



## **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 Rory Love	Cabinet Member for Education and Skills
Mr David Brazier	Cabinet Member for Highways and Transport
Mrs Shellina Prendergast	Cabinet Member for Communications, Engagement and People
Mr Derek Murphy	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 26 JULY 2023**

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

**Reference No:** Under the Health and Social Care Act 2012 [8], Directors of Public Health (DPH) in upper tier (UTLA) and unitary (ULA) local authorities have a specific duty to protect and enhance the population’s health.

In connection with the three proposed contract extensions, KCC may extend in accordance with either the original contract terms or on the basis of the grounds available in Regulation 72(1)(b) of the Public Contracts Regulations 2015.

Transfer of Undertakings (Protection of Employment) (TUPE) will likely apply for the procurement of the Recovery Housing service. Public Health will work closely with both the incumbent provider and new provider to ensure TUPE is adhered to.

**Key** Yes

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

**Title:**  
**23/00032 - Kent Drug and Alcohol Contract Commissioning**

**The Decision needed:**

**Proposed decision:**

- I. **APPROVE** the procurement of the Residential Recovery Housing contract for the period from 1 April 2024 to 31 March 2028 (four years) with two additional two-year extension options.
- II. **APPROVE** the extension of the contracted East Kent Community Drug and Alcohol Service, West Kent Community Drug and Alcohol Service and Young Persons Drug and Alcohol service for a period of 10 months from 1 April 2024 to 31 January 2025.
- III. **DELEGATE** authority to the Director of Public Health to take relevant actions, including but not limited to, entering into and finalising the terms of relevant contracts or other legal agreements, as necessary, to implement the above decisions.

**Reason for decision**

Kent County Council has statutory responsibility as a condition of its Public Health Grant to provide specialist Substance Misuse Services aimed at reducing the harm caused by drugs and alcohol and to improve the health and wellbeing of Kent's population.

The four contracts under the Kent Drug and Alcohol Services are all due to expire on 31 March 2024 and therefore a key decision is required to plan for beyond this date.

### **Background**

The provision of drug and alcohol services aligns with local and national strategies. Locally, the services support the levelling up agenda and integrated model of care outlined in the KCC Strategic plan 2022-26 (Framing Kent's Future) as well as the improvement of the local treatment and recovery system as outlined in the Kent & Medway Drug and Alcohol Strategy, 2023-2028.

Nationally, drug and alcohol services support the Government's 10-Year Drug Strategy 'From Harm to Hope' (2021). The strategy is supported by a grant, the level of which has been confirmed for three years, whilst the remaining seven await confirmation. Kent has supported the implementation of the national strategy by investing this money into existing contracts.

The four contracts that make up the Kent Drug and Alcohol Services in Kent, all of which are due to end on 31 March 2024, are:

- West Kent Adult Drug and Alcohol Service (Tunbridge Wells, Tonbridge & Malling), delivered by Change, Grow, Live (CGL)
  - Commenced on 1 April 2016 until 31 March 2024
- East Kent Adult Drug and Alcohol Service (Swale, Canterbury, Thanet, Dover, Folkestone and Hythe and Ashford), delivered by Forward Trust
  - Commenced on 1 May 2017 until 31 March 2024
- Kent Young Person Drug and Alcohol Service (Drug and Alcohol Support for those aged under 25), delivered by We Are With You (With You)
  - Commenced on 1 January 2018 until 31 March 2024
- Residential Recovery Housing Service, which provides supported accommodation across two sites, The Cedars in Canterbury and Shepherd House in Folkestone, 18 residents in total. This Service is delivered by Change, Grow, Live (CGL)
  - Commenced in March 2019 until 31 March 2024

Public Health is seeking an extension to the first three contracts by a further 10 months which will enable clarity to be obtained over the continuation of funding under the 10 year "From Harm to Hope strategy". Extending the contracts will enable the Council to:

- Protect vulnerable people from the impact of procurement during a

time of funding uncertainty.

- Approach the market with a tender opportunity that has consistent levels of funding over the life of the contract.

Retendering the services in line with their current contract end date comes with the risk of having to procure services after a year into the new contract should the continuation of funding mean the newly procured contracts are no longer fit for purpose, need renegotiating and/or no longer financially viable.

Public Health is also proposing to procure the Residential Recovery Housing Service in readiness for when the contract expires on 31 March 2024. A commissioning review of the service recommended there would be benefit from approaching the market under a competitive procurement due to changes in the service specification. New service specifications emphasise requirements for a whole system approach to the care of service users. This includes:

- Mental health support via a psychologically informed model
- Enhanced physical health including partnership working with primary and secondary care
- Life skills support for independent living via close partnerships with other KCC commissioned services (One You), district councils, Department of Work and Pensions and local Voluntary Community and Social enterprises.

The new service model is being piloted with the aim of achieving positive improvements in terms of safety, service users' outcomes and service utilisation.

It is proposed that the procurement concludes in December 2023, allowing for a 3 month mobilisation period for the new service.

### **Options**

Decommissioning the service is a non-viable option that would contravene the local authority's responsibility to deliver drug and alcohol treatment and recovery services, the terms and conditions of grant funding received and both national and local strategies.

## **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 July 2023

### **Reason if Key Decision**

An Equality Impact Assessment (EQIA) has been completed for the recommissioning of the service. Current evidence suggests that there is no potential for discrimination and that this option is an appropriate measure to advance equality and create stability for vulnerable people.

Once a provider is selected in the procurement process an EQIA will be conducted on their proposed delivery model.

**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:**

Public Health estimate a financial commitment as below for each contract recommended for a 10-month extension:

- East Kent Drug and Alcohol Service: £6,498,752
- West Kent Drug and Alcohol Service: £5,036,404
- Young Persons Drug and Alcohol Service contract: £895,822

For the Recovery Housing Contract, Public Health estimate a financial commitment of £1,752,993 for the full eight-year term of the contract (4 years + 2 + 2 extensions).

The contracts are fully funded from the Office of Health Inequalities and Disparities via the Public Health Grant and other associated grants.

**Support documents**

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

**Reference No:** The council has a statutory duty to ensure that there is sufficient and fit for purpose provision of social care services to Kent residents, who are eligible under the Care Act 2014 and that a sustainable market is maintained which the Carers' Short Breaks contributes to. The direct award of the contract is in line with PCR Regulation 32 (2)(b)(ii.)

**Key** Yes

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

**Title:****23/00061 - Carers' Short Breaks Service****The Decision needed:**

**Proposed decision:** Approve a Direct Award Contract to Crossroads Care Kent for a period of twelve months (1 April 2024 to 31 March 2025) for Carers' Short Breaks Services and delegate authority to the Corporate Director Adult Social Care and Health to take relevant actions, including but not limited to finalising the terms of and entering into required contracts or other legal agreements, as necessary to implement the decision.

**Reason for the decision:** Kent County Council has a statutory responsibility under The Care Act 2014 to deliver access to support and information for unpaid Carers, older people (over 55 years) and people with complex issues/frailty (under 55 years). The council meets this duty through the provision of its Carers' Short Breaks Services.

The Carers' Short Breaks Service Contract commenced in April 2018, as an initial interim contract. It is currently in an extension period via a previous Decision to Direct Award. Following this decision, the contract is currently due to end on 31 March 2024. There are currently no provisions to extend this contract. The proposals for an additional one-year contract with the incumbent provider via a Direct Award, to run from 1 April 2024 to 31 March 2025, will allow time for commissioners to ensure that any new service can be co-produced with stakeholders including people with lived experience which aligns with the Community Navigation service.

Kent County Council has recently completed significant engagement in developing and launching a new Carers' Strategy, setting the strategic direction for Carers' Support for the next five years. The Kent Carers' Strategy 2022-2027 ensures a commitment to working together to ensure essential roles are valued, supported and people's lives maintained and valued.

The proposed decision supports the New Models of Care Support priorities of 'Framing Kent's Future – Our Council Strategy 2022 – 2026' of:

- reshaping 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
- seizing the opportunity of integrating our planning, commissioning and decision making in adult, children's, and public health services through being a partner in the Kent and Medway Integrated Care System at place and system level.

**Options considered:**

The following options were considered

- Option 1: Direct Award the contract for 12 months
- Option 2: Reprocure the contract within a short timeframe

- Option 3: End the contract on 31 March 2024

In consideration of Option 3, whilst it is recognised that ending these contracts could deliver a significant saving to the Council, ending the contract was dismissed at this point for the following reasons:

- Loss of current support to vulnerable people at a time when other services are being reduced financially.
- People accessing the contract may fall into crisis resulting in a high financial pressure on Kent County Council operational services (negates possible benefit of saving on the contract value)
- Increased isolation and loneliness to unpaid Carers.
- Statutory duties non-compliance under the Care Act 2014.

Reprocuring within a short timeframe was dismissed, owing to a lack of clarity as to funding in the present financial climate, long term Integrated Care Board (ICB) funding sustainability, current workforce implications, and the additional pressures on Adults Strategic Commissioning resource.

A Direct Award to the incumbent provider, is the recommended option. This will allow the outcomes of the Kent Carers’ Strategy to be embedded within the future service design, whilst keeping consistency of service for unpaid carers in the interim. It will also allow the opportunity to understand the performance and trends of the contract to better inform and scope the design and recommissioning of the service in a truly co-produced way. The Direct Award will be made in accordance with stipulations within Regulation 32 of the Public Contracts Regulations 2015.

**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 July 2023

**Reason if Key Decision**

An Equality Impact Assessment (EQIA) was completed as part of the original commissioning of these services; and has been revised and updated in preparation for any future recommissioning.

**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 Carers' Short Breaks Service Contract is jointly funded by KCC and NHS Kent and Medway Integrated Care Board (NHS K&M ICB). The current Adult Social Care (ASC) budget is subject to an identified saving in 2023/24; the NHS K&M ICB funding will be requested for the recommended option. The Council is working in partnership with the Integrated Care Board (ICB) to ensure funding is secured for the option.

The total value of the one-year contract extension will be £3.087m. (ASC £2.5m/ICB)

**Support documents**

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

**Reference No:** Legal advice has been sourced to inform the commissioning approach and options appraisal. The recommended option is to continue to contract with primary care services via a procurement process for the delivery of Long-Acting Reversible Contraception is permitted within procurement regulations.

Local authorities are mandated to provide sexual health services including prevention, testing, and treatment of sexually transmitted infections, and advice on and access to a broad range of contraceptive substances and appliances via The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013 .

**Key** Yes

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

**Title:**

**23/00062 - Long Acting Reversible Contraception in Primary Care**

**The Decision needed:**

Proposed Decision:

The Cabinet Member for Adult Social Care and Public Health

1. APPROVE the commissioning arrangements to continue to contract

with primary care via a procurement compliant process for the delivery of Long-Acting Reversible Contraception. The contract period will be for one year (1 October 2023 to 30 September 2024) with two potential 12-month extensions (1 October 2024 to 30 September 2026)

2. DELEGATE authority to the Director of Public Health to undertake all necessary actions to implement the decision, including, but not limited to, awarding new contracts, finalising terms, entering into contracts, initiating extensions, and establishing any required legal agreements.

#### **Reason for the decision:**

The current Long Acting Reversible Contraception (LARC) Service, provided by primary care, is due to end on 30 September 2023. To ensure continuity of service while a review of reproductive health and the public health transformation program is underway, new contracts are required within the primary care setting. Continuing to commission LARC through primary care offers advantages in terms of accessibility, convenience, comprehensive care, and cost-effectiveness.

#### **Background**

Local authorities are mandated to provide sexual health services, including prevention, testing, and treatment of sexually transmitted infections, and advice on and access to a broad range of contraceptive substances and appliances via *The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013*<sup>1</sup>.

LARC is an extremely effective method of contraception<sup>2</sup> and is long lasting (typically over three years from insertion/implantation). LARC is delivered by trained practitioners in certain General Practices (GPs) who have achieved a Letter of Competence (LoC) accreditation from the Faculty of Sexual and Reproductive Healthcare (FSRH)<sup>3</sup>. This LoC provides assurance of a minimum recognised standard of training and competency.

LARC is currently provided to the Kent population through two routes: Integrated Sexual Health Services and primary care settings within local communities. Integrated services primarily cater to complex LARC cases, while primary care providers, encompassing around 103 contracted GP Practices in Kent, offer LARC services to a wider range of individuals, performing approximately 14,000 procedures each year. This paper focused on the offer via primary care.

The Public Health Team is currently conducting a comprehensive review of reproductive health, accompanied by an upcoming Public Health Transformation Programme. These ongoing reviews will play a crucial role in shaping the future commissioning arrangements for Kent Sexual Health Services, including the provision of LARC and primary care services from

<sup>1</sup> [The Local Authorities \(Public Health Functions and Entry to Premises by Local Healthwatch Representatives\) Regulations 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2013/1000/contents/made)

<sup>2</sup> [How effective is contraception at preventing pregnancy? - NHS \(www.nhs.uk\)](https://www.nhs.uk)

<sup>3</sup> <https://www.fsrh.org/education-and-training/>

April 2025.

The current contract with primary care was initially awarded in 2019 via article 32(2)(b) of the Public Contracting Regulations (2015) and comes to an end on 30 September 2023.

The recommendation is to commission LARC services through primary care via a light – touch procurement compliant process for a period of one year (1 October 2023 to 30 September 2024) with two additional 12-month extensions (1 October 2024 to 30 September 2026). This will allow sufficient time for the review and transformation program to take place while minimising disruption to residents and maintain compliance with the PCR regulations. There is a risk that GPs are not used to bidding for work in this way and may not sign up via this route. However, this will be reduced by working closely with the Local Medical Committee and putting in place support.

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

Decommission the service – This option was deemed non-viable due to concerns about accessibility and convenience. Without primary care offering LARC services, there would likely be a decrease in uptake, leading to more unintended pregnancies and terminations. Integrated sexual health services may struggle to handle the increased workload, resulting in longer wait times and limited availability. Moreover, shifting LARC services away from primary care would disrupt the continuity of care and limit patient choice.

Extending the current contract – Extending the current contract was not feasible as all viable extensions for the contract have been exhausted by Kent County Council. Therefore, an alternative approach is necessary to ensure the continuous provision of LARC services.

Direct Award to current providers -This option was deemed unfeasible due to several factors. Directly awarding the contract without conducting a legal procurement process raises questions about the adherence to procurement regulations and may be viewed as favouritism towards a specific provider or group of providers. Such an approach could undermine transparency in the decision-making process and potentially invite legal challenges or criticism.

Developing a Dynamic Purchasing System (DPS) -This option was deemed non-viable due to several factors. Firstly, there will be limited opportunities for primary care to access the DPS, as its primary focus is on LARC services. This could restrict the involvement of primary care providers in the system. Secondly, providers participating in the DPS may require guidance and support to navigate the process effectively, which could potentially strain the available resources. Lastly, there is a risk of limited provider participation, which could lead to an inequitable distribution of LARC services across different areas. These factors should be taken into account when assessing the viability of this option.

**How the proposed decision supports the Council's Strategy 2022-26:**

<p>This service contributes to 'Priority 1: Levelling up Kent' of the <i>Framing Kent's Future Our Council Strategy 2022-2026</i> as providing contraception to women can prevent unplanned pregnancies which is a preventative approach of improving the populations health and narrowing health inequalities.</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 Adult Social Care and Public Health</p> <p><b>Date:</b> Not before July 2023</p> <p><b>Reason if Key Decision</b> An Equalities Impact Assessment (EqIA) for continuing delivery of LARC in primary care has been completed. As there are no changes to the service model with this re-commission and continuation with primary care to deliver the service will remain consistent, there will be minimal implications to equalities.</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> The yearly value for delivery of LARC is variable as it depends on the need presented in primary care. The costs are broken down into device costs and the cost of the procedure itself.</p> <p>The estimated budgetary commitment for the 3 years is £4,100,000.</p> <p>This is broken down by procedure costs and device costs. The estimated annual cost is £1,640,000.</p> <p><b>Support documents</b></p>

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

**Reference No:** The land and rights that will be included in the compulsory purchase order are the minimum that will be necessary to deliver the scheme.

The use of compulsory purchase is a strong power available to a local authority and justification for its use must satisfy numerous legal and policy tests. If these are not met, there could be a challenge to KCC and potentially costs, delay to the project and reputational damage.

The service is working with KCC legal and the details of how the scheme meets these tests will be included in the Statement of Reasons that will be published with the Order

**Key** Yes

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

**Title:**  
**23/00066 - A28 Sturry Link Road - Compulsory Purchase Order**

**The Decision needed:**

Proposed decision – *To give approval to undertake*

- i) all acts required to acquire the land and rights for the carrying out and completion of the A28 Sturry Link Road scheme, including by means of a compulsory purchase order; and
- ii) all acts required to provide new, or improved highways including the closure of private means of access for the carrying out and completion of the A28 Sturry Link Road scheme, including by means of a side roads order;
- iii) give delegation to the Corporate Director of Growth, Environment & Transport in consultation with the Cabinet Member for Highways and Transport to take relevant actions including but not limited to entering into contracts and other legal agreements, as necessary to implement the decision; and
- iv) confirm that other decisions in Record of Decision 18/00027 remain extant.

- Reason for the decision

Approval to use of compulsory purchase to secure the land and rights required for the scheme and to give programme certainty.

- Background – Provide brief additional context

The proposed A28 Sturry Link Road is a key element of new highway infrastructure that will link with development roads that together will support the consented development of 1,150 new homes at Sturry/Broad Oak. The scheme received planning consent in September 2021.

The next critical stage is for land assembly. Negotiations have commenced and it is hoped that all land can be achieved by voluntary agreement. However, a compulsory purchase order needs to be progressed in parallel to ensure all land can be secured and to give programme certainty for a target start of construction during 2025.

- Options (other options considered but discarded)

The CPO is a backstop to ensure the programme can be completed. Delays will cause additional costs.

- 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 scheme supports Priority 2: Infrastructure for communities: Transport and connectivity are vital to ensuring a good quality of life for Kent's residents, impacting accessibility of employment, education, health provision and leisure.

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

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

Cabinet Member for Highways and Transport

### **Date:**

Not before July 2023

### **Reason if Key Decision**

An updated Equalities Impact Assessment has been prepared.

