance with Schedule 7 of the 2018 Agreement, the developer is required to build a new primary and secondary school at Alkerden, and upon practical completion of the buildings, grant a 999-year lease of their use and operation.

Members should know that following a competition, as required by the Department for Education, Kent County Council determined both the provider and that the primary and secondary provisions would operate as an 'All-Through School'.

In order that the developer can proceed with issuing a building contract for the development of the new School, it requires the KCC to commit to the taking of a 999-year lease by first entering into an agreement for a lease, with a view to granting the formal 999-year lease upon completion / handover of the new school.

Subsequently, KCC would grant a 125-year lease to the Academy Trust.

**Options Considered:**

No other options were considered as KCC are already legally bound under the terms of the 2018 agreement to enter into the 999-year lease. KCC could consider seeking a formal variation to the 2018 agreement not to enter into the lease, but this is not considered necessary as there is demand for the new schools to be delivered and open at this location in 2024.

**How the proposed decision supports the Interim Strategic Plan:**

The decision supports Outcome 2 (Securing sustainable infrastructure) and Outcome 6 (Opportunities for Children and Young People).

**Section 2 – Who is taking the final decision and when**

**Who is taking the Decision**

Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

**Date:**

Not before August 2022

**Reason if Key Decision**

It is not felt that this decision presents any impact on any of the nine areas specified by KCC under its Equality Impact Assessments (EqIA). No detailed EqIA completed based on clear lack of impact.

Data Protection Implications:

No implications anticipated, but Data Protection will be observed.

**Reason if this decision has been delayed/withdrawn from a previous plan**

The proposed decision was discussed by the Policy and Resources Cabinet Committee on 13 July 2022.

**Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**

**Consultees**

**Section 4 – Responsible Officer – Who to contact for more information.**

**Your name, Your Service, Your phone number and email address:**

The construction of the new school is to be fully funded by the developer

The rent payable within the draft lease provisions within the 2018 agreement will be a peppercorn rent per annum. Upon completion of the new schools and the formal 999-year lease, the schools will open as academies and KCC will be granting a 125-year lease to the selected Academy Trust.

Each party will bear its own surveyor fees and legal costs upon completion of the agreement for a lease and formal lease.

**Support documents**

22 00071 - PROD

22 00071 - UNRESTRICTED Alkerden Leases Cab Member Decision Report July 2022

22 00071 - Appendix A - Annex 2 and 4 to Schedule 7 of the Deed of Variation

**NOT BEFORE 4 MAY 2022**

**Responsible Cabinet Member - Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services**

**Reference No:** External legal advisors will be appointed in consultation with

General Council.

**Key** Yes

**Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.**

**Title:**

**22/00027 - Disposal of Saxon House, Tina Gardens, Broadstairs CT10**

**The Decision needed:**

**Proposed decision:**

To agree to the disposal of the property asset known as Saxon House, Broadstairs, Kent and delegate authority to:

3. The **Director of Infrastructure** in consultation with the **Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services**, to finalise the contractual terms of the disposal.
4. The **Director of Infrastructure** to authorise the execution of necessary contractual and land agreements required to implement the above.

**Reason for the decision:**

The property is surplus to the Councils requirement with an estimated transaction value in excess of £1million and is therefore a key decision.

**Background:**

The land was previously used by Kent County Council (KCC) for educational purposes until the new Foreland Fields School opened in 2017. The site is surplus to the ongoing operational requirements of the Council and is being progressed for disposal. The property comprises of a site totalling 0.59 Hectares (1.46 acres), with an existing single storey educational building of 1980/90’s construction and outbuilding and a grassed open space. Saxon House is situated in Broadstairs on the Kent Coast.





A pre-marketing process was undertaken, and an advert placed in the Estates Gazette on 19 February for one week, providing notification in the mainstream property media that the site is coming forward. This resulted in several expressions of interest. Subsequently the property has been formally marketed with external agents and initial bids are to be received by 25 March 2022.

**Options:**

- KCC has considered the building for its own use, but it is not required.
- Disposal of the asset.

**How the proposed decision supports the Interim Strategic Plan:**

The disposal of the site will enable the Council to secure a capital receipt to fund reinvestment the capital priorities as set out in the Medium-term Financial Plan.

**Section 2 – Who is taking the final decision and when**

**Who is taking the Decision**

Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

**Date:**

Not before May 2022

**Reason if Key Decision**

There are no equality implications.

As part of this authority process and in the handling of the marketing and conveyance Data Protection is observed.

