

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 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.

The Kent County Council Cabinet Members are:	
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 30 AUGUST 2023

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

Reference No: Investment is required in Sessions House to achieve minimum statutory compliance if it were to reopen. The proposed option will best meet the Council's obligations to its staff in terms of accessibility, inclusion and its environmental objectives within budget constraints.

Any decision will be progressed in line with the governance processes of the Council.

External legal advice has been sought by the Office of General Council both from external legal advisors and Kings Counsel.

Key Yes

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

Title:

23/00072 - Property Accommodation Strategy - Strategic Headquarters (SHQ)

The Decision needed:

Proposed decision:

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

- 1) AGREE to discontinue with the Preferred Option as set out decision 21-00064;
- 2) NOTE AND AGREE the current business case and Value for Money assessment recommendations and that a further market test of Sessions House will be progressed to enable the next steps and approach to be agreed;
- 3) ALLOCATE £3.4m from the 2023-33 approved capital budget to enable the essential and urgent backlog maintenance works at Invicta House to be completed; and
- 4) AGREE to delegate authority to the Director of Infrastructure in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, Corporate Director, Finance and General Counsel to authorise the execution of necessary contractual and land agreements required to implement the above.

Reason for the decision:

Kent County Council's (KCC's) Strategic Headquarters requires significant investment to address building condition issues and deliver

accommodation which is fit for purpose. This decision supports the Council's considerations in making best use of its resources and estate whilst remaining options are assessed.

Background:

An options appraisal was previously undertaken based on the pre-pandemic working styles during early 2020. This appraisal was then revisited, taking into account the changes in the way that KCC need to work post the COVID-19 pandemic and a new accommodation model was developed which allowed a number of new options to be considered.

The Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services then took decision 21-00064 on 13 August 2021 to progress with the marketing of Blocks A, B and E of Sessions House for disposal and to develop an option for the refurbishment and modernisation of Blocks C and D predominately for civic uses and Invicta House as a staff hub.

In October 2022, given the Council's significant financial challenges, the Deputy Leader and Cabinet Member instructed officers to pause design work for the 2021 option and revisit the scope and present lower capital cost options. The £35m capital budget allocated to the project was reduced to £20m and endorsed by full Council in February 2023.

Four lower cost options were considered and developed in further detail with both the qualitative and financial assessment. Two options failed the assessment with two options progressing passing the evaluation process.

Given the significantly lower overall Net Present Value (NPV) associated with one option in comparison to the other, further market testing is required to establish the market viability of a disposal of the whole or part of Sessions House that would satisfy the Ministry of Justice (MOJ) covenants requirements. This remains a key project risk and is a determining factor which informs the next steps and the deliverability of either option.

Given that both options include the continued occupation by KCC of Invicta House, it is proposed to progress with the urgent maintenance works at Invicta House, including the required roof works. £3.4m will be allocated from the £20m approved capital budget in order to progress the design and completion of these works.

How the proposed decision supports the Interim Strategic Plan:

SHQ and its future direction is a key strand of the office strategy as part of the Future Assets programme of the Strategic Reset Programme and the delivery of the Medium-Term Financial Plan (MTFP) savings.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

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

Date:

Not before August 2023

Reason if Key Decision

An Equalities Impact assessment (EQIA) has been undertaken which indicates that the proposals have no adverse impact. It should be noted that Sessions House is one of the most challenging buildings in the estate when it comes to accessibility of users and this decision will enable a greater level of compliance.

Data Protection Implications: A Data Protection impact assessment (DPIA) has also been completed.

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 presented to the 26 July 2023 Policy and Resources Cabinet Committee.

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

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

The detailed financial analysis and assessment of the options is set out in the Final Business Case and has been undertaken by the Council's Finance Team. Both options can be delivered within the capital allocation in the MTFP and deliver the MTFP savings. The NPV of one option is significantly better than the other over the 40-year NPV period and therefore required further exploration given the deliverability challenges associated with this option.

The capital programme includes an allocation of a maximum capped budget of £20m, funded by prudential borrowing for the Strategic Office Estate. If the significantly lower cost option proves to be deliverable, the capital budget will be reduced accordingly.

External advisors have provided assurance in the business case and have produced a Value for Money Assessment on the options which are being considered.

Support documents

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

Reference No: Partnership Agreements will be required in establishing this

relationship with 16 Other Local Authorities. It is expected that the lead Local Authority (Portsmouth) will be required to manage the funding and employ staff to deliver the programme. Legal advice will be sought if selected and the MOU shared.

Key Yes

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

Title:

23/00071 - Fostering Recruitment and Retention Programme

The Decision needed:

Proposed decision –

The Cabinet Member for Integrated Children's Services is asked (subject to selection by the DfE as an appropriate Pathfinder region) to:

- A) Agree to become a member of the Fostering Recruitment and Retention programme.
- B) Agree to enter into relevant agreements with the DfE to join/ a Pathfinder Region for the delivery of the creation of end to end improvements in the Fostering Recruitment and Retention Programme (Agreements to include the acceptances of relevant Memorandums of Understandings and associated funding, and partnership agreements with other local authorities in the assigned regional cluster)
- C) Delegate authority to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Integrated Children's Services, 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.