### **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 most recent cost estimate based on the tender prices (January 2023) for the design and build contract is £41.6m. This includes CPO cost and £3.7m contingency. This is higher than the original estimate of £29.6m due to inflation, Covid and Brexit.

Current funding from the Local Growth Fund and developer contributions secured by s106 agreement including indexation is £40.2m.

Sufficient developer contributions and the Local Growth Funding are banked to enable the design phase of the design and build contract to proceed. There is a break clause in the design and build contract to protect Kent should any of the developer contributions not materialise and an alternative funding source not be identified.

Once the design phase is completed, a further key decision will need to be taken to approve costs and funding

**Support documents**

**NOT BEFORE 19 JULY 2023**

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

**Reference No:** Under the Highways Act 1980, as the local Highway Authority, KCC has a legal duty to maintain its respective sections of the highway network under section 41. Due to KCC having a legal duty to maintain its respective sections of the highway network under section 41 of the Highways Act 1980, continued service provision is required.

The current contract has been extended beyond its original allowable period due to the COVID-19 pandemic. There is no scope to extend the current contract legitimately in accordance with the Public Contract Regulations 2015.

Legal advice is being sought and will be considered before the publication of the Proposed Record of Decision.

**Key** Yes

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

**Title:**  
**23/00058 - Highway Term Maintenance Contract Renewal**

**The Decision needed:**

**Proposed decision:**

Kent County Council is the Statutory Authority responsible for the delivery of highways services to Kent residents. Many of these services are delivered through a Highways Term Maintenance Contract (HTMC) with Amey Highways Ltd. The current contract expires on 31 August 2023. It is proposed to enter into a new contract with Amey Highways Ltd for a 32 month period.

**Reason for the decision:**

Kent County Council (KCC) is the Statutory Authority responsible for the delivery of highway services for the residents of Kent (excluding Medway). The Highway Term Maintenance Contract (HTMC) is delivered by Amey Highways Ltd and the contract is managed by Highways and Transportation (H&T). This will expire in August 2023 which includes the initial ten-year term and subsequent extension due to COVID-19.

To procure a replacement contract is complex and time consuming. To deliver the programme, a longer lead time is required to finalise the strategy and outline the contract requirements. The procurement and mobilisation process should in best practice require 27 months. This allows for float for any unexpected issues and mobilisation to protect KCC's statutory obligation.

Due to Winter Service requirements, the recommended period for any new contracts to commence is late spring/early summer. This allows preparation for Winter Service (which formally starts in October) and includes securing/maintaining vehicles, salt purchase, route optimisation and driver recruitment and training. To deliver the programme, a longer lead time will allow for sufficient market engagement, finalise an appropriate strategy and outline the new contract requirements. A procurement programme will ensure a new contract will commence from 1<sup>st</sup> May 2026. An interim 32-month contract with Amey Highways is required.

**Background:**

The current arrangement commenced on 1 September 2011 and has been worth between £40m and £50m per annum split across revenue and capital budgets which is dependent on certain grants and KCC funded elements. Several key services are delivered through this contract including:

- Winter Service Provision – i.e. gritting of our major routes during freezing conditions.
- Drainage Maintenance and Capital Projects – i.e. gully cleansing and drainage repairs.
- Structures Maintenance – i.e. bridge repairs and construction.
  - Patching and Small Resurfacing Services – i.e. pothole and surface defect repairs.
  - Surface Treatments – i.e. road and footway surface preservation and life extension.
  - Emergency Response – i.e. supporting emergency services in response to incidents across the network including weather events and structural failure.
  - Highway Schemes Delivery – i.e. construction of highway improvement schemes, including those for crash remedial measures and s106 requirements.

Due to the aftermath of COVID-19 and the market volatility due to demand, inflation and raw material availability, the re-procurement of a strategic contract of this kind at this time would represent an elevated risk for the Council (and would not elicit or enable a good market response).

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

Re-procure on a like-for-like basis.

Disaggregate the contract and procure smaller contract packages.

A partnering (Highway Alliance) model developed jointly between the Council and Commercial Services Kent Limited (CSKL).

**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>

Priority 2: Infrastructure for communities

This framework will support the delivery of maintaining, repairing and installing drainage assets on the Kent highway network to a safe standard which in turn impacts on Kent residents’ accessibility to employment, education, health provision and leisure opportunities.

**Data Protection implications:**

The initial screening identified that a Data Projection Impact Assessment will not be necessary as no personal data is collected for this commission.

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

**Who is taking the Decision**

Cabinet Member for Highways and Transport

**Date:**

Not before July 2023

**Reason if Key Decision**

An Equalities Impact Assessment has been carried out and no implications have been identified at this early stage. This will be continually reviewed as required. Individual schemes EqIA’s will be completed separately as required.

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

The proposed decision will be considered by Members at the Environment and Transport Cabinet Committee on 5 July 2023.

**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:**

Prior to Decision 17/00124 (April 2018) it was identified following the market engagement that a full re-procurement will result in an increase of £2.4m due

to a realignment of rates (prior to inflation). This created a financial pressure and included as part of a Medium-Term Financial Plan (MTFP) pressure. There was further £400k budget to allocated for the procurement process. This will be delayed until 2026.

There is elevated risk that due to the market uncertainty and instability that this will fall short of the actual costs tendered with submissions being unaffordable and the operational service being materially affected. There is a budgetary impact to the new contract prior to any future inflationary pressures on both Capital and Revenue streams. The effect on future revenue budgets is forecasted to be £530k and has been included as a pressure in the MTFP.

### **Support documents**

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

**Reference No:** The Local Authority has a statutory obligation to meet the duties set out in the Domestic Abuse Act 2021, including to provide support for people who have experienced domestic abuse residing in what is defined as 'safe accommodation'.

Implementing the Domestic Abuse Framework will support the delivery of activity across 2023-25 and support the council in meeting its statutory duty and use of the funding in accordance with the guidance set by government, and terms and conditions of the grant. Specific legal implications for operational or funding allocation activity will be considered through the delegated decision-making as normal.

**Key** Yes

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

**Title:**  
**23/00060 - Domestic Abuse Act Framework 2023-25**

#### **The Decision needed:**

#### **Proposed decision:**

1. CONFIRM and ENDORSE the arrangements put in place via Officer Decision [OD-23-0002](#), taken under delegated authority by the Chief Executive, arising from Key Decision 22/00040.
2. APPROVE the framework arrangements set out in the report for ongoing management of the Domestic Abuse Act Funding 2023-2025.
3. DELEGATE authority to the Corporate Director Adult Social Care and Health, in consultation with the Leader, Corporate Director for Finance and Corporate Director for Children, Young People and Education, to revise and amend the arrangement set out in the framework details, subject to the scope of the terms and conditions of the grant funding.

4. DELEGATE authority to the Corporate Director Adult Social Care and Health, in consultation with the Corporate Director for Children, Young People and Education where applicable depending on affected portfolios, to administer any further Domestic Abuse Act grant monies under the funding / governance framework put in place by this decision, including the determination of Officer Decisions to progress activity via the framework.
5. AGREE to continue to utilise the Kent Integrated Domestic Abuse Service contract to support delivery of the requirements of the Act until March 2026.
6. AUTHORISE the Corporate Director Adult Social Care and Health, in consultation with the Chief Executive, to take other necessary actions, including but not limited to entering into contracts or other legal agreements, as required to implement this decision.

**Reason for the decision:**

Total value exceeds £1m and impacts across more than two electoral divisions.

In December 2022, the Department of Levelling Up Housing and Communities (DLUHC) announced the Local Authority Domestic Abuse Duty: 2023 to 2024 and 2024 to 2025 funding allocations.

Year	2023-2024	2024-2025
<b>DA Act funding allocation (Kent)</b>	£3,174,764.00	£3,234,663.00

This was accepted via Officer Decision [OD-23-0002](#), taken under delegated authority by the Chief Executive, arising from Key Decision 22/00040. It is appropriate and necessary for these previous arrangements to be noted and the ongoing acceptance and deployment of the Domestic Abuse Act funding to be agreed in consultation with the Leader.

It is proposed that a 'Domestic Abuse Framework' will be used to determine further spend of Domestic Abuse Act funding and support decision making.

The Framework decision approach places responsibility and accountability as well as Strategic oversight, in a centralised position. With the Leader exercising the full Executive function as the decision-maker, operational decision-making and implementation activity, within the scope defined by the Framework agreed by the Leader as part of this decision, is delegated to Officers.

Under this Framework all expenditure of Domestic Abuse Act funding must be in line with budget forecasting and adhere to the DLUHC Guidance and Memorandum of Understanding terms. Additionally, proposals for spend must meet one of the following criteria.

- A. Will support the council in conducting its statutory functions under the Domestic Abuse Act which include assessing need, preparation,

publication, monitoring and delivery of strategies, commissioning activity and mandatory reporting back to central Government.

- B. Will improve, develop, or maintain specialist support to people who have experienced domestic abuse (adults and children) residing in 'safe accommodation', as defined by the Domestic Abuse Act, (this includes Refuge accommodation, Specialist Safe accommodation, Dispersed accommodation, Sanctuary Schemes and Second stage accommodation) to meet gaps identified through the needs assessment.

Examples of projects that would meet the criteria include.

- Engagement project to develop and maintain engagement with people who have experienced domestic abuse.
- Development of new services to increase the reach of the existing support offer to survivors residing in a property that is part of a Sanctuary Scheme.

The Domestic Abuse Act requires the countywide needs assessment to be refreshed annually and renewed every three years. The council must also prepare and publish strategies. The current Kent and Medway Domestic Abuse Strategy is for the period of 2020-2023. A new strategy for 2024-2029 is being drafted with partners. The Domestic Abuse Framework therefore requires the council to have the ability to deliver pilots, short-term services and expeditiously realign existing Domestic Abuse Act funded services, to meet the changing needs and demands of people who have experienced domestic abuse, providing all revised proposals meet the criteria set out above.

The proposed decision supports Kent County Council's Strategic Statement 2022-2026 commitment to working with partners to reducing inequality and integrating our planning at a place and system level.

**Options Considered and Disregarded:**

The option of turning down the Domestic Abuse Act funding was discarded as there are many people in Kent who will benefit from this resource, and it supports the council to meet its statutory duties.

The option for handling all Domestic Abuse Act funding activity on an individual basis, with certain projects managed at operational level and others progressing via the Key Decision process as and when required was considered. That option would not enable the council to respond quickly and flexibly to changing demand and need or provide a clear strategic plan for delivering against the Domestic Abuse Grant requirements.

**Financial Implications:**

Since 2021, Kent County Council (KCC) has received new, Domestic Abuse Act funding to implement the new duties. The initial lack of clarity and late notification from DLUHC around future funding allocations created barriers in staff retention and delays in progression of some projects,

resulting in an underspend of the full annual grant amount.

Unspent funding from 2021-22 and 2022-23 totalling £2,032,894.77 has been transferred to reserves, to be drawn down and used for domestic abuse safe accommodation support services in 2023-24.

The estimated expenditure of Domestic Abuse Act funding in line with implementing the Domestic Abuse Framework (section 4.4) across 2023-2025 is;

		Year	
		2023-2024	2024-2025
INCOME	Grant funding from 2021/22 and 2022/23 transferred to Reserves	£2,032,894.77	£1,616,612.88
	DA Act funding allocation	£3,174,764.00	£3,234,663.00
TOTAL BUDGET		£5,207,658.77	£4,851,275.88
FORECAST EXPENDITURE (includes Staffing, Strategy costs, Support in Refuge and Safe Accommodation projects)		£3,591,045.89	£4,474,199.79
BALANCE		£1,616,612.88	£377,076.09

Funding held in reserves at the end of 2024-25 will spent in 2025/26 to supporting the full duration of the two-year Safe Accommodation Support Service (SASS) and Sanctuary Access for Eligible Residents (SAFER) contracts, ensuring the council has sufficient funding to meet contractual obligations and maintain support delivered within safe accommodation.

Regular financial monitoring reports will be produced and shared with the Corporate Director Finance and Corporate Director Adult Social Care and Health.

Throughout 2023-25 planning will be undertaken on how services can be maintained should DLUHC not provide any further Grant allocations for Domestic Abuse Act duties.

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

### Who is taking the Decision

Leader of the Council

### Date:

Not before July 2023

### Reason if Key Decision

An Equality Impact Assessment has been conducted and found the impact of this work to be positive across all groups. Specific service arrangements made via the Framework will incorporate necessary equality consideration as part of Officer level decision-making.

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

**plan**

The proposed decision will be discussed at the Adult Social Care Cabinet Committee on 6 July 2023 and the Children, Young People and Education Cabinet Committee on 18 July 2023.

**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:**  
As above.

**Support documents**

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

**Reference No:** The terms and conditions are currently being reviewed by external lawyers (Burgess Salmon).

**Key** Yes

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

**Title:**

**23/00063 - Enterprise Business Capabilities Modernisation**

**The Decision needed:**

**Proposed decision:**

1. The Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services to agree to award a contract of 8 years for the provision of a cloud-based finance, HR, procurement and payroll service;
2. to agree to award a contract for a System Implementor Partner, to support the Enterprise Business Capabilities Programme in implementing and Integrating the Cloud solution; and
3. to delegate authority to the Director of Technology in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, for the necessary contractual negotiations and authority to enter into any legal agreements to implement the above.

**Reason for the decision:**

To replace the current legacy Oracle application and to provide Kent County Council (KCC) with modernised Enterprise Business Capabilities (EBC) covering finance, human resources, payroll and procurement, (including the replacement of existing support arrangements across Rimini Street, Velocity and Azure).

**Background:**

After completing a tender process, the EBC programme is in discussions with Oracle with regards to its BAFO (Best and final offer) for a cloud base solution to replace KCC's 23-year-old Oracle system.

To support the Oracle Cloud proposal the EBC programme are also running, in parallel, a competitive tender between 3 identified System Implementors who will support the EBC Programme in implementing and Integrating the Cloud solution.

It is the intention of the EBC programme to conclude commercial discussions with Oracle and complete the assessment of the System implementation partners to ascertain the overall costs regarding implementation. The final costs will also include internal resource costs, external support as well as parallel running costs whilst the new Cloud platform is implemented, providing the Council with the overall true total implementation budget required to proceed to the implementation phase.

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

The Council undertook soft market testing and a full tender process to assess all available options.

**How the proposed decision meets interim strategic plan:**

This decision maintains continuity of critical business processes and will enable a transformation of the way central services are delivered.

**Data Protection implications:**

The proposed contract with Oracle contains the appropriate provisions for compliance with the General Data Protection Regulations as they apply in the UK, tailored by the Data Protection Act 2018.

**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 July 2023

**Reason if Key Decision**

An Equalities Impact Assessment (EqIA) will be completed but no equality implications are envisaged.

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

<p><b>plan</b> The proposed decision will be discussed at Policy &amp; Resources Cabinet Committee on 26 July 2023.</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> The full and detailed financial implications are currently being developed as part of the best and final offer process.</p>
<p><b>Support documents</b></p>

## URGENT DECISION - IMMEDIATE IMPLEMENTATION

<p><b>Responsible Cabinet Member</b> - Cabinet Member for Education and Skills</p> <p><b>Reference No:</b> Detailed legal advice regarding the KCC liabilities and options for redress have been considered by the Decision-maker. The decision represents a recognition of relevant legal risks, balanced against the Policy choice to prioritise the progression of the school project to ensure successful delivery of the school and compliance with KCC's statutory duty to ensure sufficient school places. Key considerations are set out in the Exempt Report.</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>23/00057 - Chilmington School Works</b></p> <p><b>The Decision needed:</b> <b>Reason(s) for decision:</b></p> <p>A new secondary school is due to be opened at Chilmington Green on land provided to KCC via a developer contribution. The Department for Education (DfE) is taking responsibility to build the school. Two issues have arisen which need to be resolved in order to ensure the new school building can be built and open as soon as possible. The legal responsibility for funding the resolution to the issues is a matter of contention and potential legal dispute.</p>

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

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

Cabinet Member for Education and Skills

### **Date:**

May 2023

### **Reason if Key Decision**

An equalities impact assessment was undertaken in September 2022 relating to the decision to provide forward funding for the infrastructure works. This identified that the need for the new school was significant, and it positively supported secondary school aged children in Ashford, regardless of any protected characteristic. This assessment has been reviewed and updated to confirm no substantive change when considering the programme as a whole. The decision to set resources aside to cover the cost of any claim brought against the County Council in respect of dealing with site contamination of the provision of an electrical sub-station does not raise any new equalities issues.

### **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**

Cabinet Committee consultation not viable in via of use of urgency procedures and decision timing.

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

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

Detailed funding considerations and the wider financial impact is set out in the Exempt Appendix. The current Basic Need Capital Budget totals £160m (covering the period 2023-26) and will be impacted, at least in the short-term, whilst the legal responsibility for funding the additional costs is resolved and funds recovered. The Basic Need Capital Programme is managed as a series of projects and any additional funding requirement could require re-consideration of other planned activities. However, growing inflationary and other build cost increases including the increased risk of continued use of temporary accommodation supports the progression of this matter as quickly as possible to minimise greater financial costs being incurred.