**Reason if this decision has been delayed/withdrawn from a previous plan**

**Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**

**Consultees**

This decision will be discussed at The Policy and Resources Cabinet Committee.

**Section 4 – Responsible Officer – Who to contact for more information.**

**Your name, Your Service, Your phone number and email address:**

Anticipated capital receipt over £1m, in line with Council's s.123 best consideration obligations following an open marketing process. The sale of the property will result in a capital receipt for KCC which will be used to support the Council's Capital Programme. Disposal of the property will produce a saving on the current holding costs.

**Support documents**

<p><b>Responsible Cabinet Member</b> - Cabinet Member for Community and Regulatory Services</p> <p><b>Reference No:</b></p> <p><b>Key</b> Yes</p>
<p><b>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</b></p>
<p><b>Title:</b> <b>21/00096 - Contract for Post Mortem Facilities for the North West Kent Coroner area</b></p> <p><b>The Decision needed:</b> <b><u>Proposed Decision:</u></b> To award a 12 month extension to the contract for the provision of post mortem (PM) facilities to Dartford &amp; Gravesham NHS Trust.</p> <p><b><u>Background</u></b> The Coroners and Justice Act 2009 places a duty on Coroners to investigate deaths that are referred to them if they have reason to think that:</p> <ul style="list-style-type: none"><li>• The death was violent or unnatural;</li><li>• The cause of death is unknown; or</li><li>• The deceased died while in prison, police custody or another form of state detention eg where a Deprivation of Liberty Safeguard Order (DoLS) is in place</li></ul> <p>In some cases the Coroner will order a PM to establish the cause of death and in such cases the deceased is taken to one of 5 NHS mortuaries across Kent and Medway located at Margate, Ashford, Dartford, Tunbridge Wells and Gillingham.</p> <p>On behalf of the Senior Coroners, KCC ensures there is adequate storage capacity for coroner’s bodies and that the coroners have access to PM facilities. KCC does not have its own public mortuary facility, and so like many other coroner areas across England and Wales it has no choice but to use local NHS hospitals which have the necessary facilities for this purpose; there are no private sector providers of PM facilities anywhere in England and Wales.</p> <p>The contract with Dartford &amp; Gravesham NHS Trust expired on the 30<sup>th</sup> September 2021 and it has been necessary to put a contract extension in place to secure this critical service until such time as the proposed Digital Autopsy facility at Aylesford opens for business, currently estimated for August/September 2022. The Trust is agreeable to extend the contract for</p>

12 months as this will guarantee that all their fixed and variable costs are met, which is an understandable approach. It has therefore been agreed that the contract will be extended from 1 October 2021 to 30 September 2022 and if need be, can be terminated early by KCC serving six months' notice.

## **Section 2 – Who is taking the final decision and when**

### **Who is taking the Decision**

Cabinet Member for Community and Regulatory Services

### **Date:**

November 2021

### **Reason if Key Decision**

**Reason if this decision has been delayed/withdrawn from a previous plan**

## **Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**

### **Consultees**

Consultation has been undertaken with:  
Senior Coroner, Mid Kent & Medway  
Senior Coroner, North West Kent  
Head of Coroner Service

## **Section 4 – Responsible Officer – Who to contact for more information.**

### **Your name, Your Service, Your phone number and email address:**

The contract with the Trust is based on a cost per PM, so if there are no PM's, there are no costs to KCC. This means that at the point where the DA facility opens, KCC will only have to meet the scan charge. Based on 2020 activity levels the estimated costs of the Medway contract extension is within the budgeted revenue cost for 2021-22.

### **Support documents**

**NOT BEFORE 12 NOVEMBER 2021**

**Responsible Cabinet Member - Cabinet Member for Environment**

**Reference No:** The County Council has a statutory responsibility to review its

Local Plan every 5 years and to prepare revised policy and guidance as necessary in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. Failure to have an up to date Plan risks the Secretary of State appointing others to undertake the Council's plan making function.

**Key** Yes

**Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.**

**Title:**

**21/00089 - Kent Minerals and Waste Local Plan 2013-30: 2021 Review - Public Consultation**

**The Decision needed:**

**Proposed decision**

Following a review of the 2016 Kent Minerals and Waste Local Plan, to approve and publish for public consultation (Regulation 18) proposed changes to the Kent Mineral and Waste Local Plan 2013-30 (the 2021 Review).

**Background**

The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent as set out in the National Planning Policy Framework 2021 (NPPF) and the National Planning Policy for Waste 2014 (NPPW). This responsibility is realised through the preparation of a Local Plan, in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 (The Regulations).