• **Reason for the decision**

The DfE has confirmed that, following an Expression of Interest in joining the Fostering Recruitment and Retention programme, KCC has been accepted at Stage 1 of the process. The service is required to develop a full proposal for submission in the second week of September 2023. KCC will need to work with their assigned improvement partners, and in line with the funding allocation (to be advised) to develop a fully costed proposal which is to be implemented by April 2024. At this stage no LA is bound to be part of the bid, however from when the fully costed proposal is submitted in September, final membership will need to be confirmed.

Currently, it is proposed that the cluster will include Portsmouth, (Lead LA), Brighton and Hove, Kent, Oxfordshire, West Berkshire, Achieving for Children, Brighter futures, Medway, Wokingham, Slough, Bracknell Forest, Surrey, Hampshire, Southampton, Isle of Wight, West Sussex and East Sussex which equates to 16 LA Partners.

There will be funding for successful Local Authorities that become part of the

programme; no allocations have yet been announced.

- **Background**

The Stable Homes, Built on Love strategy published by the Department for Education set out a vision to re-balance children’s social care away from costly crisis intervention to more meaningful and effective early support.

As part of the Strategy, the government has pledged to deliver a fostering recruitment and retention programme so foster care is available for more children who need it, investing over £27 million over the next two years. After two years the strategy will be refreshed, scaling up the new approaches that have been tested and bring forward legislation (subject to parliamentary time).

DfE are looking to run two regional pathfinders to test creation of end-to-end improvements in the Fostering Recruitment and Retention Programme. The regions taking part will play a key role in shaping future delivery.

Pathfinders are voluntary and confirmation of interest is required. Financial support will be provided to support Pathfinder regions to get started.

Options (other options considered but discarded)

To not put KCC forward to contribute as a Pathfinder for Fostering – this was decided against because of the significant pressures and challenges in recruiting and retaining in-house Foster Carers requiring action..

How the proposed decision supports the Strategic Statement:

The proposed decision supports Framing Kent’s Future Our Council Strategy 2022-2026, Specifically Priority 4 New Models of Care and Support
1.Explore all opportunities to integrate our commissioning of services to improve health and care outcomes.

It also supports delivery of the Kent Sufficiency Strategy 2022-2027

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 August 2023

Reason if Key Decision

An initial Equality Impact Assessment is underway

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.
<p>Your name, Your Service, Your phone number and email address: Funding allocation (to be advised) – there is a need to develop a fully costed proposal which is to be implemented by April 2024. At this stage no LA is bound to be part of the bid, however from when the fully costed proposal is submitted in September, final membership will need to be confirmed. Funding will be issued to the Lead LA (Portsmouth) on behalf of the cluster under section 31 of the Local Government Act 2003</p> <p>Support documents</p>

<p>Responsible Cabinet Member - Cabinet Member for Integrated Children's Services</p> <p>Reference No: Partnership Agreements will be required in establishing an RCC. It is assumed a lead Local Authority will be required to manage the funding and employ staff to deliver the programme. Legal advice will be sought if selected and the MOU shared.</p> <p>Key Yes</p>
Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.
<p>Title: 23/00065 - Regional Care Co-operatives - Pathfinder</p> <p>The Decision needed: Proposed decision –</p> <p>The Cabinet Member for Integrated Children's Services is asked (subject to selection by the DfE as an appropriate Pathfinder region) to:</p> <ul style="list-style-type: none"> A) Agree to become a Regional Care Co-operatives Pathfinder authority (if selected) B) enter into relevant agreements with the DfE to join/lead a Pathfinder Region for the delivery of a Regional Care Co-operative (Agreement to include the acceptances of relevant Memorandums of Understandings and associated funding and partnership agreements) C) Delegate authority to the Corporate Director of Children, Young People and Education, in consultation with the Cabinet Member for Integrated

Children's Services, 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.

Reason for the decision

The Department for Education (DfE) is seeking Local Authorities (LAs) to engage in designing and piloting the Regional Care Co-operatives (RCCs), as set out in their strategy Stable Homes, Built on Love.

There is funding for successful Local Authorities that wish to be Pathfinders; no LA's have been identified yet so no potential financial amounts have been allocated. However, we are seeking approval to engage in progressing these projects, identifying the funding that would be allocated and implementing the requirements, including spending the money in line with the conditions.

Background

The Stable Homes, Built on Love strategy sets out a vision to re-balance children's social care away from costly crisis intervention to more meaningful and effective early support.

The DfE states it will reform in phases, investing £200m over the next two years. After two years they will refresh this strategy, scaling up new approaches that have been tested and bring forward legislation (subject to parliamentary time).

DfE are looking to run two regional pathfinders to test Regional Care Cooperatives. The regions taking part will play a key role in shaping future delivery. DfE want the region to be big enough to start seeing savings through economies of scale and anticipate an appropriate size would be eight to 12 LAs, although LAs with large Children in Care populations, the number of LAs might be smaller.