### **Support documents**

<p><b>Responsible Cabinet Member</b> - Cabinet Member for Highways and Transport</p> <p><b>Reference No:</b> Under the Highways Act 1980, as the local Highway Authority, KCC has a legal duty to maintain its respective sections of the highway network under section 41. This includes responsibility for maintaining, managing and, where necessary, improving their section of the network. This system supports the Authority in delivering this statutory service.</p> <p>The award of any contracts will be in full compliance with all relevant procurement and governance regulations. Legal advice in consultation with the Office of General Counsel has been commissioned to review the framework procedures and the terms and conditions that will govern future schemes.</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>23/00052 - Works Asset Management System Contract Award</b></p> <p><b>The Decision needed:</b> <b>Proposed decision</b> To agree to:</p> <ul style="list-style-type: none"><li>a) award the Works Asset Management System (WAMs) contract to Brightly plc from 28th June 2023, for a period of 3 years, with potential for a 1-year extension until 27th June 2027; and</li><li>b) delegate authority to the Director for Highways and Transportation to take other relevant actions, including but not limited to finalising the terms of and entering into required contracts or other legal agreements, as necessary to implement the decision.</li></ul> <p><b>Reason for the decision</b> The Works Asset Management System (WAMs) has been in use since 2006 to support the Council’s operational delivery of Highways and Transportation business. The product used is the Confirm Enterprise Asset Management Solution. The current contract expires at the end of June 2023. A new contract is being procured for this service with the same supplier, Brightly plc, under the G- Cloud procurement framework.</p> <p>The Contract will start on 28<sup>th</sup> June 2023, and continue for a period of 3 years, with potential for a 1-year extension until 27<sup>th</sup> June 2027.</p> <p><b>Background</b></p>

Highways and Transportation needs to ensure that it has a suitable system in place that meets our current needs around to name a few:

- Customer enquiries
- Fault reporting
- Mobile working
- Emergency Response 24/7/365
- Jobs creation, ordering and status updates.
- Payments and Financial Management.
- Asset Inventory Management – includes information and history

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

1. *Do Nothing: Allow the Current Contract to lapse. Kent County Council would no longer have ongoing support for this solution, posing a significant risk to its operational activities within the Highways service area. This needs to be linked to the Highway Act 1980 and our asset management approach etc. This supports this work. **Discounted.***
2. *Extension of current contract: There are no remaining contract extensions, permissible in accordance with the Public Contracts Regulations 2015. **Discounted.***
3. *Conduct an open competitive tender process in accordance with the PCR15. Market engagement has identified limited alternative solutions within the market that provides all functionality required by the Authority. To move to an alternative solution would incur significant migration, implementation, configuration and training costs which outweigh any potential saving conducting a competitive process. **Discounted.***

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

Priority 2: Infrastructure for communities;

The Confirm Enterprise Asset Management System - WAMS - holds details of the majority of highway assets on the Kent highway network and provides staff with the ability to manage, maintain, repair and carry out highways works, to a safe standard which in turn impacts on Kent residents' accessibility to employment, education, health provision and leisure opportunities.

**Data Protection implications**

DPIA completed and no issues identified.

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

**Who is taking the Decision**

Cabinet Member for Highways and Transport

**Date:**

Not before June 2023

**Reason if Key Decision**

An EQIA has been completed and no key issues identified. We will continue to review and address any issues that arise.

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

The proposed decision will be considered by Members of the Environment and Transport Cabinet Committee at their meeting on 23 May 2023.

No public consultation required.

**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:**

- Total cost for 4 years £1.5m
- Current budget line (annual cost) £270,053

**Support documents**

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

**Reference No:** There are no identified legal implications in respect of this decision.

**Key** Yes

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

**Title:**

**23/0053 - Maintain Kent Travel Saver Price in 2023/24 and Revised Price Uplift Cap in Future Years**

**The Decision needed:**

**Proposed decision**

To agree the ticket price for the Kent Travel Saver (KTS) as:

- For financial/academic year 2023/24, the cost of the standard travel pass to be maintained at £450 and the low-income pass at £120, through the use of funding provided by the Government's National Bus Strategy.
- To maintain the current instalments process.
- To maintain the current £10 administration fee for those paying via

instalments on a standard pass

- To maintain the current sibling offer, where family who have more than two children eligible for the KTS, will pay no charge for any additional pass beyond two.
- To maintain the current free pass arrangement for those in care, carers, and care leavers.
- For future years, increases in the cost of the standard and/or the low-income pass to match forecasted operator cost inflation. Whereas in previous years, increase in pass cost was capped at 5%, of the gross costs of the scheme.

### **Reason for the decision**

The current decision in respect to the KTS was taken back in 2015 and set the framework for how price increases to the KTS would be applied, in subsequent years, taking account of operator cost inflation. For 2023/24, to accommodate a change to the approach that has been taken since 2015 and to set a framework for the future, a new decision is required.

### **Background**

The National Bus Strategy (NBS) was launched in March 2021. Kent CC received an initial allocation of £35M from NBS and during the course of 2022, discussions took place with DfT to deliver this funding. Due to the funding review that has taken place in Govt since Autumn 2022, it has not been possible for Department for Transport (DfT) to deliver the initial allocation, which would have been spent over three years. Instead KCC has received £19.9m, to be spent in 2023/24. The allocation has been split, as £12.5m capital and £6.4m revenue.

Within the revenue allocation, we have approval from the DfT, to use an element as a fares & ticketing promotion. Under this element, we have approval, to use revenue from our Bus Service Improvement Plan allocation to maintain the current cost of the Kent Travel Saver for 2023/24 and, alongside this to promote the use of the KTS for travel to school.

The other elements of the scheme would remain as currently provided.

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

To increase the cost of the Kent Travel Saver to cover anticipated operator inflation for 2023/24 and inflation for 2022/23. This equates raising the cost of the pass by £180 to £630 based on 14,500 standard passes, with no other changes to the scheme. This would be in-line with the with County Council budget approved on 19 February 2023. However, this would be significant increase in the cost of the pass, at a time of a significant cost of living crisis and family budgets are being stretched. Under the recently approved Bus Service Improvement Plan (BSIP) allocation, granted under the National Bus Strategy, there is an opportunity to not proceed with this price increase in 2023/24.

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

The decision supports Priority 2: Infrastructure for communities and the specific commitment Work with our partners through the Kent Enhanced Bus Partnership and with Government to explore sustainable and commercially viable options for providing bus transport to meet people’s needs, making the best use of Bus Service Improvement Plan funding.

**Data Protection implications**

There are no identified data protection implications in respect of this decision.

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

**Who is taking the Decision**

Cabinet Member for Highways and Transport

**Date:**

Not before June 2023

**Reason if Key Decision**

There are no identified equalities implications in respect of this decision.

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

No public consultation is required.

Cabinet Committee consultation planned: Environment and Transport on 23rd May 2023

**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 recommendation defers the budget County Council decision to increase the charge for the KTS pass for one year. To maintain the price of the KTS at 2022/23 levels, it is estimated that £2.606M will be required based on current usage, which is £1.018M inflation shortfall from 2022/23 and £1.488M inflation for 2023/24. The cost of the KTS pass in 2024/25 will need to rise to cover operator inflation for 2024/25, 2023/24 and 2022/23, unless alternative funding is identified.

**Support documents**

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

**Reference No:** Under the Highways Act 1980, as the local Highway Authority, KCC has a legal duty to maintain its respective sections of the highway network under section 41. This includes responsibility for maintaining, managing and, where necessary, improving their section of the network.

The award of any contracts will be in full compliance with all relevant procurement and governance regulations. Legal advice in consultation with the Office of General Counsel has been commissioned to review the framework procedures and the terms and conditions that will govern future schemes.

**Key** Yes

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

**Title:**  
**23/00054 - Capital Drainage Framework**

**The Decision needed:**

**Proposed decision**

To agree the Capital Drainage Framework for a maximum of four years; and

provide the Corporate Director of Growth, Environment and Transport delegated authority to procure and enter into appropriate contractual arrangements for the provision of capital drainage works or other legal agreements, as necessary to implement the decision.

**Reason for the decision**

The Capital Drainage Framework expired at the end of December 2022. Commissioned contracts through this framework are nearing their end. Due to the capital budget allocation for drainage works, there is still a requirement to procure a replacement framework to deliver this programme.

This framework will commence in the summer of 2023 and will continue for a maximum of four years. There is no workload guarantee in the framework agreement, so if future budget allocation reduce, there is no ongoing contractual obligation for the authority.

**Background**

Commencing in the financial year of 2020/21, KCC Highways drainage team were allocated additional capital funding to start to address the prevailing backlog of drainage schemes. To ensure the programme was delivered, KCC procured a multi-contractor framework to supplement its Highway Term Maintenance Contract during this period.

This framework expired in December 2022 with the outstanding call off

contracts, which were commissioned before this date, soon due to expire. The future works programme requires a replacement framework.

The works undertaken under this framework are deemed to be low risk and generally include but are not limited to the following activities:

- Scheme works which may include new surface water drainage systems, including drains, pipe work, culverts, pumping stations, and/or new SUDS retro fit features, manholes/Catchpits, soakaways, gullies, improvement works to ponds and lagoons, etc.
- Routine maintenance, such as ironworks, ditching and siding, etc.
- Replace or repair damaged assets which may include broken pipes, deep bore of existing soakaways, broken covers, manholes, gullies, brickwork including headwalls, damaged culverts, etc.
- General Reinstatement works including carriageway repairs.

The new framework is required to be operational by the summer of 2023 to meet the planned schedule of forthcoming drainage work.

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

Option 1 – Do Nothing

Allow for the outstanding contracts to lapse. The Authority would not be able to deliver the planned programme of work. This presents unacceptable operational, financial and reputational risk. Discounted.

Option 2 – Extension of current framework

There are no available contract extensions permissible in accordance with the Public Contracts Regulations 2015. Discounted.

Option 3 – Procure a replacement framework appointing three suppliers.

Set up an new framework following a PCR 2015-compliant tender exercise and recognising the anticipated volume and scale of drainage improvements. Preferred Option.

Option 4 – Deliver in-house

The Authority does not have the internal resources (people, plant and facilities) to deliver this type of work in-house. The implementation cost and schedule would not be economically advantageous to meet the planned programme of work. Discounted.

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

Priority 2: Infrastructure for communities

This framework will support the delivery of maintaining, repairing, and installing drainage assets on the Kent highway network to a safe standard which in turn impacts on Kent residents' accessibility to employment, education, health provision and leisure opportunities.

**Financial Implications**

There is no workload guarantee in the framework agreement. All work awarded to contractors will incorporate a discrete contract (from the NEC 4 suite) and will be commissioned in accordance with the appropriate

governance routes.

The current budget for Capital Drainage works is £4.5m for this financial year (23/24). This will be split between the Highway Term Maintenance Contract and this Framework.

The Highway Asset Management budget which includes drainage is part funded by the Department for Transport and Kent County Council through borrowing. The budget for these works will vary each financial year due to the asset management and risk approach across the highway network. This will determine the amount of works that will be commissioned through this framework. Other services will be able to utilise this framework should the scope meet their needs.

It is expected that the replacement procurement will incur a price increase. This is due to the inflationary increases incurred over the last 15 months with the last increase set in early 2022.

A competitive procurement process will appoint the three best value suppliers from the SOR submitted which will demonstrate value for money. While the SOR will increase in line with inflation, the allocated funding is not uplifted annually, therefore it is imperative finding a solution that maximises cost efficiency and continuity.

**Data Protection implications**

The initial screening identified that a Data Protection Impact Assessment will not be necessary as no personal data is collected for this commission.

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

**Who is taking the Decision**

Cabinet Member for Highways and Transport

**Date:**

Not before June 2023

**Reason if Key Decision**

An Equalities Impact Assessment has been carried out and no implications have been identified at this early stage. This will be continually reviewed as required. Individual schemes EqIA's will be completed separately as 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**

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

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

**Support documents**

**NOT BEFORE 9 JUNE 2023**

**Responsible Cabinet Member - Cabinet Member for Education and Skills**

**Reference No:** There are no specific legal implications for KCC. The change relates to children who are under the statutory school age.

**Key No**

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

**Title:**

**23/00055 - Proposed change to age range of Laddingford St Mary’s Church of England Primary School, Darman Lane, Laddingford, Maidstone, Kent ME18 6BL.**

**The Decision needed:**

**Proposed decision**

**The Cabinet Member for Education and Skills to:**

- a) authorise a change to the age range of Laddingford St Mary’s Church of England Primary School from 4-11 years to 3-11 years, to enable the school to establish a nursery class from September 2023.

**Reason for Decision**

In order to provide sufficient early years provision in the Laddingford area, Kent County Council (KCC), together with the school’s Governing Body, is seeking to permanently change the age range of Laddingford St Mary’s Church of England Primary School from 4-11 years to 3-11 years, to enable the school to establish a nursery.

**Background**

The proposed change would alter Laddingford’s age range and increase its PAN to accommodate a cohort of nursery children, reducing its lower age to 3 years, whilst keeping the upper limit at 11 years. This would expand the overall roll of the school to 104 children, educated in 8 cohorts of 13 children. In the first instance, the school would only offer 10 places in

nursery at one time, to allow flexibility in class structures to meet the individual needs of children and not breach the required staffing ratios for nursery aged children.

In the Laddingford area there is a significant absence of nursery provision, with KCC sufficiency data indicating a 234 place deficit within the Marden and Staplehurst planning group (which contains Laddingford) and also place deficits in the neighbouring Maidstone district planning groups. This results in some parents travelling outside of the local area for nursery provision, some by choice and some also due to limited options. It can also present a barrier for parents who aren't able to travel outside of the rural area, or those who do not wish to.

This gap in provision combined with cultural factors means that each year many children join Laddingford Primary School having not been to a pre-school setting. Providing a nursery provision in an environment where parents already feel comfortable and have a relationship with staff is intended to allow Laddingford to support children into school earlier to avoid or close any academic gaps that may already be forming.

### **Options**

Laddingford is a small village school that lies in the heart of its rural community to the South of Maidstone. Local early years places are limited and the options within the village to provide additional provision are limited.

### **Financial Implications**

There is a set up cost associated with this project estimated to be £9,534, as the school require new resources including changing facilities. The school is seeking funding to meet this cost through a grant administered by The Education People on behalf of the County Council. This grant is used to support the development of nursery provision in areas of a high place deficit, such as the Marden and Staplehurst planning group. The funding can be used to purchase new equipment up to the value of £10,000 per setting. There is no direct revenue or capital costs to the council expected from this proposal. If the school is not successful in securing the funding, the nursery would be unlikely to proceed.

Initially, the school is not expecting any additional staffing costs, as the school has 2 Teaching Assistants with a Level 3 childcare qualification, one of whom will work fulltime alongside the teacher in the class. Once the nursery is fully operational, the school would seek to appoint an additional member of support staff. One of the drivers for the nursery is to provide an additional funding source to support the 4th class within the school structure.

The school has moved between a 3 and 4 class structure in response to changes in pupil numbers over recent years. Where the numbers of pupils have started to rise, the school have moved back to a 4 class structure this year. This is both academically and operationally beneficial for the school. The addition of a nursery cohort will secure additional

revenue that will help to support the funding of the 4<sup>th</sup> class teacher more sustainably and support the school to maintain the current structure.

Funding for the nursery class will be received separately to the school's main budget, but the school will be able to manage their budget in its totality. The majority of funding for the nursery class is expected to be received from KCC through the funding of the 3 and 4 year old free entitlement. This is funded by the Council via the Dedicated Schools Grant received from the Department of Education. The total funding for the nursery class is determined through Kent's Early Years Funding Formula and will be dependent on the number of support hours provided. The basic rate of funding for a 3 and 4 year old place for 2023-24 is £4.55 per hour, or a total of circa £52,000 in the first year if the school is able to consistently fill the 10 places.

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

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

Cabinet Member for Education and Skills

### **Date:**

Not before May 2023

### **Reason if Key Decision**

An Equality Impact Assessment (EqIA) has been produced and no issues were identified in the early stage EqIA, but the assessment will be reviewed as the project continues.

### **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:**

See background details.

### **Support documents**

**Responsible Cabinet Member - Cabinet Member for Education and Skills**

**Reference No:** The expansion will be subject to a legally binding and enforceable contract being in place between KCC and the LAT. The Trust will need to secure planning permission for the new accommodation.

**Data Protection implications**

The academy trusts are the 'controllers' under the General Data Protection Regulation and will ensure that any personal information is processed fairly and lawfully within any consultation work completed as part of the fast-track business plan application.

**Key** Yes

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

**Title:**

**23/00056 - Proposed Expansion of Marden Primary Academy**

**The Decision needed:**

**Proposed decision**

The Cabinet Member for Education and Skills to:

- a) authorise the allocation of £3,541,411 from the Children Young People and Education Services Basic Need Capital Budget to fund the permanent expansion of Marden Primary Academy to 2FE by increasing the Published Admission Number (PAN) from 45 to 60 from September 2024.
- b) authorise the Director of Infrastructure, Strategic and Corporate Services in consultation with the General Counsel and Director of Education to enter into any necessary contracts/ agreements on behalf of the County Council with the Leigh Academies Trust.
- c) authorise the Director of Infrastructure, Strategic and Corporate Services to be the nominated Authority Representative within the relevant agreements and to enter into variations as envisaged under the contracts. Variations to contract value to be no more than 10% above the capital funding agreed by the Cabinet Member without requiring a new Record of Decision.

**Reason for Decision**

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 is a five-year rolling plan which is updated annually. It sets out KCC's future plans as Strategic Commissioner of Education Provision across all types and phases of education in Kent. A copy of the plan can be viewed from this link:

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

KCC has identified the need for additional places within the Marden and Staplehurst Planning Group, with forecasts indicating a deficit of 21 places in 2024 that gradually increases to circa 3 FE by the end of the Plan period.

It has therefore been agreed with Leigh Academies Trust (LAT) to permanently expand Marden Primary Academy's PAN from 45 to 60 places from September 2024.

### **Background**

Marden Primary Academy joined LAT in 2020. LAT is one of the country's largest and most-established multi-academy trusts operating across Kent, Medway and South East London. It contains primary, secondary and special academies and is highly inclusive and successful.

Marden has traditionally been popular with parents and this popularity continued to be demonstrated in the recent Primary school preferences, with the academy receiving 39 1<sup>st</sup> Preferences and 73 preferences in total for its PAN of 45 places.

The expansion works will improve the class structure of the school, removing the need for mixed age classes. The works will entail both internal reconfiguring of the existing accommodation and the construction of a new teaching block to the rear of the school. KCC has agreed with LAT that the trust will manage the construction.

### **Options**

The Marden and Staplehurst planning group covers a large rural area to the south of Maidstone and contains 4 schools: Laddingford St Mary's Church of England Primary School, Marden Primary Academy, Staplehurst School and St Margaret's Collier Street Church of England Primary School.

Laddingford and St Margaret's Collier Street are relatively small rural schools with constricted sites that limit their potential for expansion. In the longer term, it is likely that both Staplehurst and Marden will need to be expanded to meet the forecast demand, however analysis of the current and near future additional demand indicates that Marden is under greater pressure for places.