The Kent Minerals and Waste Local Plan 2013-30 (KMWLP) was adopted by Full Council in July 2016 and subject to an early partial review of a limited number of policies in 2020 represents the planning policy framework for minerals and waste development in Kent. The KMWLP contains a number of policies relating to strategic planning for minerals supply and waste management capacity, as well as Development Management policies against which planning applications for these types of development should be assessed. The Plan also includes a number of policies related to the safeguarding of mineral resources and waste management facilities.

The Regulations require Local Planning Authorities to review their Local Plans every 5 years. This is to ensure that the policies remain relevant, conform to national policy and guidance and satisfactorily address the needs of the local community. Policies must be both legally compliant and sound, and in order to be considered sound they should meet the tests of being positively prepared, justified, effective and compliant with national policy. The Plan was partially reviewed in 2020 in the KMWLP Early Partial Review 2020.

In accordance with plan making requirements set out in the Regulations, the Council has undertaken a 5 year review of the 2016 adopted KMWLP and identified a number of policies as outdated or no longer meeting the tests

of soundness. This assessment is set out in detail in the Review of the Kent Minerals & Waste Local Plan 2021. The identified changes needed to the 2016 Kent Mineral and Waste Local Plan form the basis for the next plan making cycle.

Revisions are proposed to the Local Plan to principally reflect changes in national policy and guidance since 2016. These include amongst others changes to the National Planning Policy Framework, government policy and guidance on the achievement of a circular economy and those concerned with climate change and protection and enhancement of the natural environment. Revised draft policy and supporting text has been prepared. To satisfy the requirements of the Plan Making Regulations, consultation is now required on the proposed revisions to the adopted Plan so as to inform and influence future local plan work and the version that the Council will ultimately submit for examination to the Planning Inspectorate.

**How the proposed decision meets the objectives of ‘Setting the Course’: Kent County Council’s Interim Strategic Statement (December 2020)**

The Kent Minerals and Waste Local Plan delivers the Council’s adopted Mineral and Waste planning strategy and policies and is important in the determination of planning applications in Kent. A local plan is in accordance with national planning policy and guidance and provides a local perspective. It supports the County Council’s corporate policies contained within the Council’s Setting the Course – Kent County Council’s Interim Strategic Plan 2020, which sets the Council’s priorities until 2022.

Kent’s mineral and waste planning policies support and facilitate sustainable growth in Kent’s economy. In addition, they support the protection and creation of a high-quality environment, with accessible local services that reflect the needs of the community. The proposed revised policy will reflect recent changes to the environmental agenda including mitigation and adaptation to climate change and Kent’s Climate Change Statement and measures to support covid recovery.

**Section 2 – Who is taking the final decision and when**

**Who is taking the Decision**

Cabinet Member for Environment

**Date:**

Not before November 2021

**Reason if Key Decision**

An Equalities Impact Assessment (EqIA) will be undertaken as part of the proposed changes to the adopted Local Plan. No equalities implications are anticipated to arise from the review work

**Reason if this decision has been delayed/withdrawn from a previous plan**

**Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**

<b>Consultees</b>
<b>Section 4 – Responsible Officer – Who to contact for more information.</b>
<p><b>Your name, Your Service, Your phone number and email address:</b>  The costs of preparing a review of the 2016 Kent Minerals and Waste Local Plan will need to be met from existing KCC budgets.</p> <p>There is a risk and likelihood that any changes proposed to the Local Plan will attract objection in response to the public consultation. These will be considered as part of the plan making process and where appropriate defended via the planning examination.</p> <p><b>Support documents</b></p>

**NOT BEFORE 8 OCTOBER 2021**

<p><b>Responsible Cabinet Member</b> - Cabinet Member for Community and Regulatory Services</p> <p><b>Reference No:</b></p> <p><b>Key</b> Yes</p>
<b>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</b>
<p><b>Title:</b>  <b>21/00079 - Contracts for Post Mortem Facilities for the Mid Kent &amp; Medway, North East Kent and Central &amp; South East Kent coroner areas</b></p> <p><b>The Decision needed:</b>  <u>Proposed Decision</u></p> <p>To award 12 month extensions to the contracts for the provision of post mortem (PM) facilities to East Kent Hospitals NHS Trust and Medway NHS Trust.</p> <p><u>Further Information</u></p> <p>The Coroners and Justice Act 2009 places a duty on Coroners to investigate deaths that are referred to them if they have reason to think that:</p>

- The death was violent or unnatural;
- The cause of death is unknown; or
- The deceased died while in prison, police custody or another form of state detention eg where a Deprivation of Liberty Safeguard Order (DoLS) is in place

In some cases the Coroner will order a PM to establish the cause of death and in such cases the deceased is taken to one of 5 NHS mortuaries across Kent and Medway located at Margate, Ashford, Dartford, Tunbridge Wells and Gillingham.