Pathfinders are voluntary and confirmation of interest is required. Financial support will be provided to support Pathfinder regions to get started.

Options (other options considered but discarded)

To not put KCC forward to contribute as a Pathfinder for RCC – this was decided against because of the significant pressures and challenges finding affordable placements for Children in Care.

How the proposed decision supports the Strategic Statement:

The proposed decision supports Framing Kent's Future Our Council Strategy 2022-2026, Specifically Priority 4 New Models of Care and Support 1. Explore all opportunities to integrate our commissioning of services to improve health and care outcomes.

It also supports delivery of the Kent Sufficiency Strategy 2022-2027

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 August 2023

Reason if Key Decision

An initial Equality Impact Assessment is underway

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:

DfE will support Pathfinder regions to get started as follows:

Up to £5m per RCC to set up the new arrangements

- Funding is to cover legal due diligence, HR, finance and project management costs plus evaluation of the pathfinders.
- Funding will depend on the size of the RCC (number of LAs / size of staff teams involved); DfE will discuss this with selected regions accordingly.
- DfE will procure a delivery partner to work with RCC regions (similar to children's services trusts and Regional Adoption Agencies) and procure evaluation.

Up to £5m capital funding per RCC to develop new provision

- Will be for the region to decide what their priorities are, DfE want to discuss with the region what they intend / how they plan to deliver.
- Tight deadline to spend the money: funding only available until March 2025 (SR period).
- DfE are not asking regions to match-fund the money although if any region is able to, the money will be able to go further.

Support documents

URGENT DECISION - IMMEDIATE IMPLEMENTATION

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

Reference No: See above.

Key Yes

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

Title:
23/00067 - Reinforced Autoclave Aerated Concrete (RAAC) in Schools

The Decision needed:

Proposed decision:

- a) note the current position in respect of Reinforced Autoclave Aerated Concrete (RAAC) and the emergency closure of four schools across the County.
- b) note the emergency measures that have been taken to minimise disruption to education whilst works are undertaken to enable the schools to reoccupy school accommodation as soon as possible at the start of the new academic year.
- c) approve the required expenditure to deliver the relevant works at any identified schools with a positive RAAC confirmation that requires immediate action and cover necessary temporary measures, including authorising the draw down on reserves to fund the emergency response and strengthening works that are required at identified schools, should forward funding from existing underspends and rephasing be insufficient. Funding for this is capped at £2.5M, pending further decision-making in the event of escalating costs.
- d) note that the capital costs will be reimbursed by the Department for Education (DfE) regardless of school type in relation to the schools where action has already been taken with ongoing discussions continuing with the DfE to recover all costs and any further action which may be required in respect of any new schools where immediate action is required; and
- e) authorise the Director of Infrastructure in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Democratic Services to finalise and enter into the necessary contracts, funding and legal agreements and take other actions as necessary to implement this decision.

Reason for decision:

In June 2023, through the course of relevant inspections and the consideration of new guidance by the DfE regarding the presence of Reinforced Autoclave Aerated Concrete (RAAC) in schools, the following schools were flagged by Surveyors as constituting Red Critical status:

- Birchington CofE Primary School
- Sunny Bank Primary School
- Palmarsh Primary School
- St James' CE Primary School.

These four schools were all closed with immediate effect, meaning that 1,130 pupils were unable to access face to face education. KCC carries the statutory duty to ensure that children have access to education. Emergency plans by KCC were initiated to minimise the period that the children were out of face to face education, the affected schools and the wider school community. 1 school returned to face to face teaching on Tuesday 20th June (Sunny Bank) with the remaining 3 schools on Wednesday 21st June.

In addition, Godinton Primary School have temporarily closed the hall and adjacent areas where RAAC is present whilst further investigations are undertaken.

Options (other options considered but discarded):

Alternatives to the chosen 'Strengthening Works' approach included:

- Installation of temporary propping – not progressed as unviable based on unacceptable disruption to pupils.
- Full transition into Temporary Accommodation – not progressed in view of significant cost implications and prolonged timeframes for design and delivery.
- Taking no action at all was not viable due to the potential risk to pupils and the disruption or prevention of their education.

Data Protection implications:

No data protection implications identified in relation to instructing relevant works. No additional processing of personal data.

Financial implications:

Assessments indicate costs will be approx. £1.2m for delivering the required strengthening works at the schools identified so far. This cost could increase if additional schools are identified as requiring similar closure, temporary arrangements and strengthening works.

There is therefore a risk that further RAAC may be identified within schools where KCC are the responsible body or within KCC's wider family of schools. This risk at present is unknown until all the schools KCC are responsible for have been visited through our own assurance process. This is expected to be completed for all three batches by August. Without further details as and when schools are identified, it is not possible to fully

quantify the cost implications other than to note the risk of increased financial pressure. Should costs escalate beyond the approved level, the decision and arrangements will need to be reviewed to further consider the financial implications for the Council.

KCC will be required to fund any initial spend from reserves or underspending elsewhere in the capital programme whilst expenditure is reclaimed from the DfE.