### **Financial Implications**

Capital Funding: It is proposed that it will be an academy managed scheme and LAT have engaged and funded the architects and quantity surveyors to determine the cost of the capital works, which is £3,541,411. This cost has been verified by independent quantity surveyors for KCC and it represents good value for money for the works being completed. The cost of the capital works will include the cost of the build along with associated professional fees and surveys.

KCC will provide the allocated Basic Need Funding in return for the school

providing the necessary accommodation and resources to increase the school's PAN from 45 to 60 places. The roles and responsibility of each party will be formally set out through a legal contract between KCC and LAT. KCC will monitor progress regularly during the building works to ensure that the accommodation needs are being met.

The cost of this project will be funded through the basic need capital programme which has a total overall budget of £160m (as at the time of this document) that covers the period of 2023 to 2026. This included an original budget allocation for this project of £3.2m based on initial estimates. Following detailed scoping of the works the total cost estimate has increased to £3.5m, £0.3m higher. The basic need capital programme budget is managed as a programme of projects, and so the affordability of this proposal is expected to be achieved through the review of future commissioning plans across the whole basic need programme.

Revenue Funding: Should the scheme progress, £6,000 per new learning space would be provided towards the cost of furniture and equipment, a total of £48,000. This is expected to be provided to the school to purchase required equipment. This is expected to be funded through the Department of Education Dedicated Schools Grant for Basic Needs revenue costs (more commonly known as growth funding). This does not represent a cost to the Council. In addition, an allowance of up to £2,500 may be payable to outfit each new teaching room with appropriate ICT equipment, such as touch screens or projection equipment. The school would receive funding for the additional pupils that it admits in line with the funding allocated to schools through schools local funding formula.

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

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

Cabinet Member for Education and Skills

### **Date:**

Not before June 2023

### **Reason if Key Decision**

An Equality Impact Assessment (EqIA) has been produced and no issues were identified in the early stage EqIA, but the assessment will be reviewed as the project continues.

### **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**

In accordance with the DfE's Statutory Guidance 'making significant changes

to an existing academy', the expansion proposal can be fast tracked without the Trust having to provide a full business case to the EFA. However, the academy is required to carry out a public consultation with stakeholders as part of their fast-track application.

**Cabinet Committee consultation planned:**

The proposal to allocate £3,541,411 to fund the expansion will be considered by the 16th May 2023 Children's, Young People and Education Services Cabinet Committee.

**Local Member**

Lottie Parfitt-Reid – Maidstone Rural South

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

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

See under background information

**Support documents**

**NOT BEFORE 8 JUNE 2023**

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

**Reference No:** Counsel have been approached at the appropriate points in this work for legal advice and support the approach.

**Key** Yes

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

**Title:**

**23/00044 - Adult Social Care Charging Policy**

**The Decision needed:**

**Proposed decision:** To:

- a) amend the Adult Social Care Charging Policy; and
- b) delegate authority to the Corporate Director Adult Social Care and Health to take relevant actions, including keeping the policy updated as necessary and to implement it in line the statutory duties.

**Reason for the decision:**

This decision will be a completion of the changes in regard to the

approach to Savings Credit Disregard. After completing changes to address the disparity for people who were overcharged, work has been carried out to prepare a proposal for those people currently being undercharged.

Engagement activities and a public consultation have been carried out, seeking peoples' opinions on the proposed option, asking for any ways to reduce the impact and for any alternatives. Despite an extensive consultation, the response rate was very low, with a fairly even split of views and no viable alternatives were suggested.

It is proposed to only apply the changes for those people new to the service and forego the income due from people currently using the service. The impact of the current high cost of living is a factor in adopting this approach.

It is not possible to predict accurately how many new people accessing services in the future will be impacted by this change, due to the variable nature of the amount disregarded vs financial assessment calculations for each individual.

This decision seeks to formally amend the Adult Social Care Charging Policy to address the remaining undercharging of new people and to leave existing people as per the current policy.

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

The decision supports Priority 4 of Framing Kent's Future to ensure that adults who draw on social care support lead the lives they want to live, by putting their needs at the heart of everything we do, whilst successfully innovating and responding to the challenges to social care funding.

Other options considered and discarded

- 1) Absorb the cost and continue charging less than the legislation states for all people we support - Not chosen due to it being too large a burden on the council's finances.
- 2) Increase the charge to the level stated in the legislation for all people we support - Seen to be too big a risk to the people we currently support. If the council was to change the policy for current people we support, some may feel that that because of their other outgoings and financial commitments, they can no longer afford to pay for their care and may choose to end their care package.
- 3) Increase the charge for new people and incrementally raise the charge to the correct amount for current people over time- Seen to be impractical, costly and highly resource intensive.

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

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

Cabinet Member for Adult Social Care and Public Health

<p><b>Date:</b> Not before June 2023</p> <p><b>Reason if Key Decision</b> An Equality Impact Assessment has been completed in line with Kent County Council requirements and updated to include feedback from the public consultation. This policy change has been determined to have a medium impact on the people it would affect, and mitigations have been identified to reduce the impact.</p> <p>Data Protection implications: A Data Protection Impaction Assessment (DPIA) was not deemed necessary for this decision.</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 decision was discussed at the Adult Social Care Cabinet Committee on 17 May 2023.</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> 4.1 The recommended option will cost the council approximately £215k per annum in income forgone based on the current number of people being undercharged. Whilst it is recognised that the impact on some service users will be an increase in their charge for services, in line with government guidance, and the amount foregone will reduce to nil over time, given the council's financial position and on-going budget pressures, this is a significant loss of income.</p> <p>A cost of £5k to make the necessary system changes has been identified.</p> <p><b>Support documents</b></p>

<p><b>Responsible Cabinet Member - Cabinet Member for Adult Social Care and Public Health</b></p> <p><b>Reference No:</b> Commissioners will ensure compliance with the Public Contract Regulations (2015) and Spending the Council's Money guidance in relation to the procurement undertaken.</p>
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<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>23/00045 - Community Support Services for Children, Young People and Adults with Sensory Needs</b></p> <p><b>The Decision needed:</b>  <b>Proposed decision:</b> To:</p> <p>a) commence formal procurement activity to establish a Framework of providers to deliver Community Support Services for Children, Young People and Adults with Sensory Needs, for a maximum period of four years; and</p> <p>b) delegate authority to the Corporate Director of Adult Social Care and Health to award contracts and take relevant action, including, but not limited to, finalising the contractual terms, entering into a contract and other legal agreements, as necessary to implement the decision.</p> <p><b>Reason for the decision:</b></p> <p>Currently, one-to-one ongoing assistance for children, young people and adults with sensory needs who we support are spot purchased via Individual (‘Indi’) contracts when this is arranged on someone’s behalf by the council. This means that there are no clearly defined contract terms or specifications used to ensure consistent outcomes for people.</p> <p>The aim of this commissioning is to support people across the lifespan pathway with sensory needs to live as safely and independently as possible by providing them with the assistance required as identified within their Care and Support Plan. All support is person-centred based on identified needs, but typically the type of support provided assists adults with maintaining and improving their independence by supporting people with activities such as managing finances, shopping, using public transport to attend appointments and social activities. The need for ‘specialist’ support to be commissioned is to ensure that a person’s individual communication needs are met by the support worker assisting them (e.g., British sign language).</p> <p>The number of adults in Kent predicted to have serious impairments is predicted to rise in the future for all three types of sensory needs. This commissioning activity supports:</p> <ul style="list-style-type: none"> <li>• <b>Framing Kent’s Future</b>, the council strategy (2022-2026), in particular by ‘supporting vulnerable children and families and helping adults who draw on social care to lead the lives they want to live and improving the way we design and deliver our care and support services’.</li> <li>• <b>Making a Difference Every Day</b>, the strategy for Adult Social Care (2022-2027) which aims to ensure that ‘People experience flexible and creative ways of arranging support which enable a balance between choice for the person we support, quality and value’.</li> </ul>

• **Kent’s Strategy for Children and Young People with Special Educational Needs and Disabilities** (2021-2024), particularly the principle that Kent is a place where all children, young people with SEND and their families ‘benefit from working with skilled practitioners who understand their needs and how these can be best met’.

It is recommended that contracted purchasing arrangements are put in place via a Framework of providers for a maximum period of four years. Commissioning the service externally will establish innovation, choice and control for the people we support.

### **Other Options Considered and Rejected**

*Do nothing (continue to arrange individual packages of support on a spot purchase basis)* – This option is likely to lead to a lack of consistency in service, with no minimum standards enforceable and is not compliant with the Public Sector Contract Regulations (2015).

*Provide the service in-house* – This would restrict the choice of people eligible for support, restrict flexibility in service delivery and not take advantage of existing specialist knowledge and skills available within the VCSE sector.

*Vary an existing contract* – This would only allow for a short-term solution as the contract that this service could potentially be added to is over half way through its contracted term (excluding potential extensions), and the lack of a competitive process would reduce the ability to demonstrate value for money.

## **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 June 2023

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

An initial Equality Impact Assessment has been conducted and has concluded that there should be no negative impact on people with protected characteristics. This will be reviewed and updated as necessary throughout the commissioning and contracting process.

Data Protection implications: A Data Protection Impact Assessment will be required for this activity and is in development.

#### **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 decision was discussed at the Adult Social Care Cabinet Committee meeting on 17 May 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 estimated budget requirements for spend split by council Directorate are:</p> <p>Adult Social Care and Health: services: £229,000.00 per annum/ £916,000.00 over 4 years  Children, Young People and Education: £30,000.00 per annum/ £120,000.00 over 4 years.  TOTAL: £259,000.00 per annum/ £1,036,000.00 over 4 years.</p> <p><b>Support documents</b></p>

<b>Responsible Cabinet Member - Cabinet Member for Environment</b>
<p><b>Reference No:</b> A key function of the Waste Disposal Authority operating under the Environmental Protection Act 1990, is to provide outlets for the disposal of Household municipal waste.</p> <p>The Government’s Resources and Waste Strategy sets out a vision and a number of policies to move to a more circular economy, such as waste prevention, and supports reuse, repair and remanufacture activities and reduce greenhouse gas emissions from landfill, this adheres with KCC’s aim of zero waste to landfill, which this commission supports.</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>23/00048 - Waste Treatment and Final Disposal Contracts</b></p> <p><b>The Decision needed:</b>  <b>Proposed decision</b>  To agree:</p> <p>(i) to tender and award a new contract for an initial 3-year period with an option to extend for up to 2 years, for the receipt and processing of bulky waste and other waste types related to the scope of these contracts; and</p>

- (ii) delegate authority to the Director of Environment and Waste to award and enter appropriate contractual arrangements as necessary to implement the decision.

### **Reason for the decision**

KCC currently has in place contractual arrangements that are due to expire 30<sup>th</sup> June 2023, and therefore is seeking new contractual arrangements for the processing and disposal of bulky waste deposited at the HWRCs and that which is collected by the Waste Collection Authorities (WCA). These are larger items of waste but also include, fly tips, marine carcasses, street cleansing and beach arisings. The new contracts will also include some contingency in the event of the Allington EFW plant becoming unavailable for planned or unplanned shutdowns. The contract is proposed to be up to a 60-month term.

### **Background**

As the Waste Disposal Authority, KCC has a statutory responsibility to dispose of bulky waste deposited at Kent's 19 Household Waste Recycling Centres and waste collected by the WCAs.

Waste Management currently operates contracts with Countrystyle Recycling Ltd and Veolia ES (UK) Ltd for the disposal of bulky waste which totals c.30,000 tonnes per annum.

The scope of the contracts includes bulky waste items which cannot be processed through the energy from waste facility Allington, marine carcasses that require specialist disposal and fly tipped waste; plus, any other ad hoc materials that are non-hazardous and unable to be disposed of at other outlets.

The waste is currently processed and transported to be used as Refuse Derived Fuel to produce power or combined heat and power either in Europe or in the UK where capacity allows.

The current Countrystyle and Veolia WTFD contracts complete on the 30<sup>th</sup> June 2023, as such, the commissioning process is underway.

This commissioning ensures continuity of service in respect of the acceptance of these waste materials continuing at Kent's Household Waste Recycling Centres and via the Waste Collection Authorities.

### **Options**

1. Do nothing – the current contracts will elapse. This is not an option as KCC as the Waste Disposal Authority has a statutory obligation to provide a waste disposal service as per the Environmental Act 1990.
2. Discontinue accepting the bulky waste at the HWRCs and from Collection Authorities – this is not an option due to KCC's obligation to take this material under waste legislation – Environmental Protection Act 1990.
3. Undertake a full commissioning activity to procure a new contract -

The Contracts have been extended to the limitation of the procurement procedures; therefore, a new commissioning activity is underway to secure a provider who is able to process the waste material using Best Available Techniques (BAT – environmental standard).

### **Preferred Option**

Option 3 is the preferred option. The Authority is seeking to appoint a new provider or providers to secure a contract for an initial term of 3 years with an option to extend for up to 2 years that will benefit and achieve the best outcomes for the Authority and Kent households and fulfil the Statutory duty of KCC operating under the Environmental Protection Act 1990, to dispose of collected municipal waste.

### ***The commission of this contract will meet KCC's Strategy – Framing Kent's Future 2022 – 2026 one of the four key priorities:***

Environmental step change - to build on the work begun to reach KCC's ambitious Net Zero targets, while managing climate impacts that the county is already experiencing. This includes protecting and strengthening our natural environment, working with our partners towards Kent being Net Zero by 2050, exploring options for carbon zero energy production and use, and ensuring that the county is well placed to adapt to climate change.

Continue to work with our commissioning partners to create the infrastructure and jobs that enable us to reprocess waste materials and produce energy within the county, in order to maintain a closed loop local economy.

### **Data Protection Implications**

There is no personal data collected or exchanged and no implications under GDPR.

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

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

Cabinet Member for Environment

### **Date:**

Not before June 2023

### **Reason if Key Decision**

An Equality Impact Assessment has been carried out and as this is not a public facing service there is no potential for discrimination. All opportunities to promote equality are currently being taken in line with KCC policies and statutory requirement as part of the Household Waste Recycling Centre service. No Protected characteristics are impacted.

### **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>  The cost will be met by existing revenue budgets. Haulage costs are accounted for within the HWRC and Transfer Station contracts. The cost for the commission is circa: £4.5 million per annum.</p> <p>Early indications from the PIN (Prior Information Notice) suggest an increase from the current price; this is due to legislation changes and the current economic and energy price pressures.</p> <p><b>Support documents</b></p>

**NOT BEFORE 5 JUNE 2023**

<p><b>Responsible Cabinet Member - Cabinet Member for Education and Skills</b></p> <p><b>Reference No:</b> Local authorities have a duty to prepare and publish by 31 May each year an annual transport policy statement specifying the arrangements for the provision of transport, or otherwise that the authority considers necessary, to make to facilitate the attendance of all persons of sixth form age receiving education or training.</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>23/00051 - Post 16 Transport Policy Statement for 2023/24</b></p> <p><b>The Decision needed:</b>  <b>Proposed decision:</b>  The Cabinet Member is asked to agree the Post 16 Transport Policy Statement for 2023/24</p> <p><b>Further information:</b>  There is a legal requirement for post 16 learners to stay in education, training or work-based learning until they reach 18 years of age, and as young adults there is an expectation they will contribute to the cost of their travel</p>

in most circumstances. Whilst there is no statutory duty to provide transport for Post 16 Learners there is a duty to consider applications for assistance with transport and to enable access to education. There are no planned changes to the Post 16 Transport Policy Statement or this commitment for the 2023/24 academic year.

KCC consulted with current and future service users between 25 January and 21 March 2023 on a Post 16 Transport Policy Statement for 2023/24 in spite of the offer remaining unchanged, as there is a legal requirement to do so annually. It should be noted that this consultation also included proposals for changes to the Post 16 Transport Policy Statement for 2024/25 and a formalisation of Kent's 4 – 16 Free School Transport Policy for 2024/25. Analysis of responses to these elements of the consultation are currently underway and a separate paper will be presented to CYPE Cabinet Committee in July to determine those proposals. However, it was necessary to consider the Post 16 Transport Policy Statement for 2023 earlier to fulfil our statutory responsibilities for annual review.

KCCs primary method of meeting its obligation in regard to Post 16 Transport will be through the continued offer of the Kent 16+ Travel Saver pass. Where learners can demonstrate that the KCC 16+ Travel Saver pass does not enable access to education, learners can appeal to the Local Authority with a view to accessing alternative assistance.

We also offer a number of Active Travel schemes to allow pupils to make the most of opportunities to walk or cycle to their place of learning, which are especially important this year to help reduce the number of students using the public transport network [www.kentconnected.org](http://www.kentconnected.org).

Kent County Council will also aim to improve the independence of learners with a Learning Difficulty Assessment, by providing travel training to students who will then be able to access public transport with the use of the KCC 16+ Travel Saver pass.

The post 16 Transport policy for Kent County Council enables access to education for Kent Learners. To assist Kent's young adults in accessing their education in schools, colleges and through apprenticeships or work-based training provision.

Kent County Council has provided students with the opportunity to apply for a Kent 16+ Travel Saver pass which is subsidised by the Authority and can be purchased online through Kent County Council's website. The 16+ Travel Saver pass gives unlimited access to the public bus network and learning providers can choose to further subsidise this charge to their students or trainees if they wish in cases of financial hardship.

With the participation age of 18 years, the 16+ Travel Saver pass will widen the opportunity for Kent's young adults to access the education provision of their choice at a subsidised cost. This may be at schools, academies, colleges or in the workplace though an apprenticeship or other work-based training provision. Support for accessing education is not prescribed and Kent use the 16+ Travel Saver pass to meet its duty to

enable users access to education.

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

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

Cabinet Member for Education and Skills

### **Date:**

Not before June 2023

### **Reason if Key Decision**

Post 16 Transport Policy has an overall positive impact for learners with protected characteristics, with little to no negative effects. The document and consultation information can be found via [www.kent.gov.uk/schooltransportpolicy](http://www.kent.gov.uk/schooltransportpolicy).