On behalf of the Senior Coroner, KCC ensures there is adequate storage capacity for Coroner's bodies and that the Coroner has access to PM facilities. KCC does not have its own public mortuary facility and so like many other coroner areas across England and Wales it has no choice but to use local NHS hospitals which have the necessary facilities for this purpose; there are no private sector providers of PM facilities anywhere in England and Wales.

The contracts with these two NHS Trusts expire on the 30<sup>th</sup> September 2021 and it is necessary to put in place contract extensions to secure this critical service until such time as the proposed Digital Autopsy facility at Aylesford opens for business, currently estimated for July 2022. Discussions have been held with each of the Trusts and whilst they are happy to extend the contracts they have insisted this must be for 12 months to guarantee that all their fixed and variable costs are met, which is an understandable approach. It has therefore been agreed that the contracts will be extended from 1 October 2021 to 30 September 2022 and if need be, can be terminated early by KCC serving six months notice.

#### Financial Implications

The contract with East Kent NHS Trust is a fixed fee regardless of activity levels and is paid in 12 equal installments. At the point where the DA facility opens, all deceased that would normally have undergone an invasive PM will be scanned, so dependent on if and when notice is served to end the contract extension, KCC could potentially be liable for both DA scanning charges and the monthly charge for PM's even though no PM's will be taking place in the East Kent area. To mitigate this scenario, the move over to DA will be phased with deaths in the East Kent area not being scanned until the contract extension comes to an end. Based on 2020 activity levels the estimated cost of the East Kent contract extension is within the budgeted revenue cost for 2021-22.

The contract with Medway NHS Trust is based on a cost per PM, so if there are no PM's, there are no costs to KCC. This means that at the point where the DA facility opens, KCC will only have to meet the scan charge. Based on 2020 activity levels the estimated costs of the Medway contract extension is within the budgeted revenue cost for 2021-22.

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**Section 2 – Who is taking the final decision and when**

<p><b>Who is taking the Decision</b> Cabinet Member for Community and Regulatory Services</p> <p><b>Date:</b> Not before October 2021</p> <p><b>Reason if Key Decision</b></p> <p><b>Reason if this decision has been delayed/withdrawn from a previous plan</b></p>
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**Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**

<p><b>Consultees</b></p>
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**Section 4 – Responsible Officer – Who to contact for more information.**

<p><b>Your name, Your Service, Your phone number and email address:</b></p>
<p><b>Support documents</b></p>

**Responsible Cabinet Member - Cabinet Member for Integrated Children's Services**

**Reference No:** Activities and services undertaken are covered under the Children and Families Act 2014, and the new provision will be fully compliant with Statutory Duties included within this legislation.  
This procurement makes the previous activity of spot purchasing compliant



with the Public Contract Regulations (2015) and Spending the Council's Money.

**Key** Yes

**Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.**

**Title:**  
**21/00076 - Provision of Community Support Services for Disabled Children and Young People - Outcome of Procurement Process**

**The Decision needed:**

Proposed decision –

Contracts to be awarded to successful providers for the provision of Community Support Services (Care and Support in the Home) for Disabled Children and Young People following a recent procurement exercise linked to the Adults Care and Support in the Home contract.

Delegate decisions on the implementation to the Corporate Director of Children, Young People and Education, or other Officer, in consultation with the Corporate Director of Adult Social Care and Health as appropriate.

Further information –

Decision 20/00102 - Community Support Services for Disabled Children & Young People was taken on 19 March 2020 and allowed officers to follow a competitive procurement process for children's community support services within the Adults 'Care and Support in the Home' contract.

Following the competitive procurement process a further decision is required to award the contracts to the successful providers.

**Section 2 – Who is taking the final decision and when**

**Who is taking the Decision**

Cabinet Member for Integrated Children's Services

**Date:**

Not before October 2021

**Reason if Key Decision**

An Equality Impact Assessment scoping has been undertaken as part of the Care and Support in the Home contract provision last year. Preliminary scoping has confirmed that this is adequate for Children's activity.