Legal implications:

KCC has responsibilities both as a Responsible Body in respect of maintaining the buildings of community, foundation and voluntary controlled schools and as the education authority responsible for ensuring every child resident in Kent can access a school place. Maintained schools are required to deliver 380 school sessions each year, and whilst legal provision is made for sessions not being delivered in exceptional circumstances, such as an immediate health and safety risk requiring the school to close, it is expected the education function will be reinstated expeditiously. Failure to do so opens the school concerned and the maintaining authority to claims for failure to educate.

In the event that another Responsible Body does not take the action required to ensure their school buildings can operate safely (because of affordability) and thus children cannot attend school, the most likely immediate reaction will be calls for the education authority to intervene to reopen the school, followed by options to look for alternative school places in order to discharge its statutory duty.

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:

July 2023

Reason if Key Decision

No adverse impacts on protected characteristics were identified in relation to this decision, which seeks to deliver a solution to the issue that required the closure of school buildings and related temporary arrangements.

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

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

Consultees

No Cabinet Committee consultation possible due to urgency process.

Non-Executive Member notification and engagement processes, as required under Urgency Procedures, followed. Comments from relevant Members to be shown on the Record of Decision.

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

Your name, Your Service, Your phone number and email address:
See above.

Support documents

NOT BEFORE 10 AUGUST 2023

Responsible Cabinet Member - Cabinet Member for Education and Skills

Reference No: N/A.

Key Yes

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

Title:
23/0070 - Increase to Early Years Free Entitlement Rates from September 2023

The Decision needed:

Proposed decision

The Cabinet Member for Education and Skills to:

1. Approve Kent County Council's local funding rates for distributing the Early Years Supplementary Grant to early years providers from September 2023.
2. Delegate authority to the Corporate Director of Children, Young People and Education to make any necessary changes to the Local Funding Formula rates.

Reason for the decision:

In response to the Department of Education confirming additional funding will be made available for Early Years from 1st September 2023. This decision will confirm how this additional funding will be distributed to early years providers in line with Government guidelines.

Background:

All eligible parents of children aged three- and four-year olds are entitled to up to 30 hours free childcare per week up until they start school with this offer extended to disadvantaged two-year olds. The Council is responsible

for both setting the Early Years Local Funding Formula which is used for setting the hourly rates paid to early years providers for this Free Entitlement offer, along with paying providers. This is fully funded from the Early Years Block of the Dedicated Schools Grant provided by the Department of Education.

The free entitlement rates for providers are normally set once a year in line with the financial year. However, as part of the 2023 Spring Budget, the Government announced its intention to provide local authorities with an additional in-year funding uplift from September 2023, along with further expansion of the free entitlement offer in future years. The additional monies for 2023-24 will be received through a separate standalone top up grant known as the Early Years Supplementary Grant (EYSG).

The Council will need to set the local funding rates for distributing EYGS to providers.

Government guidance has also confirmed Local Authorities are not required to consult formally, although they are encouraged to engage with early years providers about the additional funding.

The decision is linked to achieving the objective “the Children and young people in Kent get the best start in life” within the ‘Increasing Opportunities, Improving Outcomes: Kent County Council’s Strategic Statement (2015-2020)’.

Options:

The options for the setting the Early Years local funding formula rates will be considered once the Government confirms final allocations.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Education and Skills

Date:

Not before August 2023

Reason if Key Decision

An equalities impact assessment is currently being drafted and will be completed once the Government has confirmed final allocations and options are reviewed.

Data Protection implications: N/A

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**Has any public consultation been undertaken or is any planned?**

The Department of Education have confirmed Local Authorities are not required to consult formally, although they are encouraged to engage with early years providers about the additional funding.

Cabinet Committee consultation planned:

The proposed decision will be considered by the CYPE Cabinet Committee on 18 July 2023.

Have views been sought from local Members?

No, but they will be included in any report to the Cabinet Member and the record of decision if requested by the Local Members.

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

The DFE have yet to confirm the allocation of funding to individual Local Authorities.

The costs of the new funding formula will be fully met from the Dedicated Schools Grant and will not be a cost to Council funding.

Support documents**Responsible Cabinet Member - Cabinet Member for Education and Skills****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:**

23/00069 - Post 16 Transport Policy Statement including Post 19 for 2024/25

The Decision needed:**Proposed decision**

The Cabinet Member for Education and Skills to:

Agree the Post 16 Transport Policy Statement including Post 19 for the 2024/25 academic year.

Background

Local authorities have a legal duty to annually publish a Post 16 Transport

Policy Statement. This decision will put in place the policy for the academic year 2024/25.

KCC currently provides a Kent 16+ Travel Saver card to 4,765 pupils. KCC expects this card to be suitable for most learners, but where it is not KCC will consider applications for support – the policy statement sets out the assessment process and options available.

Financial Implications

KCC's total estimated revenue costs for transporting Post 16 young people using either the KTS 16+ travel pass or KCC arranged transport/ Personal Transport Budget is approximately £14.6m per year, though this can vary depending on demand. Approximately £2.5m is recouped through the charging of the KTS16+ (currently £500 per year per child), with the balance of £12.1m met from the Home to School Transport revenue budget.