### **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 will be discussed at CYPE Cabinet Committee on 16 May 2023.

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

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

The scheme is uncapped and costs will vary depending on take up levels and journeys undertaken by cardholders, and so the overall costs of the scheme can vary year to year. In the financial year 2022-23, the cost of the post 16+ KTS was £2.7m of which £2.5m was funded from the recharge of the pass. The remaining subsidy of £0.3m is met from the revenue budget. The 2023-24 MTFP includes savings from increasing the KTS 16+ pass cost from September 2023 however, following confirmation of the Bus Subsidy Implementation Plan for 2023-24, these increases are expected to be delayed with costs covered by grant funding (as outlined in Key Decision 23/00027). In addition, the Home to school transport revenue budget also subsidises the Post 16 SEN Transport offer. This numbers fluctuate from year to year, but the total subsidy is around £10 million per annum.

### **Support documents**

**Responsible Cabinet Member - Cabinet Member for Education and Skills**

**Reference No:** The proposals above have been produced jointly by the company and Education Service, the contract commissioner, in line with contract requirements.

There are no legal implications.

**Key** Yes

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

**Title:**

**23/00050 - Services provided by The Education People**

**The Decision needed:**

**Proposed decision:**

To reduce the value of the core contract with The Education People in 2023/24 by £0.4m through changes to the service specification.

**Reason for the decision:**

As part of KCC’s budget setting process discussions have taken place with TEP’s leadership to assess areas of efficiency. Proposals for £0.4m of savings in 2023-24 have been received. In summary these include:

Reduction in contract fee for financial year 2023/24 - Description	Value
Early Years and Childcare Service	- £128,825
Equality Diversity Inclusion Team	- £45,500
Governor Services	- £6,585
Primary School Improvement	- £39,000
School Financial Services	- £92,940
Secondary School Improvement, Special Schools and PRU's	- £87,150

The contract between KCC and TEP is currently subject to formal review by the Education Service and TEP Teams, in line with the contract terms. This will ensure future service delivery reflects changes in the political and educational landscape, the needs of schools and the LA, and are delivered at a lower cost. It is expected that through the TEP contract review further savings of £900k (2024/25) and £300k (2025/26) will be achieved.

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

The alternative to reducing the value of the TEP contract by £0.4m (3.6%) is to secure savings elsewhere in the Education Service budget. Delivery of the MTFP savings (£0.9m) requires action in addition to the proposals in this paper. The proposals represent a fair balance as to where savings are being made.

It is feasible to consider finding different savings from within the TEP contract to those included in the proposals. However, the proposals offer savings where circumstances have changed and activity is no longer necessary, areas where responsibility for funding these should rightly fall to the school receiving the service, and areas which are believed to add least value.

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

**Who is taking the Decision**

Cabinet Member for Education and Skills

**Date:**

Not before June 2023

**Reason if Key Decision**

The proposals do not relate to any activity which directly interfaces with members of the Kent community. In the main these remove from the contract requirements activity which is no longer necessary for either TEP or KCC to continue to deliver their responsibilities.

The equalities impact assessment indicates there are no equalities implications arising from the proposed decision.

The EqIA will be revisited again as part of the formal review of the contract which is currently in process.

Data Protection implications: The proposed decision does not create any 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 proposed decision will be considered by the Children’s, Young People and Education Committee on 16 May 2023.

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

The savings in the TEP contract form part of the delivery solution to the overarching MTFP savings required of the Education Service of £0.9m in 2023-24, and indicative savings of £1.2m and £0.3m in 2024-25 and 2025-26 respectively.

The TEP contract is funded from both Council base budget and the Dedicated Schools Grant (DSG). The proposals set out in Table 1 (and in detail in appendix one) will save £0.4m in 2023-24 against the TEP contract (of which approximately £0.1m will relate to the DSG). In addition to this saving KCC, through its general discretion not to award an inflationary pay increase sum, will expect TEP to absorb inflation and wage pressures.

Details of how the future years’ savings will be achieved have not yet been determined. Following the contract review process the proposed revised contract and service specifications for TEP will be reported to this Committee later this year.

**Support documents**

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

**Reference No:** As above.

**Key** Yes

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

**Title:**  
**23/00046 - Designated Keyworker Early Adopter Programme**

**The Decision needed:**

**Proposed decision:**

The Cabinet Member for Integrated Children's Services is asked:

- a) To endorse Kent County Council as the provider of the Designated Keyworker Programme for Kent and Medway and to permit the acceptance of the funding from NHS England (via Kent and Medway Integrated Care Board) for the financial year 2023/2024.
- 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.

**Reason for the decision:**

Kent County Council successfully submitted an Expression of Interest to NHS England, on behalf of Kent and Medway Integrated care System, for early adopter status of the Designated Keyworker Programme in Kent and Medway and to act as the main provider.

The programme is fully funded by NHS England, via NHS Kent and Medway Integrated Care Board, until March 2024.

As the programme funding for the financial year 2023/24 exceeds £1 million, the Council must take a formal decision to accept the funding for the continued delivery of the Kent and Medway Designated Keyworker Programme. Acceptance of this funding will also allow the Council to continue to make a difference to the lives of children and young people with learning disabilities and/or those with autism and their families in Kent and Medway.

**Background:**

The 'Keyworking' function was developed in response to the NHS England Long Term Plan commitment that, by 2023/24, children and young people, aged 0-25, with a learning disability, autism or both, with the most complex of needs (hereafter referred to as 'CYP') will have a Designated Keyworker, as recommended in the Lenehan Report (2017).

The functions of 'Keyworking' are:

- a) to ensure that CYP and their families get the right support at the right time and that local services are responsive to meeting their needs in a holistic and joined up way.
- b) to prevent CYP being admitted unnecessarily to any form of acute mental health hospital or institutional care.

- c) where a CYP is unavoidably admitted to an acute mental health hospital, to ensure that their stay is as brief as possible and support plans are developed and in place for discharge into the community.

The 'Keyworking' programme ensures a personalised approach to supporting each CYP and their family in a time of crisis and ensures strategies and support are put in place to prevent further crises.

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

- For the programme to be hosted by the Kent & Medway Integrated Care Board.
- For the programme to be hosted by the Kent and Medway Children & Young Peoples Mental Health Provider North East London Foundation Trust (NELFT)

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

The proposed decision supports:

- Framing Kent's Future Our Council Strategy 2022-2026, Specifically Priority 4 New Models of Care & Support 1. Explore all opportunities to integrate our commissioning of services to improve health and care outcomes, for example enablement and intermediate care, joined-up hospital discharge services, jointly commissioning care home services, and technology enabled services
- The Council's SEND Transformation Programme
- NHS England Transforming Care Programme

**Financial Implications:**

The revenue funding for financial year 2023/24 for Kent and Medway is £1,434,000. There is no capital funding associated with this programme. The programme is wholly funded by NHS England, the money is passported to Kent County Council via the Kent and Medway Integrated Care Board. The revenue funding is held within the Disabled Children's 0-18 Commissioning budget line.

Most of the funding is attributable to staffing including a grant to Kent PACT, to host the Peer Associates Team (although this is being re-tendered). The remainder is for programme planning and implementation, and staff training.

The spending plans are in accordance with the NHS England conditions of funding. NHS England have specified that the funding should be used to scope and develop a Keyworking Service which will complement existing universal services and/or offer new interventions in order to improve support to CYP and their families in Kent and Medway.

The programme funding from NHS England will cease in March 2024 and funding of the service will transfer to the Kent and Medway Integrated Care Board from April 2024. All redundancy costs, should that be required, have been accounted for to mitigate any financial risk for the Council.

**Legal Implications:**

As the funding is made available following a successful Expression of Interest,

a contract is created between Kent County Council and NHS England. Matt Dunkley Corporate Director for Children, Young People and Education agreed and signed off the Expression of Interest in June 2020. The obligations require Kent County Council to progress the scoping, development, and other activities of the Keyworking function in Kent and Medway during the life of the Programme.

NHS England monitors the progress of the programme development by requiring submission of quarterly reports. Specific information is requested in the reports including number of CYP being supported and outcomes, workforce headcount and roles, case studies of intervention and support, continuous improvement activities, challenges, and risks.

A procurement exercise is currently underway to identify a suitable future provider for the Peer Associate Team, as the initial arrangement with Kent PACT expires at the end of June 2023. This procurement will be completed in accordance with Public Contracts Regulations 2015 and TUPE will apply.

## **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 June 2023

### **Reason if Key Decision**

An initial Equality Impact Assessment has been conducted which identified some negative implications for certain protected characteristics. However, the identified areas (e.g., age and disabilities) are as a result of the programme design and requirements. Mitigations have been identified and being put in place.

Data Protection implications:

A DPIA has been completed and is due for review in August 2023.

### **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 Children, Young People and Education Cabinet Committee on 16 May 2023.

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

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

As above.

## Support documents

**Responsible Cabinet Member** - Cabinet Member for Education and Skills

**Reference No:** As above.

**Key** Yes

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

**Title:**

**23/00039 - Countywide Approach to Inclusive Education**

**The Decision needed:**

**Proposed decision:**

Agree the ‘Countywide Approach to Inclusive Education’ be made a strategy for Kent for 2023-28

**Reason for the decision:**

The Countywide Approach to Inclusive Education (CATIE) document was first published on KELSI in April 2021, establishing the commitment in Kent to improve inclusion across all phases and settings by means of four core priorities. CATIE was recognised as the approach Kent and its partners would take over the next 5 years, however, it was never formally agreed as a strategy.

**Background:**

The priorities within CATIE have been shaped by the current and future context Kent faces, and by the ideas and feedback received from our partners, stakeholders and residents. Each priority includes specific commitments and supporting objectives, and will focus our efforts as a council, and collectively with our partners, to meet those challenges and improve outcomes in mainstream settings for children and young people with SEND. The Priorities are:

1. Supporting a school led system to deliver the highest quality core inclusive education
2. Providing additional intervention and support with engagement and integration
3. Inclusive Education is part of a broader, holistic, and joined-up offer of support
4. Ensuring smooth transition between education phases

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

The process for developing the CATIE document was iterative and alternative options were considered within this process to ensure the expectations set were the right ones for Kent.

Standards and expectations for inclusive education in Kent were agreed following intensive collaboration with schools, settings, parent/carers, young people, and other key stakeholders.

The CATIE was informed by the SEND Code of Practice, the Kent Strategy for Children and Young People with Special Educational Needs and/or Disabilities 2021-24, research published in the Local Government Association report 'Developing and sustaining an effective local SEND system', as well a local collaboration.

Since CATIE was first developed the SEND and AP Improvement Plan has been published, aligning to many of the principles Kent has already signed up to within CATIE. With the Improvement Plan's publication and its statements to the ongoing commitment of central government to the 'right support, right place, right time' we will update CATIE with confidence in its priorities position centrally.

**How the proposed decision meets the objectives of 'Increasing Opportunities, Improving Outcomes: Kent County Council's Strategic Statement (2015-2020)':**

CATIE underpins many principles held by Framing Kent's Future our strategy for 2022-2026 and will support the Council's efforts to meet our immediate challenges as well as embedding foundations for long-term success.

Priority One of Framing Kent's Future, Levelling up Kent, aims to maintain Kent County Council's strategic role in supporting schools in Kent to deliver 'accessible, high quality education provision for all families', this is the cornerstone of the CATIE. Achieving the best possible outcomes within the CATIE framework will positively impact this Council priority. Our Schools Commissioning Plan and placement sufficiency activities support this levelling up priority to improve and maintain choice of school places for Kent's families.

Elements of priority four in Framing Kent's Future are also threaded intrinsically through the CATIE, reshaping commissioning, building better partnerships, integrating our planning and having a strong focus on co-production are behind the four core priorities CATIE sets out.

Approving the CATIE as Kent's strategy for inclusive education will allow us to robustly embed the planned activity in a way that supports the Council wide objectives that make up Framing Kent's Future.

**Legal Implications:**

Legally our duties remain the same if CATIE is a strategy for Kent or not. Section 19 of the Children and Families Act 2014 sets out the principles underpinning the legislation and the guidance in [the SEND] Code of Practice. 'When considering an appeal from a parent or young person the First-tier Tribunal (Special Educational Needs and Disability) ('the Tribunal') must have regard to this Code of Practice'. Local Authorities 'must consult children with SEN or disabilities, and their parents and young people with SEN or disabilities when reviewing local SEN and

social care provision’ .

‘As part of its commitments under articles 7 and 24 of the United Nations Convention of the Rights of Persons with Disabilities, the UK Government is committed to inclusive education of disabled children and young people and the progressive removal of barriers to learning and participation in mainstream education. The Children and Families Act 2014 secures the general presumption in law of mainstream education in relation to decisions about where children and young people with SEN should be educated and the Equality Act 2010 provides protection from discrimination for disabled people’

‘The School Admissions Code of Practice requires children and young people with SEN to be treated fairly. Admissions authorities:

- must consider applications from parents of children who have SEN but do not have an EHC plan on the basis of the school’s published admissions criteria as part of normal admissions procedures,
- must not refuse to admit a child who has SEN but does not have an EHC plan because they do not feel able to cater for those needs,
- must not refuse to admit a child on the grounds that they do not have an EHC plan’ .

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

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

Cabinet Member for Education and Skills

#### **Date:**

Not before June 2023

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

Low negative impact.

Data Protection implications - screening in progress.

#### **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 and co-production was undertaken in the creation of the CATIE in late 2020 and early 2021. Schools, parents/carers, other stakeholders were involved in the discussions and decisions over content within CATIE via different working groups. There was a County Education Reference Group that met 6 times a year, involving LA education and inclusion personnel, school staff across all phases and type of setting, Kent Special Educational Needs Trust and Kent Association of Headteachers representatives. A High Needs Funding Working Group convened and

met monthly (and continues to meet now) with LA finance personnel and school staff across various phases and types of setting. A Transition Working Group was assembled and met monthly, and continues to meet now less frequently, with various stakeholders and partners invited. Parent/Carer feedback was gained via schools, with an event held in Autumn 2021.

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

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

The principles of the CATIE document and the proposal to make the CATIE Kent's strategy for Inclusive Education CATIE has been included as part of the approach to delivering Kent County Council's Dedicated Schools Grant (DSG) 'Safety Valve' Agreement with the DfE. It has been approved as part of the DSG management plan to 'Implement a countywide approach to 'Inclusion Education', to further build capacity in mainstream schools to support children and young people with Special Educational Needs and Disabilities (SEND), thus increasing the proportion of children successfully supported in mainstream education and reducing dependence on specialist provision'. The agreement is subject to review and 'insufficient progress being made towards the authority reaching and sustaining an in-year balance on its DSG account as set out in the plan' could result in a breach of the agreement.

**Support documents**

**NOT BEFORE 2 JUNE 2023**

**Responsible Cabinet Member -**

**Reference No:** We are exercising the extension clause within the Contract and therefore there is minimal risk of challenge as the OJEU Call for Competition and Award Notice details that the contract would be for up to a 11-year period (7 years with up to 48-month provision for extensions). There has been no case law where a party has successfully challenged an extension allowed for within a procurement process that was granted late. It would be difficult to evidence grounds of challenge when the potential extension period has been detailed within the notices and tender documents. Any additions/adjustments to the standard contract produced in 2015 (ratified by KCC Legal Services) will be passed to KCC Legal for checking ahead of the contract being put in force.

**Key No**

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

**Title:**

**23/00026 - Old Rectory Management Contract**

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

To extend the existing Old Rectory Business Centre Management Services contract by a further one year.

**Background and reason for the decision:**

The Old Rectory is a KCC owned facility that has offered high quality office space to SMEs since 2009. The centre is managed by an external supplier. The previous contract for management services was awarded in 2015 for a period of seven years, with an extension granted for a further one year which will end in November 2023.

The proposal is to extend management services contract at the centre by a further 12 months during which time a review will be conducted to decide the future of the Centre.

Gross estimated income will be more than £1m if the contract was extended for three years, but current financial circumstances suggest that a more detailed review of all the options should now be undertaken to decide the best value course of action.

**Options:**

- 1) Extend the contract for the duration of 3-years - to exercise the full extension clause within the existing contract, allowing the current service provider an 11-year term (7 years with up to 48-month provision for extensions). The current provider has proposed a reduction to their share of profits by 25% (from 40% to 30% of the total profit) for the duration of a 3-year contract extension with effect from 31st November 2023. This option would increase KCC's share of the profits (if other terms remain the same), and by extending the existing contract, it will cut out the disruption/cost of a potential new management company replacing the current provider (IWG/Basepoint). Also, given the volatility of the current market, it may be sensible to go out to tender in 3 years' time, when conditions could be more favourable to business.
- 2) Initiate a full PCR compliant procurement exercise. Whilst The Old Rectory has benefited from the current service provider maximising potential income generation from the centre, a full OJEU process would permit KCC to test the market to ensure both price and value for money. KCC would continue to receive a share of profits. However, any potential change to the service provider could be disruptive to current licensees located at the centre.
- 3) Disposal of the asset. If this option is chosen the Council would lose out on future income revenue but would receive an immediate capital receipt which could be put towards other Council resources. This option would potentially be disruptive to existing businesses located at the centre.
- 4) Disposal of the asset and transfer of its functions (as a business

centre) as an ongoing concern. This option would also ensure that any disruption to existing businesses located at the centre is minimised. As with Option 3, if this option is chosen the Council would lose out on future income revenue but would receive an immediate capital receipt which could be put towards other Council resources.

The proposed decision meets the objectives of 'Framing Kent's Future 2022-2026' by supporting the Kent economy to be resilient and successfully adapt to the challenges and opportunities it faces over the coming years; and by backing SMEs and entrepreneurs to start-up, grow and drive adoption of new technology.

**Data Protection implications:**

A DPIA for the Old Rectory is not required since KCC does not collect personal information on licensees or centre users.

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

**Who is taking the Decision**

**Date:**

**Reason if Key Decision**

An EqIA was published in 2023, with low/no negative impact on Protected Groups, and no potential for negative discrimination. The assessment also identifies positive impacts on Protected Groups. The previous assessment was in 2019. It should be noted that a diversity questionnaire will be requested from each tender response in the event of an open procurement process. In addition, provider is required to provide services consistent with the Council's Equality and Diversity Statement.

**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 Members of the Growth, Economic Development and Communities Cabinet Committee at their meeting on 16<sup>th</sup> May 2023.