**Reason if this decision has been delayed/withdrawn from a previous plan**

<b>Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors</b>
<b>Consultees</b>
<b>Section 4 – Responsible Officer – Who to contact for more information.</b>
<p><b>Your name, Your Service, Your phone number and email address:</b>  Each year, approximately £1.3m of Children’s Community Support Services is commissioned, the actual spend is normally less as actual services provided can vary depending on circumstances. This is fully funded through the KCC revenue base budget and reported within the within key service line Children in Need (disability) – Care and Support in the budget book.  The contract for new provision (Care and Support in the Home) is due to expire on 31 March 2024, with potential for extension for a further 36 months. Over the life of the contact, the total financial implication of this decision is therefore circa £3.9m followed by a potential further circa £3.9m should extensions be put in place. This is subject to budget setting decisions and fluctuations in need.  The contract has been designed to reduce the dependence of spot purchases</p> <p><b>Support documents</b></p>

**NOT BEFORE 24 MARCH 2021**

<p><b>Responsible Cabinet Member - Cabinet Member for Adult Social Care and Public Health</b></p> <p><b>Reference No:</b> A new section 75 agreement will be needed between the council and CCG that sets out the governance requirements and accountability that will cover the proposed LD&amp;A strategic leadership body and system provider partnership.</p> <p><b>Key</b> Yes</p>
<b>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</b>
<p><b>Title:</b>  <b>21/00033 - Review of Kent County Council and Kent and Medway Clinical Commissioning Group Integrated Commissioning Framework, covering health services, social care and community support for people with a learning</b></p>

## **disability and autistic people (LD&A)**

### **The Decision needed:**

**ISSUE WITHDRAWN:** Please note that due to ongoing work around the development of the new framework, a decision was taken to withdraw the current issue (21/00033). A new issue will be generated, containing up-to-date information; and this will align with the decision report which will be considered at a future meeting of the Adult Social Care Cabinet Committee.

### Proposed decision

To enter into such agreements that are necessary with the Kent and Medway Clinical Commissioning Group (CCG) and other local NHS organisations to create a new strategic planning and delivery framework for Kent's residents with a learning disability and autistic people and delegate authority to Corporate Director of Adult Social Care and Health to finalise and approve the formal agreements to establish the new framework.

### Reason for the decision

In 2015/16 Kent County Council and the seven NHS Clinical Commissioning Groups (CCG) covering Kent and Medway, agreed to establish an integrated and partner strategic planning, commissioning and delivery framework covering healthcare, council social care and other support for Kent's residents with a learning disability, and autistic residents. This framework is governed by an agreement between Kent County Council and Kent and Medway CCG, agreed in accordance with the provisions of section 75 of the NHS Act 2006. This framework includes an Alliance Partnership comprising the council's adults social care service and the two NHS provider trusts that deliver specialist community health care for people with a learning disability and autistic people. This includes Kent Community Health NHS Foundation Trust (KCHFT) and *Kent and Medway NHS* and Social Care Partnership Trust (KMPT).

The framework covers community delivered services for people living in nursing and residential care; residents living with carers and their families and people living in their own homes or who live in specialist housing with support. The arrangement also covers specialist healthcare and support for residents with a learning disability and autistic people with highly complex needs, including Kent residents admitted to specialist hospitals located both in and outside Kent.

A review of the arrangements summarised above, commissioned by Kent County Council but jointly agreed with Kent and Medway CCG identified challenges with how the council and NHS plan together to design and deliver effective solutions that can achieve strong and improving health and well being outcomes for Kent's residents with a learning disability and autistic people.

The challenges identified:

- Kent's current Learning Disability and Autism (LD&A) governance and programme management framework is:
  - Confusing with several bodies duplicating effort and decision making and ineffectual structural relationships between each body
  - Not competent to develop and implement a whole system strategy and strategic commissioning programme
  - Not fully sighted or driven by the priorities, challenges and resource pressures of all partners and is largely reactive to short term issues and targets
  - Less than clear about how the voices of learning disabled and autistic people impact or affect key decisions, with a deficient approach to coproduction and system codesign
- Improvement is required in the effectiveness of whole system commissioning and programme management
- Significant improvement is needed in whole system accountability and performance reporting, as investment decisions lack clarity on why and how they were determined and there is a lack of effective data and narrative to demonstrate the outcomes that are being achieved
- Improvement is also needed in the alignment, commissioning and coordination of service delivery across adults, children and young people and complex needs to ensure:
  - Effective and seamless care pathways;
  - Person centred and codesigned support;
  - Outcome driven delivery;
  - Stronger market management and micro-commissioning, to address service deficits and to support innovation to address changing needs and expectations.

Through extensive engagement and coproduction of the solutions to address the challenges above, the proposals summarised below emerged through a clear consensus of council and NHS leaders, frontline professionals and health clinicians and critically through face to face engagement and workshops with people with a learning disability, autistic people and carers supported by advocates and advocate organisations.

