

## KENT COUNTY COUNCIL

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### CABINET

MINUTES of a meeting of the Cabinet held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 13 July 2009.

PRESENT: Mr P B Carter (Chairman), Mr N J D Chard, Mr G K Gibbens, Mr R W Gough, Mr P M Hill, OBE, Mrs S V Hohler, Mr A J King, MBE, Mr K G Lynes, Mr R A Marsh and Mr J D Simmonds

IN ATTENDANCE: Ms A Honey (Managing Director Communities), Ms L McMullan (Director of Finance), Mr O Mills (Managing Director - Adult Social Services), Ms M Peachey (Kent Director of Public Health) and Ms R Turner (Managing Director Children, Families and Education)

### UNRESTRICTED ITEMS

#### **1. Minutes of the Meeting held on 18 May 2009**

*(Item 2)*

The Minutes of the meeting held on 18 May 2009 were agreed and signed as a true record.

#### **2. Revenue and Capital Budget Outturn 2008-09; Revenue Budget Roll Forward; 2008-09 Final Monitoring of Key Activity Indicators; 2008-09 Final Monitoring of Prudential Indicators; Impact of 2008-09 Revenue Budget Outturn on Reserves and Capital Budget Outcomes & Achievements in 2008-09**

*(Item 3 – Report by Mr John Simmonds, Cabinet Member for Finance and Ms Lynda McMullan, Director of Finance)*

(1) This report set out the provisional revenue and capital budget outturn for 2008/09 and detailed where revenue projects had been re-scheduled and/or were committed, and where there was under or over spending.

(2) Mr Simmonds said that with regard to asylum costs, it was now estimated that some £3.185m would be eligible for a Special Circumstances Payment from the Government bringing the net underspend down to some £3.125m. He said the Council had continued to pressure the Government in respect of this sum and it was hopeful that it would be fully reimbursed for this amount. Mr Simmonds also highlighted a pressure within the SEN Transport Budget which would need to be monitored as the year progressed. Mr Carter said that Cabinet Members together with their Managing Directors would need to reflect on where any underspends should be allocated, and placed on record his thanks on behalf of Cabinet to all staff as this was the ninth consecutive year where there had been a balanced budget with a reasonable underspend.

(3) Cabinet then noted the recommendations set out in paragraph 2 of the Cabinet report and also agreed that the £4.799m remainder of the 2008/09 revenue underspend be set aside in the Economic Downturn reserve.

### **3. Revenue & Capital Budget Monitoring Exception Report**

*(Item 4 – Report by Mr John Simmonds, Cabinet Member for Finance and Ms Lynda McMullan, Director of Finance)*

(1) This was the first exception report for 2009/10 and identified a number of significant pressures that would need to be managed during the year if the Council was to have a balanced revenue position by year end.

(2) During the course of discussion, a number of pressures within the revenue budget were highlighted and in particular the rising costs related to SEN Transport, Asylum costs and increased costs related to the Fostering Service due to the exceptional high levels of Independent Fostering Allowances. Also highlighted was the reduction in LSC contracts in 2008/09 which had resulted in a base pressure that would have a similar impact in 2009/10.

(3) Following discussion, Cabinet noted the initial forecast revenue and capital budget monitoring position for 2009/10 and that a review of the underlying pressures within KEY training would be undertaken and that recommendations for resolving this within the Communities Directorate would be submitted to a future meeting of Cabinet.

### **4. Kent County Council response to the government consultation on the draft Flood and Water Management Bill**

*(Item 5 – Report by Mr Nick Chard, Cabinet Member for Environment, Highways and Waste and Mr Mike Austerberry, Executive Director, Environment, Highways and Waste)*

*Elizabeth Holliday, Team Leader for Natural Environment and Coast was present for this item.*

(1) This report provided an overview of the Government's consultation on the draft Flood and Water Management Bill and presented the key points of the County Council's recommended response.

(2) Following discussion Cabinet:

- (a) noted the contents of the report and supported consultation being undertaken with the Developer Community in Kent regarding the draft Bill's proposals to raise funds for Flood Risk Management and Sustainable Drainage Systems, Maintenance and Adoption through Bonds, Section 106 Agreements, Community Infrastructure Levy, and other such mechanisms; and
- (b) supported the key points raised in response to the consultation as detailed in paragraph 4.2 of the report and delegated to the Cabinet Member for Environment, Highways and Waste, authority to approve the detailed response to the consultation to be submitted on behalf of the County Council to Government.