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

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

The centre is self-funding and generates an annual profit, which is placed within a "sinking fund" held by KCC, ring-fenced for The Old Rectory and is

utilised as necessary, where works to the building in the future become necessary. The annual net profit to KCC is currently estimated to be between £75k-£80k.

**Support documents**

Proposed Record of Decision

Decision Report

EQIA

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

**Reference No:** KCC Fastrack team and KCC Property team will utilise legal support to ensure all necessary consents relating to land matters for the new Fastrack Electric bus charging infrastructure are obtained as appropriate. KCC Fastrack team have appointed Invicta Law who is already working with the Fastrack team on this. KCC Fastrack team have engaged with KCC Property team who will negotiate all required Heads of Terms for land transaction arrangements.

**Key No**

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

**Title:**

**23/00038 - Fastrack Electrification - Land matters**

**The Decision needed:**

**Proposed decision**

To authorise the Director of Infrastructure, in consultation with the Corporate Director of Growth Environment and Transportation, to agree all necessary contractual arrangements relating to land and property matters to facilitate the Fastrack Electrification schemes at Thameside and Dover.

**Reason for the decision**

Under decision 22/00086 the Cabinet Member for Highways and Transport agreed the delivery of three Fastrack Electrification Sites, two for Fastrack Thameside and one site for Fastrack Dover.

It has become apparent that several of the property and land related decisions may fall outside of the usual delegations outlined in KCC’s Constitution, specifically its Property Management Protocol.

As a precaution, and to ensure that the project can progress to time, a further decision is required, delegated to the Director of Infrastructure, whose team will conduct negotiations as necessary on behalf of KCC’s public transport team, to ensure that all property related decisions can be made efficiently.

## **Background**

Fastrack is Kent County Council's Bus Rapid Transit (BRT). The decision to progress with the procurement process using ZEBRA funding was taken by David Brazier, Cabinet Member for Highways and Transport on 30 September 2022.

This further decision is requested to allow KCC Fastrack team and the KCC property team to progress and finalise land matters and enter into legal agreements with relevant District Councils, Network Rail and other parties to allow the electric bus charging solution to be installed and energised as per the proposed timeline.

The Electric Bus charging infrastructure is proposed to be installed at:

1. Acacia Hall car park, Dartford
2. Gravesend Bus Hub, Gravesend
3. Dover Priory Station, Dover

Fastrack electrification land matters include but is not limited to :

- Land leases
- Land Agreements for the duration of the Fastrack EV charging solution contract
- Easements/wayleaves
- Various license arrangements
- Other legal land matters documentation as required

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

The property management protocol already delegates authority for certain transaction types - this delegation would not be required for these. Returning for a Member Decision for each matter not covered by the property management protocol would introduce delay and additional unnecessary administration.

## **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>

## **Infrastructure for Communities**

***Commitment to support the development of zero emission/new technology public transport projects, for example zero emission buses, to increase efficiency and sustainability of public transport options.***

Fastrack is already a community asset and the electrification contracts will create a new generation of a 'zero emission' Fastrack.

Electric Fastrack led by KCC's public transport team is expected to be the first fully electric bus fleet in Kent when it goes live during 2024 leading the way for future electric buses across Kent.

This decision is to ensure the land and property matters for the Fastrack electric bus charging infrastructure do not delay the installation and energisation of the Fastrack electric charging solution which in turn delay the commencement of the new Fastrack electric operator service.

### **Environmental Step change**

***Commitment to turn the curve on transport emissions and road pollution by developing approaches to road space, parking, public transport and electric vehicle infrastructure with a presumption towards more sustainable and low carbon travel modes.***

Fastrack Thameside is now exceeding pre-covid levels of bus patronage leading the Covid bus recovery in the UK. Fastrack's ambition for electrification is to further increase modal shift to electric public transport from private car use.

Use of Zero emission buses means reduced transport CO2 emissions and reduced air pollution in the Thameside area. Dartford Homes Gardens bus corridor is the third worst for severity of air pollution in Kent and Medway, therefore Fastrack electric bus fleet will help tackle air pollution where it is most needed.

***Commitment to support Kent to become a leading county for carbon zero energy production and use.***

Fastrack is moving from a diesel bus fleet to a fully electric bus fleet with supporting OppCharger bus charging infrastructure during 2024. Fastrack intends to source its electricity from renewable energy sources and aims to supplement the electricity by solar panels at strategic locations on the Fastrack Thameside bus shelter network and work towards sourcing locally generated solar or wind power when possible during the contract.

Tackling the climate emergency and protecting the natural environment continues to be an urgent priority for Kent, as well as investing in the built environment and creating communities to be proud of.

***Commitment to consider Kent's environment as a core asset that is valued, strengthened and protected.***

Fastrack already led the way encouraging pollinators on its estate with Fastrack wildflower verge planting with Phase 2 due to be rolled out during 2023. The Fastrack team is procuring a Living Roof bus shelter contractor during 2023 to supply and install Living Roof bus shelters on the Fastrack Thameside BRT network.

The Fastrack team work with Kent's Plan bee team and wildflowers used on the Fastrack network including on the land we require for the Electric bus chargers will attract the rare shrill carder bee & increase biodiversity of pollinators in the local areas of the three electric charging sites.

### **Data Protection implications**

N/A
<b>Section 2 – Who is taking the final decision and when</b>
<p><b>Who is taking the Decision</b> Cabinet Member for Highways and Transport</p> <p><b>Date:</b> Not before June 2023</p> <p><b>Reason if Key Decision</b> A Fastrack electrification EQIA accompanied KCC's ZEBRA bid to the DfT and remains a live document. The schemes proposed are shown to have either a positive or no impact on the protected characteristics.</p> <p><b>Reason if this decision has been delayed/withdrawn from a previous plan</b> Fastrack Kent Thameside users are bi-annually surveyed on their views and these were considered carefully when designing the next iteration of Fastrack. The next Fastrack Thameside survey will be during Spring/Summer 2023 focused on feedback on fares/ proposed fare structure.</p> <p>Public Consultation has been conducted on the wider Fastrack Dover scheme which included specific information about proposed electrification.</p> <p>As part of the KCC Planning Application process for the EV Charging Infrastructure there will be some very local consultation with nearby residents at the three locations and with Dartford BC, Gravesend BC and Dover DC.</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> Following feedback from GET Finance business partner, CED and DCED Finance Business Partner, we clarify that the land matter costs are expected to be low value and are not expected to use KCC budget. It is the intention to pay for the land matters using part of the ZEBRA funding (it has both capital and revenue elements), existing Fastrack budget and future Fastrack electric operation income for the duration of the Fastrack operator and Fastrack Electric bus charging contracts (15 years +5). The key decision relating to the Fastrack electrification funding and procurement, using ZEBRA funding was taken in September 2022. This included the acceptance of the DfT ZEBRA funding, which funds the Fastrack Thameside electric bus fleet as well as the Fastrack Opp Charger Infrastructure for Fastrack Thameside and Fastrack</p>

Dover.

### **Support documents**

**Responsible Cabinet Member** - Cabinet Member for Community and Regulatory Services

**Reference No:** This policy has been revised taking full consideration of:

- Caravan Sites and Control of Development Act 1960
- Caravan Sites Act 1968
- Mobile Homes Act 1983
- Data Protection Act 2018
- Housing Act 2004
- Human Rights Act 1998
- Housing and Regeneration Act 2008
- Equality Act 2010

It is highlighted in the revised policy that KCC is not a registered housing authority under the Housing Act 1985 and that KCC has no statutory obligation to house applicants.

The revised Policy and Application Form has been reviewed alongside the Consultation Report by a Barrister and opinion provided to ensure the Policy is fair, inclusive, legally compliant, and suitably robust to achieve its purpose.

**Key** Yes

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

**Title:**  
**23/00040 - Adoption of Gypsy and Traveller Site Pitch Allocation Policy**

**The Decision needed:**

**Proposed decision:**

The Growth, Economic Development and Communities Cabinet Committee is asked to consider and endorse or make recommendations in relation to the proposed decision to be taken by the Cabinet Member for Community and Regulatory Services, to adopt the Gypsy and Traveller Site Pitch Allocation Policy and Application Form.

**Reason for the decision:**

The Pitch Allocations Policy was last updated in 2012 and is pivotal to the good management of Gypsy and Travellers sites owned by KCC. The review is to ensure pitches are allocated in a fair, transparent, and consistent way across all sites.

**Background:**

The Gypsy and Traveller Site Pitch Allocation Policy was last updated in 2012 and it sets out how the County Council will establish an applicant's need for a pitch on a site it owns, and how vacant plots will be allocated.

The draft revised Policy was consulted upon from 30<sup>th</sup> November 2022 to 7<sup>th</sup> February 2023, following its endorsement by the Growth, Economic Development and Communities Cabinet Committee in November 2022. The results of the consultation have been received and incorporated into the revised Policy as appropriate, and the Gypsy and Traveller Site Pitch Allocation Policy is now considered ready for adoption.

This policy is pivotal to the good management of sites and ensuring that our sites provide a safe environment for Gypsy Roma Traveller communities and needs a review and refresh to ensure that it includes learnings from recent enforcement and compliance actions, as well as good practice adopted by other Local Authority Gypsy and Traveller teams.

**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>)

Priority 2: Infrastructure for Communities. Good management of sites offers a safe and quality environment for the Gypsy and Roma Community.

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

The option of not revising the policy was considered but rejected due to the significance of this Policy in effective site management and the need to ensure that Council owned sites provide a safe environment for Gypsy Roma Traveller communities.

**Data Protection implications:**

*The DPIA has been updated following the revisions made to the Policy from the Consultation feedback and is pending approval from the DPO at the time of writing.*

## 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 June 2023

**Reason if Key Decision**

Screening of the proposed policy and consultation process did not highlight any significant direct negative impact on any of the protected groups, however, it did provide some specific areas for consideration and inclusion to ensure that the consultation and application process are accessible to all.

The Equality Impact Assessment for the Policy has been revisited and updated to consider the feedback received during consultation. This

screening did not highlight any significant direct negative impact on any of the protected groups.

**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 draft version of the policy was reported to the Growth, Economic Development and Communities Cabinet Committee and endorsed for public consultation in November 2022. The updated revised policy was considered and endorsed by Members at their meeting on 16<sup>th</sup> May 2023.

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

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

There are no negative financial implications to the revised Gypsy and Traveller Site Pitch Allocation Policy; however, the introduction of a deposit scheme will provide some limited reimbursement to Kent County Council when a resident absconds from site, either leaving behind waste, owing rent arrears to the Authority, or causing damage when leaving.

**Support documents**

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

**Reference No:** With the existing Guide being out of date, proceeding further without an up-to-date Guide presents reasons for challenge, both from the local planning authorities and developers. The Guide sets out the reasons for seeking contributions within the confines of the Town & Country Planning Act (1990) and Regulation 122 of the Community Infrastructure Levy and the policy/statutory status of KCC's services. It enables KCC to justify its s106/CIL requests in a legal context.

**Key** Yes

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

**Title:**

**23/00041 - Policy adoption of the KCC Developer Contributions Guide**

**The Decision needed:**

**Proposed decision:**

Authority for KCC to seek developer contributions that mitigate the impacts of growth on KCC service areas in accordance with the methodology and costs contained within the Developer Contributions Guide, which are in line with planning legislation and the National Planning Policy Framework.

**Reason for the decision:**

KCC's existing Developer Contributions Guide (first published in 2007) is now considered to be out of date and as such the authority is at threat of increased challenges to the requests for mitigation being sought. It is necessary to update the Guide to reflect changes in legislation, policies, priorities, and costs and provide developers and Local Plan Authorities (LPAs) with clear guidance on the likely financial costs of development so that they can be factored in as they prepare Local Plans and individual planning applications.

**Background:**

The Guide was originally published in 2007 and has been the foundation for securing mitigation from housing development on KCC services since that time. Contributions have been sought for Highways (including PRow), Education, Libraries, Community Learning, Youth and Adult Social Services. Changes to local and national policy have resulted in the necessity for KCC to extend the required contribution areas to include SEND education. The Guide will also formalise the current requests being sought for Waste Disposal and Recycling services. Discretionary options to allow contributions to be sought for Sustainable Drainage and Heritage & Archaeology (should planning applicants and LPAs agree), have also been included.

**Options:**

A 'Do Nothing' option was considered. However, increasing challenges from developers and LPA's would have resulted in increased revenue and legal costs to KCC, requiring the County Council to defend contributions being sought using outdated guidance, and in some instances, insufficient mitigation towards the impact upon KCC services. In addition, a more opaque approach to the contributions being sought by KCC would have a detrimental impact on relations between KCC and its LPA's.

The 'Do Something option' is as recommended in this paper and outlined in the "Reason for the decision".

An option to include additional KCC areas was also considered. In particular, areas of Arts & Culture and Resilience & Emergency were assessed. Both officer and external legal opinion concluded that there was an insufficient evidence base to meet the CIL tests set out in Regulation 122 of The Community Infrastructure Levy Regulations (2010) to seek for those areas. Whilst it is recognised that there are significant budget demands for the County Council the introduction of non-compliant areas would undermine the integrity of the Guide's robust legal standing.

**How the proposed decision supports the Strategic Plan (Framing Kents Future):**

The decision would deliver a named objective of Priority 2 "Infrastructure for

Communities” which sets out to achieve a basis for the Developer Contributions Guide to be material to planning decisions.

**Financial Implications:**

Since 2014 KCC has secured a total of £325,452,643 in financial contributions from developers towards specified services. This figure represents a cumulative achievement rate of 97% against KCC’s requests for total contributions from developers (these figures are exclusive of the value of land transferred and Highways Section 278 agreements). Whilst, this is very positive for infrastructure provision, it is not achieved without significant challenges and is just one funding stream required to cover the full cost of growth. The Growth and Infrastructure Framework has projected that a total funding of £1.6bn is expected to be delivered by development contributions between 2011 and 2031. Developer contributions play a significant part in helping to reduce the financial impact of development on KCC services.

Excluding the accountable Head of Service and Director the current staffing revenue implications of operating the Development Investment Team (DIT) that secure development contributions is £410,995.89 per annum. The team is funded through KCC’s core revenue budget. It should however be noted that the DIT provides formal responses to planning applications on behalf of KCC statutory functions and as such would in part be necessary in order to fulfil KCC’s statutory obligations. To assist in covering elements of revenue costs the team generates two streams of income generation through officer undertakings to review s106 agreements and monitoring fees available to track and process developer contribution income. The team continues to demonstrate significant value for money operating at just 0.9% of the £47m developer contributions received last year.

The process of updating the Guide included updating the methodologies and costs associated with current delivery models. Some areas such as Adult Social Care, Community Learning and Integrated Childrens Services are now delivered through a combination of outreach and fixed infrastructure delivery and the updated Guide costs reflect that change. Overall, the newly proposed costs per new dwelling are comparable (within 3%) to those being sought prior to the review of the Guide, had inflation only been applied.

**Data Protection implications:**

A DPIA was not required.

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

**Who is taking the Decision**

Cabinet Member for Economic Development

**Date:**

Not before June 2023

**Reason if Key Decision**

An EQIA was published prior to a draft public consultation that ended in February 2023. There were no negative impacts found relating to the review and publishing the Developer Contributions Guide.

**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 approval of a targeted public consultation on the draft of the Developer Contributions Guide was gained from Cabinet on the 1<sup>st</sup> December 2022, having previously been approved by the Growth, Economic Development and Communities Cabinet Committee. That consultation was undertaken between the 8<sup>th</sup> December 2022 and 2<sup>nd</sup> February 2023 and can be found using the following link <https://letstalk.kent.gov.uk/developer-contributions-guide>

Growth, Economic Development & Communities Cabinet Committee consultation on the final version, as amended to address comments in the consultation, is planned for the 16<sup>th</sup> May.

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

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

**Support documents**

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

**Reference No:** The County Council has a statutory responsibility to review its Local Plan every five years and to prepare revised policy and guidance as necessary in accordance with the Regulations. The timescale for the local plan work is required to be set out in a LDS and plan making is required to proceed in accordance with that timetable. Failure to have an up-to-date LDS may mean that plan making would not be legally compliant and that the Plans could not be adopted.

**Key** Yes

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

**Title:**

**23/00042 - Kent Minerals and Waste Local Plan 2024-39 and**

## **Updated Kent Mineral Sites Plan**

### **The Decision needed:**

#### **Proposed decision**

To agree to:

- (i) approve and publish for public consultation evidence relating to an update of the Kent Minerals Sites Plan, for a minimum six-week period of public consultation in line with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations);
- (ii) approve and publish for public consultation further proposed changes to the Kent Minerals and Waste Local Plan 2024-39 and associated supporting evidence, for a minimum six-week period of public consultation in line with Regulation 18 of the Regulations;
- (iii) agree revised timetables for preparation of the Kent Minerals and Waste Local Plan 2024-39 and updated Kent Minerals Sites Plan to be published in an updated Minerals and Waste Local Development Scheme; and
- (iv) delegate to the Corporate Director of Growth, Environment and Transport the authority to approve any non-material changes to the consultation documents in consultation with the Cabinet Member for Environment prior to their publication for consultation.

### **Reason for the decision**

This Executive Decision addresses the agreement to a revised Minerals and Waste Local Development Scheme (LDS). The LDS is a required component related to the Council's statutory obligation to prepare a minerals and waste planning strategy (the Local Plan) and, fundamentally, sets the timescale for the plan making work.

### **Background**

The County Council has a statutory responsibility to plan for future minerals supply and waste management within Kent as set out in the Planning and Compulsory Purchase Act 2004, 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, prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (The Regulations). Amongst other matters, these Regulations set out a legal requirement for public consultation at key stages of the plan making process.

Regulations require local plans to be reviewed every five years to ensure that the policies remain relevant, conform to national policy and guidance and satisfactorily address the needs for waste management and mineral supply. Work on the Kent Minerals and Waste Local Plan (KMWLP) review commenced in 2021 and in light of this revisions were proposed to principally reflect changes in national policy and guidance since the Plan's adoption in 2016 and 'Early Partial Review' in 2020. The proposed

revisions have been subject to two public consultations. In light of the comments received, some additional draft material changes to the KMWLP are proposed to be published for consultation during June and July 2023.