#### Summary proposals

The establishment of:

- A single senior level strategic leadership body of equal partners across the local authority, CCG, user and carer voice and system provider
- A joint LD&A strategic commissioning and programme management unit, supporting whole system planning, development and change management and the function of the strategic leadership body
- A trusted system provider based on an effective NHS and council partnership, delegated to deliver and micro commission all LDA health and social care support.

### **Section 2 – Who is taking the final decision and when**

#### **Who is taking the Decision**

Cabinet Member for Adult Social Care and Public Health

**Date:**

Not before March 2021

**Reason if Key Decision**

An equalities impact assessment has been completed. It identified significant wellbeing and health inequalities affecting the lives of Kent's residents with a learning disability and autistic people including:

- A lack of effective health checks linked to residents with a learning disability and autistic people having a substantially lower life expectancy than all other residents and significantly increased risk of death from Covid
- More Kent autistic residents and residents with a learning disability with additional mental health and behavioural needs, are in specialist hospital services in comparison to the rest of England
- This adversely affects and impacts their choice, independence and human rights
- There is a need for more effective equalities monitoring of people with a learning disability and autistic people cared for in specialist hospitals as national evidence suggests that black and black British people are 4 times more likely to be compulsorily admitted to spec

**Reason if this decision has been delayed/withdrawn from a previous plan****Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors****Consultees****Section 4 – Responsible Officer – Who to contact for more information.****Your name, Your Service, Your phone number and email address:**

The expectation is that the proposals set out will not result in any significant additional funding or investment commitment from the council.

However, the proposals are expected to maximise the potential of council and NHS investments, to deliver significant improvements in the outcomes achieved for people with a learning disability and autistic people through more effective and focused partner planning and decision making of all LD&A health, social care and other services.

**Support documents**

**NOT BEFORE 14 APRIL BY CABINET MEMBER**

<p><b>Responsible Cabinet Member - Cabinet</b></p> <p><b>Reference No:</b> There are no legal implications arising from the decision.</p> <p><b>Key</b> Yes</p>
<p><b>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</b></p>
<p><b>Title:</b> <b>20/00027 - Clean Up Kent and Public Realm Improvements</b></p> <p><b>The Decision needed:</b> <b><u>Proposed Decision:</u></b></p> <ul style="list-style-type: none"><li>a) Approve a programme of works to deliver a range of projects to ‘clean up’ Kent and to improve the public realm across Kent</li><li>b) Approve the proposed funding allocations and project development arrangements required to support and deliver the programme; and</li><li>c) Delegate authority to the Corporate Director for Growth Environment and Transport to take relevant actions, including but not limited to, entering into relevant contracts, legal arrangements or other arrangements, as necessary to implement this decision.</li></ul> <p><b><u>Background:</u></b></p> <p><i>Kent’s Future, Our Priority</i> will become Kent County Council’s new 5 Year Plan, to replace the previous strategic statement <i>‘Increasing Opportunities, Improving Outcomes (2015-2020)’</i>. The Plan is structured around seven outcomes which reflect the key things that residents and businesses said were essential to a good quality of life in Kent. One of the seven outcomes is, ‘A cleaner and greener Kent.’</p> <p>A key message from the recent public consultation was that residents care about the places they live in, they are proud of where they live, and want to protect these places by looking after the quality, maintenance and cleanliness of our physical environment, especially town centres, local streets, beaches, public rights of way and green spaces.</p> <p><b><u>Options:</u></b></p> <p>It was also clear from the public consultation that residents wanted the County to be clear how it will deliver the plan. This detail is contained within the 5-Year Plan objectives including working with partners to improve the quality of Kent’s public realm. It is intended that a range of physical improvements will be developed, in conjunction with local stakeholders to reflect different</p>

priorities but will be targeted at cleaning up and improving the quality and appearance of the public realm.

## **Section 2 – Who is taking the final decision and when**

### **Who is taking the Decision**

Cabinet

#### **Date:**

Not before April 2020

#### **Reason if Key Decision**

- Equalities implications  
Equalities Implications:  
There are no equality implications directly arising from the decision. An EqlA will be undertaken for individual projects as they are developed.  
  
Data Protection implications  
No personal data will be collected, therefore there are no data protection implications.

#### **Reason if this decision has been delayed/withdrawn from a previous plan**

## **Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**

### **Consultees**

The decision is based on consultation feedback from the 5 Year Plan. Consultation included targeted workshops and a public consultation. Members were also involved via a cross-party Member workshop and political group briefings. The Leader also wrote personally to key partners to welcome their views in the consultation.