The financial impact of the proposals set out in this paper are estimated to achieve an annual saving of around £1.4m to £2.0m as set out below.

- The removal of wholly free Post 16 transport for learners with SEND and/or mobility problems, by charging the equivalent amount of a KTS16+ pass (currently £500 per year, with a discounted rate for those eligible for Free School Meals) is estimated to reduce the £14.6m transport costs by approximately £0.5m per year.
- The removal of additional drop off and collection times for Post 16 learners to accommodate partial attendance reduces costs by approximately £0.2m per year,
- Introduction of qualifying criteria for learners seeking transport support for new education courses started after their 19th birthday could reduce the annual cost by around £0.6m to £1.3m (this is dependent on the course undertaken and journey times).

The costs of implementation are estimated to be around £30k, which includes system changes and website development. The increase in capacity of the CYPE transport eligibility team is estimated to be £50k.

Legal Implications

The requirements placed on a local authority are defined in the Education Act 1996 (as amended), Education and Skills Act 2008, Education and Inspections Act 2006, Apprenticeships, Skills, Children and Learning Act 2009 and the Equality Act 2010.

Local authorities do not have a general obligation to provide free or subsidised post 16 travel support but do have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport or other support that the authority considers it necessary to make to facilitate the attendance of all persons of sixth form age receiving education or training.

Local authorities have a duty to encourage, enable and assist young people with Special Educational Needs and/or Disabilities (SEND) to participate in education and training, up to the age of 25.

The policy statement sets out the duties on the LA to consider requests for transport support. Where additional support is refused, learners can appeal to the Transport Regulation Committee Appeal Panel.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Education and Skills

Date:

Not before August 2023

Reason if Key Decision

An EqlA has been completed and will be included in the report to the Children, Young People's and Education Cabinet Committee as well as the report presented to the Cabinet Member before this decision is taken.

Data Protection Impact Assessment

The Kent 16+ Transport privacy statement can be found here (Kent Travel Saver and Kent 16+ Travel Saver privacy notice - Kent County Council) and advises parents that they are consenting to the usage of their submitted data, how the data will be used, who it will be shared with and how long it will be held, in line with KCC's duties.

Changes associated with this decision do not affect the data that is collected or how it is used, so previous DPIAs remain valid and do not require revision.

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

KCC consulted with current and future service users between 25 January and 21 March 2023 on a Post 16 Transport Policy Statement including Post 19 for 2024/25. As changes were being proposed for the 2024/25 academic year, the consultation was held a year earlier than usual to ensure that pupils that would be affected by the potential changes had sufficient opportunity to consider the implications before future educational decisions are made. The consultation also included a new 4 - 16 Transport Policy (effective from 2024-25 Academic Year) which is subject to a separate decision.

Cabinet Committee consultation planned:

A report will be presented to CYPE CC 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:

Support documents

Responsible Cabinet Member - Cabinet Member for Education and Skills

Reference No: Sections 508B and 508C of the Education Act 1996 explain how free school transport should operate across the UK. Under the Act, a parent is responsible for ensuring that their child attends school regularly. However, Section 444(3B) provides that a parent will have a defence in law against a prosecution by a Local Authority (Council) for their child's non-attendance at school, where the Local Authority has a duty to make travel arrangements in relation to the CYP under Section 508B and has failed to discharge that duty.

Where there is a duty for KCC to provide travel arrangements we will assess applications to establish those who are eligible and where necessary provide free transport. Section 2 of the proposed Transport Policy explains these circumstances (eligibility criteria) and the arrangements for transport assistance. No changes are being proposed to the eligibility criteria in the new Policy. This means children will be assessed in the same way as current applications.

Key Yes

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

Title:
23/00068 - Transport Policy for Children and Young People aged 4 to 16 with effect from 2024/25 Academic Year

The Decision needed:

Proposed decision:

The Cabinet Member for Education and Skills:

To agree the Transport Policy for Children and Young People aged 4 to 16 with effect from the 2024/2025 academic year.

Background

The new Home to School Transport Policy formalises how KCC identifies who meets the national criteria for free home to school transport for all mainstream and Special Educational Needs and Disabilities (SEND) pupils aged 4 to 16 and highlights KCC's commitment to providing suitable transport. It explains what additional transport support KCC will provide and how this will be achieved. The Policy is planned to come into effect from the 2024-25 academic year. There are no proposed changes to the current eligibility criteria.

This Policy will apply to all families living within KCC's administrative boundary, including those children and young people (CYP) who attend mainstream or special schools in other Local Authority areas. The Policy will apply to all CYP in this age range including those with a disability and where appropriate, those who have an Education, Health and Care Plan (EHCP).

Financial Implications:

In 2022-23, the estimated total revenue costs to KCC of providing free transport to school for eligible Pre-16 learners was over £55m of which just over £9m was spent on transporting mainstream children and around £46m related to the transportation of eligible children with Special Educational Needs.