Draft changes to the KMWLP, which have already been consulted upon, include an extension to the plan period which, following a review of recent data on permitted mineral reserves and supply, has resulted in a need to identify an additional site(s) for the working of hard rock to ensure the necessary steady and adequate supply is maintained over the plan period in accordance with the National Planning Policy Framework (NPPF). A 'Call for Sites' took place last year and a draft update to the Kent Mineral Sites Plan (KMSP) has now been prepared for public consultation that includes subject to detailed technical assessment, a potential allocation of land for the extraction of hard rock. A review of data relating to the supply of other minerals, taking account of national and local planning policy, did not reveal a pressing need for further allocations.

#### **Update to the Kent Minerals and Waste Local Development Scheme**

The Regulations require local plan making work to be undertaken in accordance with a published timetable or 'Development Scheme'. The timetable for the Kent Minerals and Waste Local Plan is set out in the Council's 'Minerals and Waste Local Development Scheme' (LDS). The most recent LDS was agreed by Environment and Transport Cabinet Committee (ETCC) in September 2022. An updated LDS is now required that reflects the need for further public consultation on additional changes to the draft KMWLP and the preparation of an updated Kent Mineral Sites Plan to allow for hard rock supply over the extended plan period.

The revised LDS will be reported to ETCC, along with the draft update to the Kent Mineral Sites Plan, the text of further draft changes to the KMWLP and a summary of comments received during the earlier public consultation on the emerging updated KMWLP.

#### **How the proposed decision supports Framing Kent's Future 2022-26:**

The Mineral and Waste Local Plan, its Vision, Strategic Objectives and planning policies help facilitate the key strategic priorities of an Environmental Step Change and Infrastructure for Communities by supporting the delivery of sustainable growth in Kent's economy. The KMWLP and KMSP recognise Kent's environment as a core asset and seeks to adapt to, and mitigate, the impacts of climate change and assist in the delivery of net zero objectives. The proposed planning strategy will reflect recent changes to the environmental agenda including mitigation and adaptation to Climate Change and Kent's Climate Change Statement, the Circular Economy, biodiversity and measures to support covid recovery. In addition, the proposed updated policies support the protection and creation of a high-quality environment, with accessible local services that reflect the community's needs.

#### **Data Protection implications**

None

<b>Section 2 – Who is taking the final decision and when</b>
<p><b>Who is taking the Decision</b> Cabinet Member for Environment</p> <p><b>Date:</b> Not before June 2023</p> <p><b>Reason if Key Decision</b> An Equalities Impact Assessment (EqIA) is undertaken as part of the local plan work. No equalities implications are anticipated to arise from this work.</p> <p><b>Reason if this decision has been delayed/withdrawn from a previous plan</b> Consultation and community engagement are key parts of the plan making process with a number of consultations required by legislation.</p> <p>To inform the work of updating the KMWLP, public consultation was carried out from December 2021 - February 2022 and again from October 2022 to December 2022. Details of the most recent consultation can be viewed at <a href="https://letstalk.kent.gov.uk/kent-minerals-and-waste-local-plan">https://letstalk.kent.gov.uk/kent-minerals-and-waste-local-plan</a>. Further public consultation is required on some additional changes to the Plan.</p> <p>A Kent Mineral Sites Plan Call for Sites in relation to hard rock was carried out from October 2022 - December 2022. Details of the Call for Sites can be viewed at <a href="https://letstalk.kent.gov.uk/kent-minerals-sites-plan">https://letstalk.kent.gov.uk/kent-minerals-sites-plan</a>. The responses to the Call for Sites work informed the proposed update to the Kent Mineral Sites Plan in respect of hard rock on which public consultation is also required.</p> <p>The timing of public consultation and engagement and the representations received influence the timescale set out in the Local Development Scheme. The Scheme has been updated to reflect consultations required for the emerging Kent Minerals Sites Plan and further changes to the Kent Minerals and Waste Local Plan.</p>
<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>
<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 the revised LDS and associated local plan work are met from the Growth and Communities Division - Planning Applications budget.</p>
<p><b>Support documents</b></p>

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

**Reference No:** Cyclopark Trust is a registered charity number 1144915 (05 December 2011). There are 9 trustees who are responsible for controlling the work, management, and administration of the charity on behalf of its beneficiaries. Details can be found at:  
<https://register-of-charities.charitycommission.gov.uk/charity-search/-/charity-details/5022992/trustees>

The trust has submitted its annual returns, accounts, and trustees' annual report (TAR) for the last five financial periods on time. The most recent return for the period ending 31st March 2022 was submitted on 1 November 2022.

**Key** Yes

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

**Title:**

**23/00047 - Cyclopark Operator Agreement (OA) and Funding**

**The Decision needed:**

**Proposed decision:**

To approve a retrospective\* Deed of Variation to the Operator Agreement between KCC and Cyclopark Trust for the operation of the park and continuation of KCC financial support for the period May 2022 to April 2032 (10 Years).

**Reason for Decision:**

A decision is required such that:

- (a) **Kent County Council (KCC) shall agree to approve a retrospective\* Deed of Variation to the Operator Agreement between KCC and Cyclopark Trust for the operation of the park and continuation of KCC financial support for the period 27 May 2022 to 26 May 2032 (10 Years).**
- (b) **KCC shall agree that authority be delegated to the Director of Growth and Communities to take appropriate actions in accordance with the terms of the Operator Agreement as necessary to implement this decision.**

\* Work commenced October 2021 with Invicta Law Ltd. A draft Deed of Variation for review was received 29 April 2022 and circulated to Cripps solicitors acting for the Cyclopark Trust. Comments were received back, and a final version was agreed in principle 29 June 2022. It has not been possible to bring this for decision until now. KCC continued to support the Trust during 22-23 under the same terms as stated in the original Operator Agreement to ensure continuity of service provision.

**Background:**

Cyclopark is a unique 43-acre sports and community facility built on redundant land made available because of the realignment of the A2 trunk road south of Gravesend and opened in May 2012 as a legacy project to the London Olympic and Paralympic Games.

The park is owned by KCC and operated on KCC's behalf by a charitable trust (Cyclopark Trust) specifically established for the purpose. KCC as developer of the project on behalf of other local and national funding providers and stakeholders entered into a contractual agreement with Cyclopark Trust, the 'Operator Agreement', which covers lease of the land, commuted sum funding from (the then) Highways Agency and wider funding and operating arrangements. Changes to the Operator Agreement require a Deed of Variation to be approved by both.

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

- (a) Extend the Operator Agreement for a further 10 years on existing terms.
- (b) Extend the Operator Agreement for a further 10 years with option to reduce KCC subsidy.
- (c) Procure a new Operator.
- (d) KCC to operate Cyclopark.

Preferred option: (b)

When the original decision was taken in November 2010, the supporting report stated: "The £125k per annum will be required in the longer term for a period of at least 25 years and is part of the financial viability forecasting for the project. The financial viability is necessary not only to the future success of the park but is also required by some of the funding partners as a condition to their capital funding towards the project".

The Strategic Programme Manager has in discussion with the Cyclopark Trust agreed to the following clause being included in the proposed Deed of Variation (Appendix A):

"The Council agreed to make available, solely upon its discretion, to the Operator funding of up to £125,000.00 (one hundred and twenty-five thousand pounds) per annum for the new extended Contract Period referred to in Recital (C), which shall be made available at the sole discretion of the Council, who shall not be obligated to pay".

This considers KCC budget pressures going forward and the aspirations of the Trust to increase their profitability going forward and to seek alternate funding, for example Public Health where applicable and not be solely reliant on KCC subsidy.

**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>)

Cyclopark works with a range of partners including KCC, Gravesham Borough

Council, NHS England and British Cycling making a valid contribution to three of the four priorities, namely:

- Priority 1 – Levelling Up
- Priority 3 – Environmental Step Change
- Priority 4 - New Models of Care and Support

to hardwire a preventative approach into improving the health of Kent's population and narrowing health inequalities. A vital component of levelling up Kent is taking action to narrow the gaps in health outcomes by supporting people to lead healthier lives.

**Data Protection implications:**

The trust is currently updating their Privacy Policy which is to be published at:  
<https://www.cyclopark.com/>

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

**Who is taking the Decision**

Cabinet Member for Economic Development

**Date:**

Not before June 2023

**Reason if Key Decision**

The Trust have their own EqIA checklist and statement (see supporting documents).

**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 Members of the Growth, Economic Development and Communities Cabinet Committee at its meeting on 16 May 2023.

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

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

Revenue:

£125,000 per annum for 10 years = £1,250,000 (The Cyclopark Trust)  
£30,600 is paid to Combined Property Control, freeholder of land which is not owned by KCC (Under a 50-year lease agreement)  
£30,600 is paid to KCC by The Cyclopark Trust to cover rent of the land.

KCC Final Budget Book 2023-24 (approved 9 February 2023, Page 58, Row 80 – Growth & Communities, Growth and Support to Businesses)

**Capital:**

There is no current allocation within the Capital Programme for new infrastructure.

**Support documents**

**NOT BEFORE 24 MAY 2023**

**Responsible Cabinet Member - Cabinet Member for Education and Skills**

**Reference No:** The Education (School Day and School Year) (England) Regulations 1999 (SI 1999 No. 3181) require schools to hold at least 380 half-day sessions (190 days) in each school year, beginning with the first term to start after July. This is consistent with the 195 days a year required by a teacher's statutory conditions of service: the additional five days are for in-service training. As KCC has responsible for community and voluntary controlled schools it is part of our duty to set the dates.

**Key** Yes

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

**Title:**

**23/00036 - School Term Dates 2024-25**

**The Decision needed:**

Proposed decision

The Cabinet Member for Education and Skills is asked to determine the School Year dates for community and voluntary controlled schools, by the local authority (LA).

Further information

Schools are required by statute to provide schooling for 190 days. Teaching staff are required by their terms and conditions to complete 195 days including 5 development days.

Term dates and holidays, in England, are set:

- for community and voluntary controlled schools, by the local authority (LA)
- for foundation, voluntary aided schools, academies and free schools by the governing body.

The government's policies to promote academies and free schools will mean that increasingly school governing bodies will be determining the school

term dates for their schools.

The proposed calendar will be considered by Children's, Young People and Education Cabinet Committee and following this the Cabinet Member for Education and Skills will take the final decision. Following the consultation and approval, the agreed school term dates calendar for 2024-5 will be published.

Setting school term dates has a relationship to one of the priorities in Delivering Vision and Priorities for Improvement 2018 – 2021. The priority states KCC will 'ensure that the maximum number of children and young people of statutory school age are enabled to attend education provision on a full-time basis.'

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

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

Cabinet Member for Education and Skills

### **Date:**

Not before May 2023

### **Reason if Key Decision**

A full EqIA has been completed this will be updated once the consultation has finished and the full results will be presented to CYPE Cabinet Committee.

### **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:**

There are no direct cost implications arising from the decision on the school calendar. However, if individual foundation, voluntary aided schools, academies or free schools determine a different pattern of term dates, they may incur additional costs in relation to home to school transport, as the authority passes any additional costs on to the schools concerned.

### **Support documents**

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

**Reference No:** There are no legal implications.

**Key** Yes

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

**Title:**  
**23/00037 - Microsoft 365 Licencing Agreement Contract Award**

**The Decision needed:**

Proposed decision:

1. The Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services to agree to enter into a new Microsoft licencing agreement for 3 years to meet Kent County Council business and Infrastructure licencing requirements; and
2. to delegate authority to Director of Technology in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, for the necessary contractual negotiations to enter into any legal agreements required to implement the above.

Reason for the decision:

Kent County Council (KCC) needs to enter into a new licensing agreement to ensure continuation of the use of Office 365 and all of the tools available, including security packages.

Background:

KCC entered into an Enterprise Licencing Agreement with Microsoft via its reseller in June 2020 for three years. Since the contract was awarded, Microsoft have made available a discounted licencing arrangement over a new 3-year term. This agreement provides access to a variety of M365 applications, tools and modules which are essential to supporting the Council’s business operations. As part of this arrangement the Council will be able to take advantage of enhanced licensing which is critical to support its remote working policy and enhancing the security of KCC’s infrastructure.

Options:

No other options have been considered as viable.

How the proposed decision supports the Interim Strategic Plan:

The Microsoft environment is a crucial part of the technology infrastructure and as such forms part of building our resilience.

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

<p><b>Who is taking the Decision</b> Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services</p> <p><b>Date:</b> Not before May 2023</p> <p><b>Reason if Key Decision</b> An Equalities Impact Assessment (EqIA) will be completed but no equality implications are envisaged.</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> Initial indication based on current use is that the 3-year costs (July 2023 – June 2026) will equate to approx. £10.3m.</p> <p>The contract costs will be accounted for within the ICT budgets through the Asset Maintenance Reserve.</p> <p><b>Support documents</b></p>

**NOT BEFORE 3 MAY 2023**

<p><b>Responsible Cabinet Member</b> - Cabinet Member for Adult Social Care and Public Health</p> <p><b>Reference No:</b> 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.</p> <p>Legal implications have been identified in relation to data processing and data management across a range of technological devices and systems. Legal</p>
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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:**  
**23/00034 - Technology Enabled Care Service Contract Award**

**The Decision needed:**

**Proposed decision:**

- i. Award the contract to the successful bidder identified as part of the procurement process, for the provision of a countywide Technology Enabled Care Service for a maximum of seven years (initial five-year contract with a two-year extension option).
- ii. Delegate authority to the Corporate Director Adult Social Care and Health, after consultation with the Cabinet Member for Adult Social Care and Public Health and the Corporate Director Finance, to agree the relevant contract extension as required.
- iii. Delegate authority to the Corporate Director Adult Social Care and Health to take other relevant actions, including but not limited to finalising the terms of and entering into required contracts or other legal agreements, as necessary to implement the decision.

**Background:**

Technology Enabled Care is a key area of Making a Difference Every Day; Our Strategy for Adult Social Care 2022 – 2027 and aligns with Framing Kent’s Future Strategy: “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 and 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.

To gain a better understanding of the Technology Enabled Care Service needed in Kent, a Build and Test project was commissioned in the East Kent area which began in April 2022. The project trialled different models of delivery, a wide range of technologies and gathered feedback from people drawing on care and support. The live Build and Test period ran from June 2022 until February 2023. During this period 133 people were supported by technology and 97% reported an improvement in the areas of daily living that were most important to them after 8 weeks. The design of the Technology Enabled Care Service and procurement approach was co-produced, along with learning from other local authorities. This approach recently won Kent County Council an iESE Public Sector Transformation award for innovative use of digital and technology and creating a new and dynamic service that will lead to improved outcomes.

The procurement for the countywide Technology Enabled Care Service began in December 2022 and has involved a range of stakeholders from Adult Social Care, the wider council, partner representatives from the Integrated Care Board, Co-production Groups and district and borough councils, ensuring that the service is shaped by people with the right expertise and experience.

Following completion of the procurement process it is proposed to award the contract, to the successful bidder, for the provision of the countywide Technology Enabled Care Service for a maximum of seven years (Initial five-year contract with a two-year extension option).

The contract will start on 1 June 2023 and end on 31 May 2028 (initial five-year contract) with an option to extend, subject to robust contract monitoring, for a further two years from 1 June 2028 to 31 May 2030.

**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. Further work will be undertaken to develop the DPIA in partnership with the provider during the contract mobilisation phase in July and August 2023.

The preferred provider will also be required to undertake DPIAs to manage any devices and systems delivered under sub-contracting arrangements. The DPIA will be updated once a provider is appointed to reflect their specific processing arrangements.

**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 May 2023

**Reason if Key Decision**

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.

**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**

Formal consultation has not been undertaken as this is not required. However, surveys and workshops have been undertaken to capture the views of people, organisations and social care and health professionals in Kent to understand the opportunities, interest, and the need for this type of support. A co-production Group was established to ensure that the service is built on the requirements of people currently drawing on care and support and people who may do so in the future; the co-production Group has actively participated at every stage of the procurement and has shaped market engagement activities, the development of the Build and Test and the service specification for the countywide Technology Enabled Care Service.

The proposed decision was discussed at the Adult Social Care Cabinet Committee meeting on 17 May 2023.

**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 by year five of the contract. The lifetime value of the contract over the initial five years, including the two-year extension option, has been modelled as £27,585,392.

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**

**NOT BEFORE 27 APRIL 2023**

### **Responsible Cabinet Member - Cabinet**

**Reference No:** There are no specific legal implications, the Care Leavers Covenant will give a framework to KCC by which to formalise the opportunities it offers to our young adults who are care experienced. It is not a statutory legal requirement or obligation for the organisation to be a signatory to the covenant. If agreed, this would become part of the Care Leavers Local Offer, which is a published document as part of our Corporate Parenting Responsibilities.

**Key** Yes

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

**Title:**

**23/00035 - Care Leavers Covenant**

**The Decision needed:**

**Proposed decision –**

- (a) That KCC becomes a signatory to the Care Leavers Covenant
- (b) To delegate authority to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Integrated Children’s Services and impacted Portfolio holders, to take other relevant actions as necessary to implement the decision.

**Reason for Decision:**

This is a proposal for Kent County Council to become signatories of the Care Leavers Covenant. As part of this process, the 18+ Care Leavers Service have sought the views of the Young Adult Council, who are in support of

this.

### **Background:**

The Care Leavers Covenant was established in 2016, run by Spectra on behalf of the Department for Education. It is a national inclusion programme which supports care experienced young people to live independently.

The Care Leavers Covenant is accessible to both private and public companies and agencies e.g., charities, businesses, and Local Authorities, to sign up and commit to providing opportunities to care experienced young adults.

Should Kent County Council become a signatory, they would take a 'whole council approach' in supporting the needs and progress of the young adults they are a Corporate Parent for. This means the whole of KCC will accept responsibility for its support provided to our young adults who are Care Leavers. As of 20<sup>th</sup> March 2023, we have 2051 young adult care leavers aged 18-25 years. "Under the Government's principles for corporate parenting all departments in local authorities are asked to recognise their role as a corporate parent and to look at the support and service they provide for care leavers". An example of this, is asking that all departments appoint a Care Leaver champion, who can represent their departments and make decisions around potential pledges and opportunities for our care experienced young adults.