## **5. Kent Children and Young People's Plan 2008-2011 - Positive About Our Future - Year One Progress Report (April 2008 - March 2009)**

*(Item 6 – Report by Mrs Sarah Hohler, Cabinet Member for Children, Families and Education and Ms Rosalind Turner, Managing Director, Children, Families and Education)*

(1) This report presented the first Annual Monitoring Report covering progress made in the delivery of Kent's Children and Young People's Plan 2008/11 – Positive About Our Future. Mrs Hohler said that the Children and Young People's Plan was central to the work of the Children's Trust as it was the defining statement of the Council's strategic planning and priorities for children, young people and families in Kent. Children's Trusts were required to deliver measurable improvements for all children and young people across all five of the Every Child Matters Outcomes and the Plan set out the improvements to the wellbeing of children and young people in their local area. Mrs Hohler said that this was a first class report and she commended its outcomes and recommendations to Cabinet for approval.

(2) Following discussion, Cabinet noted and agreed the 2008/11 Children and Young People's Plan Review.

## **6. Kent Building Schools for the Future (BSF) Wave 4**

*(Item 7 – Report by Mrs Sarah Hohler, Cabinet Member for Children, Families and Education and Ms Rosalind Turner, Managing Director for Children, Families and Education)*

*Mr Grahame Ward, Director of Resources, CFE was present for this item*

(1) This report provided an update on the Building Schools for the Future Strategy and specifically how Wave 4 would contribute to the transformation of teaching and learning in the Thanet and Gravesham areas.

(2) During the course of discussion Mrs Hohler spoke about the improvements which the Building Schools for the Future Programme was bringing to schools in Kent and the positive effect that new buildings and improvements to existing buildings had had in terms of academic output and general respect within schools. Mr Carter spoke about the importance which schools have as a focus within the local community and he supported the concept of "the school that never sleeps". Mr Ward said that a major legacy of BSF would be a significant improvement in sports facilities and Mrs Hohler spoke about the important links that BSF had with the Young Persons' Plan and the development of culture and leisure activities within local communities.

(3) Following further discussion Cabinet noted the update on the overall Building Schools for the Future Strategy and agreed the Strategy for Wave 4 as detailed in the Cabinet report.

## **7. Independence, Wellbeing and Choice Inspection**

*(Item 8 – Report by Mr Graham Gibbens, Cabinet Member for Adult Social Services and Mr Oliver Mills, Managing Director Kent Adult Social Services)*

*Ms Silu Pascoe, the Lead Inspector responsible for the report of the Care Quality Commission was present for this item.*

(1) Ms Silu Pascoe, the Lead Inspector responsible for the report of the Care Quality Commission said that the Inspection Team had reviewed a range of key documents and assessed other information about how the County Council was delivering and managing outcomes for people. As part of its work the Inspection Team had met with older people and their carers, staff and managers from the Council and representatives of other organisations.

(2) With regard to the County Council's services related to safeguarding adults, the Commission had rated the Council's performance using four grades, these being: poor, adequate, good and excellent. With regard to Safeguarding Adults, the Commission had concluded that Kent's Safeguarding of Adults as 'good'. The Commission also looked at the way the County Council delivered preventative services and in that area, it concluded that Kent was 'excellent'. The Commission also considered the County Council's capacity to improve and rated that as 'excellent'.

(2) During the course of discussion, Mr Gibbens said that he was very pleased with the outcomes of this report, which emphasised those areas of core business which the County Council did very well. He congratulated the Adult Social Services Directorate for its work and said that he believed only one other shire county had achieved the same level of attainment as Kent. Mr Mills said that whilst he welcomed the report, and the emphasis it placed on how well the Council was working to safeguard adults whose circumstances made them vulnerable, there was no room for complacency and he together with his staff, would be accountable for ensuring that the outcomes identified in the Action Plan were delivered.

(3) Following further discussion, Mr Carter said that in recognising those areas which had been identified for improvement, this was nonetheless an outstanding report and he placed on record his congratulations to all staff within the Kent Adult Social Services Directorate for the professional way in which they delivered these services. He also placed on record his thanks on behalf of the Council for the work which had been undertaken by the Care Quality Commission and its Inspectors.

(4) Cabinet then noted the Action Plan and the report as presented by the Care Quality Commission.

## **8. Sustainable Communities Act 2007**

*(Item 9 – Report by Mr Paul Carter, Leader of the Council and Mr David Cockburn, Executive Director for Strategy, Economic Development and ICT)*

*Mr David Whittle, Policy Manager, Corporate Policy was present for this item*

(1) This report sought approval for the submission of two proposals under the Sustainable Communities Act 2007 – one relating to solving Operation Stack and the other with regard to Education and Skills and, in particular, that the functions of the National Apprenticeship Service, the Skills Funding Agency and the Young People's Learning Agency be devolved to the County Council.

(2) Following discussion, Cabinet agreed that the two proposals as identified in the Cabinet report should be submitted to the Local Government Association under the terms of the Sustainable Communities Act 2007.