The proposed transport policy for CYP aged 4 to 16 is expected to have minimal financial impact. The proposed changes are intended to normalise several schemes, including Personal Transport Budgets and school led transport arrangements, which have been in operation for a number of years in a pilot capacity. It is also anticipated that there will be a reduction in the administration requirement of holding appeals when agreeing eligibility in specific circumstances. Associated costs with these schemes and eligibility criteria are already reflected in both the Mainstream and Special Educational Needs Home to School Transport budgets. The associated administration saving will be negligible.

The widening of the Personal Transport Budgets to include mainstream pupils, formalising school led transport and exploring the Cycle Bursary Scheme could lead to some future cost savings. The level of savings will be determined by future take-up of the schemes by parents & schools. A separate paper will be presented to CYPE Cabinet Committee at a future date to explore the further development of school led transport initiatives.

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Education and Skills

Date:

Not before August 2023

Reason if Key Decision

An EqIA has been completed and the outcome will be included in the report to

the Children, Young People's and Education Cabinet Committee and the report presented to the Cabinet Member before the decision is taken.

Data Protection Impact Assessment - Changes associated with this decision do not affect the data that is collected or how it is used, so previous DPIAs remain valid and do not require revision.

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

KCC consulted with current and future service users between 25 January and 21 March 2023 on a 4 - 16 Transport Policy (effective from 2024-25 Academic Year). The consultation also included a Post 16 Transport Policy Statement including Post 19 for 2024/25.

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

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

Support documents

NOT BEFORE 28 JULY 2023

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

Reference No: The completion of the new Strategic Partnership Agreement for Neurodiversity will automatically terminate the current Section 75 Agreement for learning disability and autism. The new Strategic Partnership Agreement for Neurodiversity will start on 1 September 2023.

Key Yes

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

Title:
23/00059 - Strategic Partnership Agreement for Neurodiversity

The Decision needed:

Proposed Decision:
 Enter into a new Strategic Partnership Agreement for Neurodiversity with NHS Kent and Medway, delegate authority to the Corporate Director Adult Social Care and Health to vary the agreement to widen the geographical scope and parties to the agreement and 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.

Reason for the decision: Since April 2016 Kent County Council (KCC) has been in a formal partnership with the previous Kent and Medway Clinical Commissioning Groups, supported by a Section 75 Agreement. The original ambition to develop wider partnership for service delivery was delivered in 2018 when the Learning Disability Alliance was signed. Since the Alliance Agreement ended on 31 March 2021 there has been no use of delegated functions under section 75 of the NHS Act 2006.

The development of understanding and relationships, supported by the Section 75 and Alliance Agreements, combined with the development of Integrated Care Systems in the context of the Health and Care Act, and the continued inequality experienced by neurodivergent people presented an opportunity to review and develop a consistent, coordinated approach and equitable service across the Kent and Medway geographical areas.

The new Strategic Partnership Agreement for Neurodiversity is ready for implementation between Kent County Council and NHS Kent and Medway, with potential for variation by 31 March 2024 to widen the geographical scope and the parties to the agreement in line with the review for a whole System Delivery Partnership for Neurodiversity.

The proposed decision supports Priority 4 of Kent County Council’s Strategic Statement 2022-2026 to integrate our commissioning and planning of services to improve health and social care outcomes.

Do nothing option discarded - the current Section 75 Agreement is in perpetuity but does not offer the flexibility for the partnership to adapt as required to continuously meet the needs of neurodivergent citizens.

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 undertaken and reviewed with no negative impact on people with protected characteristics. The EQIA will continue to be reviewed and updated.

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
<p>Consultees</p> <p>The proposed decision was endorsed by the Adult Social Care Cabinet Committee 6 July 2023.</p>
Section 4 – Responsible Officer – Who to contact for more information.
<p>Your name, Your Service, Your phone number and email address: The pooled fund hosted by KCC under the current Section 75 for learning disability and autism manages the partnership’s commissioning staff arrangements and flows funds into the pool for permanent staffing costs. This includes a KCC contribution of £21,000 per annum. This pool, including other contributions from NHS Kent and Medway for aftercare costs, and Tier 4 contributions via NHS England, based on net discharge of learning disabled and autistic inpatients will continue under the new arrangements.</p> <p>Support documents 23/00059 - PROD 23/00059 - Decision Report 23/00059 - EQIA</p>

NOT BEFORE 26 JULY 2023

<p>Responsible Cabinet Member - Cabinet Member for Adult Social Care and Public Health</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Key Yes</p>
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

The proposed decision was approved by the Health Reform and Public Health Cabinet Committee on 11 July 2023.

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

23/00032 - Proposed Record of Decision

23/00032 - Decision Report

23/00032 - EQIA

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

The proposed decision was endorsed by the Adult Social Care Cabinet Committee 6 July 2023.

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

23/00061 - PROD

23/00061 - Decision Report

23/00061 - EQIA

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*¹.