### **Options:**

For the Council, adoption of the Care Leaver Covenant is a commitment to the principles of accepting a whole council approach to Corporate Parenting on behalf of all departments across the Local Authority. In practice this may mean being part of a process that reviews such things as the Local Offer and helps the Children in Care and Care Leavers service improve its offer to Care Leavers and provides the political ambition and authority to do so.

For Elected Members, the signing of the Care Leaver Covenant is a confirmation of their political commitment to be the best corporate parents they can be for our Children in Care and Care Leavers. It will secure individual responsibility and accountability to be part of a process that looks at how they can individually contribute to the collective response and act as champions for care leavers when making decisions about the direction of the Local Authority. In practical terms this may mean championing care leavers causes with other organisations using their political influence, such as with the District Borough Councils or Health Authorities.

For Officers, it means promoting the Care Leaver Covenant across all KCC departments and identifying how they can provide meaningful opportunities and improved life chances for children in care and care leavers for whom the Local Authority is the Corporate Parent. This could

include work experience, mentoring or apprenticeships across all departments.

For KCC services, it means identifying Care Leaver Champions within each service, who can coordinate opportunities and pledges of support, to liaise with the 18+ Care Leavers Service as a central point, to be able to match young adults to those opportunities available. All KCC services would need to actively promote their role as a Corporate Parent and ensure priority is given to care leavers for any opportunities within their departments. For example, providing additional support to them with interviews for job opportunities. KCC already have in place, priority interviews for our care leavers, where they are appropriately qualified or experienced for the job vacancy. Signing up to the Covenant, would mean all services going the extra mile as a Corporate Parent to secure opportunities for our young adults to support them to reach their full potential. The coordination of the offers as part of the Care Leavers Covenant will be managed and overseen by the Heads of Service and leadership team within the 18+ Care Leavers Service. The service has two specialist Education, Training and Employment (ETE) workers, so there will be no additional staff resource required for the coordination and implementation of this work.

A recommendation for the whole council approach would be for Elected Members, Senior Leaders, and Officers, to form a cross department working group to address the recommendations in the Care Leavers Covenant guide and expand our existing Care leavers Local Offer to include all KCC departments.

There is the option to not sign up to the covenant, the risk of this is the significant impact it would have on being able to get partner agencies and local businesses to engage and commit to making pledges of support to Kent Care Leavers. It is becoming increasingly challenging to get commitment from others when KCC have not signed up as a signatory to the covenant. As our Children's Services are graded Outstanding by Ofsted, our ambition following this would be to join other Local Authorities and organisations who have signed up to the covenant, the most recent to do this being the NHS. This will formalise the work already achieved in the 18+ Care leavers service and publicly recognise our commitment.

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

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

Cabinet

### **Date:**

Not before April 2023

### **Reason if Key Decision**

This is being completed by the 18+ Care Leavers service.

<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 Corporate Parenting Panel discussed the Care Leavers Covenant on 27th July 2022.</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>  There are no financial implications for the delivery of the services that will implement the covenant, it will not require any additional staff resource. One of the aims of the covenant is to improve the financial security for care leavers, by maximising their opportunities to secure employment.</p> <p><b>Support documents</b></p>

**NOT BEFORE 11 APRIL 2023**

<p><b>Responsible Cabinet Member - Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services</b></p> <p><b>Reference No:</b> Legal support will be sought in the preparation and execution of the new arrangements.  The procurement will follow the relevant procurement regulations (Spending the Council's Money policy and PCR).  KCC will be required to enter into a number of legal contracts.  External legal advisors have been appointed in consultation with General Council.</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>23/00030 - Implementation of an independent Construction Consultancy Services Framework to support the implementation and delivery of the Capital Works Programmes</b></p>

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

The Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services to agree to the implementation of a new Independent Consultancy Services Framework to support the delivery of the Capital Works Programmes over a 6-year (4-year+1+1) contract period to include the following disciplines:

- Lot 1 – Multi-discipline (client delegated duties)
- Lot 2 – Project Manager (including client delegated Quantity Surveying duties)
- Lot 3 – Supervisor
- Lot 4 – Technical Advisor
- Lot 5 – Construction Design and Management Advisor

**Reason for the decision**

The Kent County Council had previously appointed consultants on a project-by-project basis via the Property Services Consultancy Framework, to provide professional consultancy services to support construction projects. However, the Framework expired in June 2020 and procurement of such services has since been conducted on a project-by-project basis, tendered or direct award procurements in-line with Spending the Council's Money Policy and Public Contract Regulations.

The current method of procuring consultancy services is time consuming and resource intensive and requires a more efficient approach. In addition, a new professional consultancy services framework that aligns to the new construction partnership framework (already in place) and proposed minor work construction partnership framework (subject to procurement).

**Options**

There are 3 options to consider for the ongoing procurement of consultancy services:

- Insource of consultancy provision.
- Continuing with current arrangement of tendering/direct award for each requirement
- Establishing a new Construction Consultancy Framework.

Option 3, to establishing a new Construction Consultancy Framework is the preferred option, as this would provide a pre-qualified framework of consultants to efficiently support the projects procured via the new Construction and proposed Minor Works Partnership Frameworks on behalf of Kent County Council. It is likely that the Frameworks will work on a rotational basis so that all suppliers get equal allocation of works (performance and project dependant). In addition to this the facility to undertake mini tenders will be included.

It is envisaged that the new Independent Construction Consultancy Services Frameworks will commence by October 2023.

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

The proposed decision will support the objectives of Strategic Delivery Plan 2020 – 2023 by:

- Supporting the delivery of the Council's Infrastructure Capital Delivery Programme
- Supporting the delivery of the Kent Commissioning Plan for Education Provision 2020-2024, including the Basic Need programme
- Supporting the KCC Corporate Estate maintenance programme.
- Supporting the KCC Education Estate maintenance programme.

## **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 April 2023

### **Reason if Key Decision**

An Equalities Impact Assessment (EqIA) has been completed and will be updated throughout the procurement process. No issues have been identified at this stage for EqIA, but this will be reviewed as the procurement activities continue.

A data protection implication assessment (DPIA) has been submitted and comments made, which is under on-going review as the procurement activities continue.

### **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**

A report was taken to the Policy and Resources Cabinet Committee on 13 July 2022, where the Committee were updated and asked to note the proposal, the preferred option, and the procurement programme.

A further update was taken to the Policy and Resources Cabinet Committee on 9 March 2023.

It is expected that a Key Decision Report will be taken to the Policy and Resources Cabinet Committee in July 2023, ahead of the proposed award of contract(s) in August / September.

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

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

The new Independent Construction Consultancy Services Framework is to be valued at circa £119.5m over the contractual period of 6 years.

Each order raised will be subject to its own financial governance and based on pre-agreed tendered rates.

This will be a nil-let-no-commitment Framework with no workload guaranteed. The staff costs associated with the procurement have been estimated and will be absorbed within existing resources. As a result, business activity will be re-prioritised. Legal and technical advice related to the procurement will be funded from the infrastructure budgets.

### **Support documents**

**NOT BEFORE 29 MARCH 2023**

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

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

**Key** No

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

**Title:**

**23/00020 - Formal Lease for Sub Station at St Edmunds Church of England Primary School, West Kingsdown.**

**The Decision needed:**

Proposed Decision:

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

1. authorise the granting of a new lease, for a term in excess of 20 years, in order for a new electricity substation to be built within the school grounds. This will serve new operational accommodation and development within the school grounds; and
2. authorise the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to take necessary actions, including but not limited to entering into relevant contracts or other legal agreements, as required to implement this decision.

Reason for the Decision

KCC is converting and upgrading the heating system at St Edmunds Church of England Primary School in West Kingsdown. In order for the new air source heat pumps to be commissioned and become operational, a new electricity substation is required to be provided on the school site by UK Power Networks and therefore requires Kent County Council (KCC) to

grant them a lease of a term of 99 years.

#### Background

KCC is currently converting and upgrading the heating system from oil to a much more efficient air source heat pump system following the receipt of external funding. The air source heat pumps cannot be powered by the existing electricity supply to the school. In order that an adequate electricity supply can be provided for the new pumps, it is necessary for a new electricity substation to be provided on site by UK Power Networks.

The proposed new substation will serve the school only and no other properties.

For consistency with other leases granted on operational school sites to UK Power Networks and similar Statutory Undertakers, a lease of 99 years will need to be granted for the provision and operation of the new substation.

#### Options Considered

No other options were considered as the new air source heat pumps cannot be operated via the school's existing electricity supply, and the substation is necessary to ensure the new plant can be completed and brought into use.

### **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 April 2023

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

An Equality Impact Assessment (EqIA) has been completed and it is not felt that this decision presents any impact on any of the nine areas specified by KCC.

#### **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 rent payable under the proposed formal lease shall be a peppercorn rate per annum, for consistency with other similar leases granted to UK Power Networks and other Statutory Undertakers, for the provision of substations within operational school sites to serve developments for the school.

Each party will bear its own surveyors fees and legal costs upon completion of the Formal Lease.

### Support documents

**NOT BEFORE 8 FEBRUARY 2023**

**Responsible Cabinet Member** - Cabinet Member for Education and Skills

**Reference No:** Any legal implications will be identified in the report to the Cabinet Member for Children, Young People and Education before he takes his decision.

**Key** Yes

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

**Title:**  
**23/00004 - Proposal to rebuild and expand Teynham Parochial CEP Primary School from 210 places to 420 places, increasing the published admission number (PAN) from 30 to 60 for September 2025.**

**The Decision needed:**

Proposed decision –

- (i) Agree to the proposal to rebuild and expand Teynham Parochial CEP Primary School from 210 to 420 places increasing the published admission number (PAN) from 30 to 60 for September 2025 (1FE to 2FE) from September 2025.*

This decision is conditional upon planning permission being granted.

- Reason for the decision

Agreement is required to rebuild and expand Teynham Parochial CEP Primary School from 210 to 420 places increasing the published admission number (PAN) from 30 to 60 for September 2025 (1FE to 2FE). The proposal includes demolition and rebuilding of the current school due to the building condition and complexity attached to expanding the current building. It therefore proves more cost effective and efficient to rebuild and

expand. Project costs have been estimated at £10,000,857 The proposal will be brought back to Children's, Young People and Education Cabinet Committee for a further decision on the allocation of Capital budget and to gain permission to issue a public notice.

- Background – Provide brief additional context

The current primary school building was constructed circa 1970 as a temporary building using a basic SEAC component type construction. The building is now approximately 50 years old and shows many symptoms associated with being beyond economic repair, making it difficult and costly to expand and more cost effective to re-build. We are proposing to permanently increase the size of the school by 1FE to meet the primary school pupil needs in Teynham related to housing developments in the area.

Current plans are to construct the new school first and subsequently demolish the current school building, plus provide a multi- use games area (MUGA) on the location of the old school. The expansion in the number of pupils would be a gradual process from September 2025 onwards. The additional places will enable the school to run a two form of entry school starting in September 2025 when the published admission number would increase from 30 to 60. The school capacity would grow each year, finally reaching a capacity of 420 in 2031.

- Options (other options considered but discarded)

Consideration was given to expanding the current school building by 1 form of entry; however the building is now approximately 50 years old and shows many symptoms associated with being beyond economic repair, making it difficult, risky and costly to expand and more cost effective to re-build the school.

- The option of delaying the school was considered and 2025 represents a delay from the opening date originally planned. One of the housing developments has already built-out, another is in planning and a third has gone to appeal.

- How the proposed decision meets the objectives of 'Framing Kent's Future – Our Council Strategy (2022-2026)

This proposal will help to support Framing Kent's Future – Our Council Strategy (2022-2026) Priority 1 - Levelling up. 'To maintain KCC's strategic role in supporting schools in Kent to deliver accessible, high quality education provision for all families.'

The Commissioning Plan for Education Provision in Kent 2021-2025 sets out the need for commissioning additional school places in Kent.

- Financial Implications

#### *Capital*

A feasibility study estimated final costs at pre planning stage at £10,000,857. The project includes a total rebuild of the whole school designed to BB103.

The expansion of Teynham school is also linked to new housing developments in the Teynham area. A total of £3,851,155.89 in developer contributions has been requested with £1,413,243.89 agreed and

£2,437,912 still requested. A total of £201,844.17 has been collected. This would indicate a KCC Capital Contribution of £6,149,701 would be required and is expected to be funded from Basic Need Capital Programme. However, this is subject to a further key decision by the Cabinet Member for Education & Skills once planning permission and final costings have been agreed.

#### *Revenue*

Revenue costs of expanding the school under basic need is expected to be fully funded from the ring-fenced Dedicated Schools Grant: School Block. Available revenue funding will be allocated in accordance with the prevailing Kent County Council School's Growth Funding Policy. The current funding offer is:

- a total of £6,000 per new classroom will be provided to the school to support initial set up costs.
- Guaranteed funding for the first three years to support the school financially to ensure it can put in place a staffing structure to provide the school places required (this will be reviewed closer to the time of opening).

There are no revenue Council General Fund implications expected from this proposal.

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

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

Cabinet Member for Education and Skills

#### **Date:**

Not before February 2023

### **Reason if Key Decision**

An Equality Impact Assessment has been produced as part of the consultation process and is attached. The assessment identified the following positive impact:

- Sufficient local Primary provision for children in Teynham and the local area.

No adverse impacts were identified during the assessment.

The EqIA:

<https://letstalk.kent.gov.uk/20142/widgets/57062/documents/33341>

### **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:**

**Support documents**

**NOT BEFORE 29 NOVEMBER 2021**

**Responsible Cabinet Member - Cabinet Member for Community and Regulatory Services**

**Reference No:**

**Key** Yes

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

**Title:**

**21/00096 - Contract for Post Mortem Facilities for the North West Kent Coroner area**

**The Decision needed:**

**Proposed Decision:**

To award a 12 month extension to the contract for the provision of post mortem (PM) facilities to Dartford & Gravesham NHS Trust.

**Background**

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 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 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.

The contract with Dartford & 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 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****Consultees****Section 4 – Responsible Officer – Who to contact for more information.****Your name, Your Service, Your phone number and email address:**

The costs of preparing a review of the 2016 Kent Minerals and Waste Local Plan will need to be met from existing KCC budgets.

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.

**Support documents**

**NOT BEFORE 8 OCTOBER 2021**

**Responsible Cabinet Member** - Cabinet Member for Community and Regulatory Services

**Reference No:**

**Key** Yes

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

**Title:**

**21/00079 - Contracts for Post Mortem Facilities for the Mid Kent & Medway, North East Kent and Central & South East Kent coroner areas**

## **The Decision needed:**

### Proposed Decision

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.

### Further Information

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 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.

**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 October 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**

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

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

**Support documents**

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**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

<p><b>Date:</b> Not before October 2021</p> <p><b>Reason if Key Decision</b> 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.</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> 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</b> - Cabinet Member for Adult Social Care and Public Health</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>
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**Key Yes**

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

**Title:**

**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 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

<ul style="list-style-type: none"><li>▪ A joint LD&amp;A strategic commissioning and programme management unit, supporting whole system planning, development and change management and the function of the strategic leadership body</li><li>▪ 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.</li></ul>
<b>Section 2 – Who is taking the final decision and when</b>
<b>Who is taking the Decision</b> Cabinet Member for Adult Social Care and Public Health  <b>Date:</b> Not before March 2021  <b>Reason if Key Decision</b> 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  <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>
<b>Consultees</b>
<b>Section 4 – Responsible Officer – Who to contact for more information.</b>
<b>Your name, Your Service, Your phone number and email address:</b> 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**

**Responsible Cabinet Member - Cabinet**

**Reference No:** There are no legal implications arising from the decision.

**Key** Yes

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

**Title:**

**20/00027 - Clean Up Kent and Public Realm Improvements**

**The Decision needed:**

**Proposed Decision:**

- a) Approve a programme of works to deliver a range of projects to 'clean up' Kent and to improve the public realm across Kent
- b) Approve the proposed funding allocations and project development arrangements required to support and deliver the programme; and
- 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.

**Background:**

*Kent's Future, Our Priority* will become Kent County Council's new 5 Year Plan, to replace the previous strategic statement *'Increasing Opportunities, Improving Outcomes (2015-2020)'*. 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.'

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.

**Options:**

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 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**

**NOT BEFORE 18 DECEMBER BY 2019 CABINET / CABINET MEMBER**

**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

<p>should a loan application be received.</p> <p>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.</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 Key Decision will be discussed at the Growth, Economic Development and Communities Cabinet Committee on 28 November 2019.</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 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>
<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>17/00125 - Healthwatch Kent interim contract</b></p>

**The Decision needed:**

**ISSUE WITHDRAWN:** This issue was superseded by decision 22/00062 – People’s Voice Activity Contract (including Healthwatch Kent)

Proposed decision: To agree:-

- 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
- b) To incorporate the Service User Forum and Mental health Action Groups into the Healthwatch Kent contract

How the decision relates to Corporate Objectives

- Commissioning Framework Principle 7: Customers at the heart of our commissioning approach
- 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

The matter is referred to in the Business Plan/Medium Term Capital Programme.

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

Deputy Leader and Cabinet Member for Finance and Traded Services

**Date:**

Not before January 2018

**Reason if Key Decision**

No equalities implications – whole Kent provision.

**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 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.

The interim contract will be discussed by the Health Reform and Public Health Cabinet Committee on 24 January 2018.

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

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

The value of the proposed interim contract is up to £1.46M (£730k pa) for the period 1 April 2018 to 31 March 2020.

**Support documents**

**NOT BEFORE OCTOBER 2017 BY CABINET MEMBER**

**Responsible Cabinet Member** - Cabinet Member for Corporate and Democratic Services

**Reference No:** None

**Key** Yes

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

**Title:**

**17/00094 - Disposal of Land East of Great Chart Primary School, Singleton**

**The Decision needed:**

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.

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

**Who is taking the Decision**

Cabinet Member for Corporate and Democratic Services

**Date:**

Not before October 2017

**Reason if Key Decision**

None

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

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

**Consultees**

Property decisions to be discussed at the Property Sub Committee.

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

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

Property holding costs will cease upon sale.

**Support documents**

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