The proposed decision will be discussed at the Environment and Transport Cabinet Committee on 31 March and final decision will be taken at Cabinet on 27 April 2020.

## **Section 4 – Responsible Officer – Who to contact for more information.**

### **Your name, Your Service, Your phone number and email address:**

An allocation for funding has been made from the Growth for Strategic Statement Priorities revenue budget line. There is also potential for Districts and Boroughs to match fund.

### **Support documents**

**Responsible Cabinet Member** - Cabinet Member for Economic Development

**Reference No:** A legal agreement will need to be drawn up between KCC and Essex County Council to effect the transfer of Growing Places Fund monies to KCC.

A legal agreement will need to be drawn up between KCC and the borrower to transfer the Growing Places Fund monies to the borrower. The loan agreement would incur a charge being taken against the assets of the borrower.

KCC would maintain responsibility for monitoring repayments from the successful borrower.

**Key** Yes

**Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.**

**Title:**

**19/00095 - Discovery Park: Growing Places Fund**

**The Decision needed:**

Proposed Decision:

- *Kent County Council be the administration and funding decision authority for the £5.3m allocation from SELEP’s Growing Places Fund;*
- *KCC draws down capital funds of £5.3m from the Growing Places Fund;*
- *KCC makes available loan finance of up to £5.3m from the Growing Places Fund to support works at Discovery Park to build a spine road and associated infrastructure to enable the building of 500 new residential homes;*
- *Authority be delegated to the Director of Economic Development to take appropriate actions, including but not limited to, entering into legal agreements as necessary to implement this decision.*

*Provided that:*

1. *Kent County Council is able to agree a satisfactory loan agreement from Essex County Council as the accountable body for SELEP’s Growing Places Fund; and*
2. *The receipt of a satisfactory application for loan finance for the works at Discovery Park subject to the rules of the Growing places Fund and the findings of an independent financial appraisal.*



**Background:**

KCC shall invite applications for loan finance of up to £5.3m for infrastructure at Discovery Park. This £5.3m will be obtained from the Growing Places Fund (GPF), which is administered by the South East Local Enterprise Partnership (SELEP). Applications will then be appraised and considered through the same process as that which is currently used to determine applications for loans from the Kent and Medway Business Fund (KMBF). This means that any application will be required to submit a full business plan, be subject to independent appraisal and be considered by the KMBF Investment Advisory board before a decision is made by KCC. The owners of the Discovery Park site are aware of this proposed process and we anticipate that an application will be forthcoming when the process is launched. In parallel with this process, KCC shall seek to enter into a loan agreement with Essex County Council (the Accountable Body for GPF). These terms have been discussed with Essex County Council and have received an in-principle agreement. However, they will need to be formalised when an agreement to lend to a borrower have been reached.

**Options (it is a legal requirement (2012 Executive Arrangements regulations) to outline other options considered)**

The alternative would be for Kent County Council not to act as an agent for SELEP for the £5.3m Growing Places Fund loan. There is no evidence that this would be a more effective way of achieving the outcome of securing investment in Discovery Park, and there is a risk if the funding allocation is returned to SELEP that it is no longer ring-fenced for investment in Discovery Park or the wider Kent area.

**Section 2 – Who is taking the final decision and when**

**Who is taking the Decision**

Cabinet Member for Economic Development

**Date:**

Not before December 2019

**Reason if Key Decision**

Equalities implications – An Equalities Impact Assessment will be undertaken should a loan application be received.

Data Protection implications – To enable KCC to administer the Kent and Medway Business Fund, it is required to hold personal details about the borrower. KCC also collects anonymised information about protected characteristics as part of its Equalities Impact Assessment monitoring.

**Reason if this decision has been delayed/withdrawn from a previous plan**

**Section 3 – – Who is to be consulted, how and when, ( The Duty to**

<b>Inform/consult/Involve ) including relevant scrutiny councillors</b>
<p><b>Consultees</b></p> <p>The proposed Key Decision will be discussed at the Growth, Economic Development and Communities Cabinet Committee on 28 November 2019.</p>
<b>Section 4 – Responsible Officer – Who to contact for more information.</b>
<p><b>Your name, Your Service, Your phone number and email address:</b>  The loan of £5.3m will be capital funding allocated from non KCC funding sources (that is, the SELEP Growing Places Fund). KCC estimates that there will be revenue costs associated with application processing, appraisal, valuation and legal costs: these can be confirmed at the application stage. There will also be an ongoing administrative cost to KCC related to monitoring over the period of the loan, which would be covered by an administration charge levied on the borrower.</p> <p><b>Support documents</b></p>