LARC is an extremely effective method of contraception² 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)³. 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 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

¹ [The Local Authorities \(Public Health Functions and Entry to Premises by Local Healthwatch Representatives\) Regulations 2013 \(legislation.gov.uk\)](#)

² [How effective is contraception at preventing pregnancy? - NHS \(www.nhs.uk\)](#)

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

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:

This service contributes to ‘Priority 1: Levelling up Kent’ of the *Framing Kent’s Future Our Council Strategy 2022-2026* as providing contraception to women can prevent unplanned pregnancies which is a preventative approach of improving the populations health and narrowing health inequalities.

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 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.

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
<p>Consultees</p> <p>The proposed decision was approved by the Health Reform and Public Health Cabinet Committee 11 July 2023.</p>
Section 4 – Responsible Officer – Who to contact for more information.
<p>Your name, Your Service, Your phone number and email address:</p> <p>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>Support documents 23/00062 - PROD 23/00062 - Decision Report 23/00062 - EQIA</p>

<p>Responsible Cabinet Member - Cabinet Member for Highways and Transport</p> <p>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.</p> <p>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.</p> <p>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</p> <p>Key Yes</p>
Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.

<p>Title: 23/00066 - A28 Sturry Link Road - Compulsory Purchase Order</p> <p>The Decision needed: 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.</p> <p>Background 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.</p> <p>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.</p> <p>Options (other options considered but discarded) The CPO is a backstop to ensure the programme can be completed. Delays will cause additional costs.</p> <p>How the proposed decision supports Framing Kent’s Future 2022-2026 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.</p>
<p>Section 2 – Who is taking the final decision and when</p>
<p>Who is taking the Decision Cabinet Member for Highways and Transport</p> <p>Date: Not before July 2023</p> <p>Reason if Key Decision An updated Equalities Impact Assessment has been prepared.</p> <p>Reason if this decision has been delayed/withdrawn from a previous plan</p>
<p>Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors</p>
<p>Consultees</p>

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 1st 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.
<p>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.</p> <p>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.</p> <p>Support documents</p>

<p>Responsible Cabinet Member - Leader of the Council</p> <p>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'.</p> <p>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.</p> <p>Key Yes</p>
Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.
<p>Title: 23/00060 - Domestic Abuse Act Framework 2023-25</p>

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 (KIDAS) 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
DA Act funding allocation (Kent)	£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

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

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

As above.

Support documents

23/00060 - Proposed Record of Decision

23/00060 - Decision Report

23/00060 - EQIA

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 (Borges 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

<p>Who is taking the Decision Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services</p> <p>Date: Not before July 2023</p> <p>Reason if Key Decision An Equalities Impact Assessment (EqIA) will be completed but no equality implications are envisaged.</p> <p>Reason if this decision has been delayed/withdrawn from a previous plan The proposed decision will be discussed at Policy & Resources Cabinet Committee on 26 July 2023.</p>
<p>Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors</p>
<p>Consultees</p>
<p>Section 4 – Responsible Officer – Who to contact for more information.</p>
<p>Your name, Your Service, Your phone number and email address: The full and detailed financial implications are currently being developed as part of the best and final offer process.</p> <p>Support documents 23.00063 - Proposed Record of Decision 23.00063 - Decision Report 23.00063 - EQIA 23.00063 - EXEMPT Appendix A 23.00063 - EXEMPT Appendix B</p>

NOT BEFORE 14 JUNE 2023

<p>Responsible Cabinet Member - Cabinet Member for Highways and Transport</p> <p>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. This system supports the Authority in delivering this statutory service.</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.

Key Yes

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

Title:
23/00052 - Works Asset Management System Contract Award

The Decision needed:

Proposed decision

To agree to:

- a) award the Works Asset Management System (WAMs) contract to Brightly Software Limited from 31st July 2023, for a period of 3 years; and
- 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.

Reason for the decision

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.

The Contract will start on 31st July 2023, and continue for a period of 3 years.

Background

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*

<p>area. This needs to be linked to the Highway Act 1980 and our asset management approach etc. This supports this work. Discounted.</p> <p>2. <i>Extension of current contract: There are no remaining contract extensions, permissible in accordance with the Public Contracts Regulations 2015. Discounted.</i></p> <p>3. <i>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.</i></p> <p>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.</p> <p>Data Protection implications DPIA completed and no issues identified.</p>
<p>Section 2 – Who is taking the final decision and when</p>
<p>Who is taking the Decision Cabinet Member for Highways and Transport</p> <p>Date: Not before June 2023</p> <p>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.</p> <p>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.</p> <p>No public consultation required.</p>
<p>Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors</p>
<p>Consultees</p>

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: 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

<p>Priority 2: Infrastructure for communities</p> <p>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.</p> <p>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.</p>
<p>Section 2 – Who is taking the final decision and when</p>
<p>Who is taking the Decision Cabinet Member for Highways and Transport</p> <p>Date: Not before June 2023</p> <p>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.</p> <p>Reason if this decision has been delayed/withdrawn from a previous plan</p>
<p>Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors</p>
<p>Consultees</p>
<p>Section 4 – Responsible Officer – Who to contact for more information.</p>
<p>Your name, Your Service, Your phone number and email address: See above.</p> <p>Support documents</p>

NOT BEFORE 8 JUNE 2023

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

Reference No: Commissioners will ensure compliance with the Public Contract Regulations (2015) and Spending the Council's Money guidance in relation to the procurement undertaken.