## **9. Urgent Decisions Taken During the Interregnum**

*(Item 10 – Report by Mr Geoff Wild, Director of Law and Governance)*

RESOLVED that the actions and decisions taken by the Managing Director for Children, Families and Education during the Interregnum period be confirmed.

## **10. Commissioning Connexions and Work Related Learning Services from April 2010**

*(Item 12 – Report by Mrs Sarah Hohler, Cabinet Member for Children, Families and Education and Ms Rosalind Turner, Managing Director for Children, Families and Education)*

*Ms Joanna Wainwright, Director Commissioning {Specialist Services} was present for this item.*

This is an unrestricted minute of a report which was exempt under paragraph 1 of Schedule 12A of the Local Government Act 1972, as amended.

(1) This report outlined the outcome of the recent tendering process for Connexions and work related learning services to be delivered from 1 April 2010 to 31 March 2013.

(2) The submitted tenders had been evaluated against a robust evaluation scoring framework and the recommendation to Cabinet was that the current provider, Connexions Partnership Kent and Medway, should be awarded the contract.

(3) Following consideration of the report, Cabinet RESOLVED that the Connexions Partnership Kent and Medway should be confirmed as the preferred supplier from April 2010 and authority be given to the Director of Children, Families and Education to award the Partnership the contract following the Alcatel period (14 July – 24 July 2009).

## **11. Kent Building Schools for the Future Wave 4**

*(Item 13 – Report by Mrs Sarah Hohler, Cabinet Member for Children, Families and Education and Ms Rosalind Turner, Managing Director Children, Families and Education)*

*Mr Grahame Ward, Director Resources for Children, Families and Education was present for this item.*

The following is an unrestricted minute of a report which was exempt under Paragraph 3 of Schedule 12A of the Local Government Act 1972, as amended.

(1) This report sought approval to continue with the development of Kent's Wave 4 Building Schools for the Future (BSF) Project through the submission of the Wave 4 Outline Business Case and the development of projects by the Kent Local Education Partnership 1 through the New Project Approval Process. The report also gave an update on other Waves within the BSF Programmes.

(2) With regard to Wave 3, the approved Programme equated to 36 schools spread over 3 waves of the national Building Schools for the Future Programme including one academy. Construction of the first ten school buildings under Wave 3

commenced in October 2008 and the feedback to date from the schools had been positive and the performance of the contractors was good.

(3) The report updated Cabinet with regard to Wave 4 and outlined progress to date. The report detailed the decisions that the County Council would need to take over the coming months in order for this Wave to progress and for Kent to benefit from the investment in the education estate and the resulting improvement in the quality of teaching and learning. At this stage there were no contractual commitments just an intent to deliver Wave 4 and a recognition of the final contribution that the County Council would need to make. The report also set out the key approval dates in relation to Wave 4 culminating in approval being sought for the submission of the final business case to Government and approval to enter into contracts in October 2010. In the meantime there would be regular reports and updates through the New Project Approval Process to the BSF, PFI and Academies Programme Board.

(4) The report also updated Cabinet on the development of Wave 5 through the Strategy for Change. Work continued on the development of the Strategy for Change Part 2, Outline Business Case for Wave 5 and pre-procurement preparation and this included the development of two proposed academies in the Wave 5 Area. In relation to Wave 6, the Secondary Transformation Team had been actively engaged with Swale Headteachers in the development of a draft Strategy for Change Part 1 document which was currently under preparation. Following the finalisation of the Strategy for Change, the Strategy for Change Part 2 and Outline Business Case would be developed with further updates being brought to Cabinet for approval to submit the Wave 5 Outline Business Case and the affordability parameters.

(5) Following further discussion Cabinet agreed as follows:-

- (i) to note the changes in current progress in respect of Wave 3 and the Trillium/Telereal Partnership Changes;
- (ii) agreement be given to the submission of the Wave 4 Outline Business Case to the DCSF and Partnerships for Schools and to issue the schemes to the Kent Local Education Partnership 1 so these could be developed via the New Project Approval Process;
- (iii) authority be delegated to the Director of Resources (CFE) and to the Head of PFI/PPP (CFE) in consultation with the Leader of the Council, the Cabinet Member for Children Families and Education and the Managing Director for Children Families and Education to proceed with the New Project Approval Process (stages 1, 2A and 2B) and to finalise contractual terms up to contract award within the affordability parameters as set out in the Cabinet report;
- (iv) it be noted that final approval would be sought prior to the submission of the Final Business Case and the affordability position;
- (v) authority be given to the Director of Resources (CFE) to proceed to contract award in respect of the Wave 4 at the end of stage 2B with regular progress reports being submitted to the BSF Programme Board; and

(vi) the progress in respect of Waves 5 and 6 be noted.