**NOT BEFORE JANUARY 2018 BY CABINET MEMBER**

<p><b>Responsible Cabinet Member</b> - Deputy Leader and Cabinet Member for Finance and Traded Services</p> <p><b>Reference No:</b> Provision of this service is a statutory responsibility. The market was tested to establish levels of interest.</p> <p><b>Key</b> Yes</p>
<b>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</b>
<p><b>Title:</b>  <b>17/00125 - Healthwatch Kent interim contract</b></p> <p><b>The Decision needed:</b>  ISSUE WITHDRAWN: This issue was superseded by decision 22/00062 – People’s Voice Activity Contract (including Healthwatch Kent)</p> <p>Proposed decision: To agree:-</p> <ul style="list-style-type: none"> <li>a) the implementation of an interim contract for the provision of a Local Healthwatch for Kent for the period April 1<sup>st</sup> 2018 to March 31<sup>st</sup> 2020, with sufficient break clauses to end earlier where appropriate; and</li> <li>b) To incorporate the Service User Forum and Mental health Action</li> </ul>

<p>Groups into the Healthwatch Kent contract</p> <p>How the decision relates to Corporate Objectives</p> <ul style="list-style-type: none"> <li>• Commissioning Framework Principle 7: Customers at the heart of our commissioning approach</li> <li>• KCC's commissioning of a Healthwatch for Kent is required by duties under the Health and Social Care Act 2012, which built upon the Local Government and Public Involvement in Health Act 2007</li> </ul> <p>The matter is referred to in the Business Plan/Medium Term Capital Programme.</p>
<p><b>Section 2 – Who is taking the final decision and when</b></p>
<p><b>Who is taking the Decision</b> Deputy Leader and Cabinet Member for Finance and Traded Services</p> <p><b>Date:</b> Not before January 2018</p> <p><b>Reason if Key Decision</b> No equalities implications – whole Kent provision.</p> <p><b>Reason if this decision has been delayed/withdrawn from a previous plan</b></p>
<p><b>Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors</b></p>
<p><b>Consultees</b></p> <p>The proposed incorporation of the Service User Forum and Mental health Action Groups into the Healthwatch Kent contract was discussed by the Adult Social Care Cabinet Committee on 23 November 2017.</p> <p>The interim contract will be discussed by the Health Reform and Public Health Cabinet Committee on 24 January 2018.</p>
<p><b>Section 4 – Responsible Officer – Who to contact for more information.</b></p>
<p><b>Your name, Your Service, Your phone number and email address:</b> The value of the proposed interim contract is up to £1.46M (£730k pa) for the period 1 April 2018 to 31 March 2020.</p> <p><b>Support documents</b></p>

**NOT BEFORE OCTOBER 2017 BY CABINET MEMBER**

<p><b>Responsible Cabinet Member</b> - Cabinet Member for Corporate and Democratic Services</p> <p><b>Reference No:</b> None</p> <p><b>Key</b> Yes</p>
<p><b>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</b></p>
<p><b>Title:</b> <b>17/00094 - Disposal of Land East of Great Chart Primary School, Singleton</b></p> <p><b>The Decision needed:</b> Approval to the Director of Infrastructure to progress with and enter into the necessary documentation to complete the disposal of the aforementioned property in consultation with the Cabinet Member for Corporate and Democratic Services. The Decision will seek legal agreements to be actioned to complete the sale of the relevant properties.</p>
<p><b>Section 2 – Who is taking the final decision and when</b></p>
<p><b>Who is taking the Decision</b> Cabinet Member for Corporate and Democratic Services</p> <p><b>Date:</b> Not before October 2017</p> <p><b>Reason if Key Decision</b> None</p> <p><b>Reason if this decision has been delayed/withdrawn from a previous plan</b> Securing a capital receipt to fund the capital programme and to streamline the Council’s property portfolio to achieve financial and efficiency benefits in line with appropriate policy</p>
<p><b>Section 3 – – Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors</b></p>
<p><b>Consultees</b></p> <p>Property decisions to be discussed at the Property Sub Committee.</p>
<p><b>Section 4 – Responsible Officer – Who to contact for more information.</b></p>
<p><b>Your name, Your Service, Your phone number and email address:</b> Property holding costs will cease upon sale.</p>

**Support documents**

- Who is to be consulted, how and when, ( The Duty to Inform/consult/Involve ) including relevant scrutiny councillors**