Key Yes

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

Title:

23/00045 - Community Support Services for Children, Young People and Adults with Sensory Needs

The Decision needed:

Proposed decision: To:

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

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.

Reason for the decision:

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.

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).

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:

• **Framing Kent's Future**, 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’.

• **Making a Difference Every Day**, 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’.

• **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 Inform/consult/Involve) including relevant scrutiny councillors
<p>Consultees</p> <p>The proposed decision was discussed at the Adult Social Care Cabinet Committee meeting on 17 May 2023.</p>
Section 4 – Responsible Officer – Who to contact for more information.
<p>Your name, Your Service, Your phone number and email address:</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>Support documents</p>

NOT BEFORE 2 JUNE 2023

<p>Responsible Cabinet Member - Cabinet Member for Community and Regulatory Services</p> <p>Reference No: This policy has been revised taking full consideration of:</p> <ul style="list-style-type: none"> • 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 <p>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.</p> <p>The revised Policy and Application Form has been reviewed alongside the Consultation Report by a Barrister and opinion provided to ensure the Policy</p>

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 30th November 2022 to 7th 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 16th 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 1st December 2022, having previously been approved by the Growth, Economic Development and Communities Cabinet Committee. That consultation was undertaken between the 8th December 2022 and 2nd 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 16th May.

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

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

Support documents

NOT BEFORE 3 MAY 2023

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

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

Legal implications have been identified in relation to data processing and data management across a range of technological devices and systems. Legal advice has been obtained to develop the DPIA and ensure the service will be compliant with the Data Protection Act 2018.

Key Yes

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

Title:
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 20th 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.

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 Corporate Parenting Panel discussed the Care Leavers Covenant on 27th July 2022.

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

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

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.

Support documents

NOT BEFORE 11 APRIL 2023

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

Reference No: 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.

Key Yes

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

Title:

23/00030 - Implementation of an independent Construction Consultancy Services Framework to support the implementation and delivery of the Capital Works Programmes

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 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 require 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 30th 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

<p>Responsible Cabinet Member - Cabinet Member for Community and Regulatory Services</p> <p>Reference No:</p> <p>Key Yes</p>
<p>Section 1 – the decision needed, how it relates to the Council’s Corporate Outcomes and the Costs and risks involved.</p>
<p>Title: 21/00079 - Contracts for Post Mortem Facilities for the Mid Kent & Medway, North East Kent and Central & South East Kent coroner areas</p> <p>The Decision needed: <u>Proposed Decision</u></p> <p>To award 12 month extensions to the contracts for the provision of post mortem (PM) facilities to East Kent Hospitals NHS Trust and Medway NHS Trust.</p> <p><u>Further Information</u></p> <p>The Coroners and Justice Act 2009 places a duty on Coroners to investigate deaths that are referred to them if they have reason to think that:</p> <ul style="list-style-type: none">• 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 <p>In some cases the Coroner will order a PM to establish the cause of death and in such cases the deceased is taken to one of 5 NHS mortuaries across Kent and Medway located at Margate, Ashford, Dartford, Tunbridge Wells and Gillingham.</p> <p>On behalf of the Senior 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.</p> <p>The contracts with these two NHS Trusts expire on the 30th 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</p>

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

<p>Responsible Cabinet Member - Cabinet Member for Integrated Children's Services</p> <p>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.</p> <p>Key Yes</p>
Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.
<p>Title: 21/00076 - Provision of Community Support Services for Disabled Children and Young People - Outcome of Procurement Process</p> <p>The Decision needed: Proposed decision –</p> <p>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.</p> <p>Delegate decisions on the implementation to the Corporate Director of</p>

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

Further information –

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

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

Section 2 – Who is taking the final decision and when

Who is taking the Decision

Cabinet Member for Integrated Children's Services

Date:

Not before October 2021

Reason if Key Decision

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

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

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:

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

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 EqIA 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 should a loan application be received.

Data Protection implications – To enable KCC to administer the Kent and

<p>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>Reason if this decision has been delayed/withdrawn from a previous plan</p>
<p>Section 3 – – Who is to be consulted, how and when, (The Duty to Inform/consult/Involve) including relevant scrutiny councillors</p>
<p>Consultees</p> <p>The proposed Key Decision will be discussed at the Growth, Economic Development and Communities Cabinet Committee on 28 November 2019.</p>
<p>Section 4 – Responsible Officer – Who to contact for more information.</p>
<p>Your name, Your Service, Your phone number and email address: 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>Support documents</p>

NOT BEFORE OCTOBER 2017 BY CABINET MEMBER

<p>Responsible Cabinet Member - Cabinet Member for Corporate and Democratic Services</p> <p>Reference No: None</p> <p>Key Yes</p>
<p>Section 1 – the decision needed, how it relates to the Council's Corporate Outcomes and the Costs and risks involved.</p>
<p>Title: 17/00094 - Disposal of Land East of Great Chart Primary School, Singleton</p> <p>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</p>

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