



DEMOCRATIC SERVICES
SESSIONS HOUSE
MAIDSTONE

Tuesday, 9 February 2010

To: All Members of the County Council

Please attend the meeting of the County Council in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 18 February 2010 at **10.00 am** to deal with the following business. **The meeting is scheduled to end by 5.00 pm.**

A G E N D A

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the meetings held on 10 December 2009 and if in order, to be approved as correct records. **(Pages 1 - 10)**
4. Chairman's Announcements
5. Questions
6. Local Act for amendment of Road Traffic Regulation Act 1984 - The Kent County Council (Filming on Highways) Bill **(Pages 11 - 24)**
- 10.35 am (or earlier if other business permits)**
7. Medium Term Plan 2010/13 (Incorporating the Budget and Council Tax Setting for 2010-11) **(Pages 25 - 34)**

Peter Sass
Head of Democratic Services and Local Leadership
01622 694002

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KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 10 December 2009.

PRESENT:

Mr J A Davies (Chairman)
Mr W A Hayton (Vice-Chairman)

Mrs A D Allen, Mr M J Angell, Mr D L Brazier, Mr R Brookbank, Mr R B Burgess, Mr C J Capon, Miss S J Carey, Mr N J D Chard, Mr A R Chell, Mr I S Chittenden, Mr L Christie, Mrs P T Cole, Mr N J Collor, Mr G Cooke, Mr B R Cope, Mr H J Craske, Mr A D Crowther, Mr J Cubitt, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mrs T Dean, Mr K A Ferrin, MBE, Mr G K Gibbens, Mr R W Gough, Mrs E Green, Mr M J Harrison, Mr C Hibberd, Mr P M Hill, OBE, Mr D A Hirst, Mrs S V Hohler, Mr P J Homewood, Mr G A Horne MBE, Mr E E C Hotson, Mr M J Jarvis, Mr A J King, MBE, Mr R E King, Mr J A Kite, Mr S J G Koowaree, Mr P W A Lake, Mrs J Law, Mr R J Lees, Mr J F London, Mr R L H Long, TD, Mr K G Lynes, Mr R F Manning, Mr R A Marsh, Mr M J Northey, Mr J Ozog, Mr T Prater, Mr K Pugh, Mr W Richardson, Mr L B Ridings, Mr M Robertson, Mrs J A Rook, Mr A Sandhu, MBE, Mr J D Simmonds, Mr C P Smith, Mr K Smith, Mr M V Snelling, Mrs P A V Stockell, Mr B J Sweetland, Mr R Tolputt, Mrs E M Tweed, Mr M J Vye, Mr J Wedgbury, Mr C T Wells, Mr M Whiting, Mrs J Whittle, Mr A Wickham and Mr A Willicombe

IN ATTENDANCE: Mr P Gilroy (Chief Executive), Mr G Wild (Director of Law and Governance) and Mr P Sass, Head of Democratic Services and Local Leadership

UNRESTRICTED ITEMS

1. Apologies for Absence

The Chief Executive reported apologies from the following Members:

Mr R Bayford
Mr A Bowles
Mr R Bullock, MBE
Mr P Carter
Mr R Frayne
Mr T Gates
Mr J Kirby
Mr S Manion
Mr R Parry
Mr R Pascoe
Mr J Scholes

2. Declarations of Interest

There were no declarations of personal or prejudicial interests by Members in respect of any item on the agenda.

3. Minutes of the meeting held on 15 October 2009 and if in order, to be approved as a correct record.

RESOLVED: that the Minutes of the meeting held on Thursday 15 October 2009 are correctly recorded and that they be signed by the Chairman.

4. Chairman's Announcements

(a) Death of Sir John Grugeon

The Chairman formally advised the Council of the death of Sir John Grugeon; former Conservative County Councillor for Ashford Rural West from 1967 to 1997 and the County Councillor for Tenterden from 1997 to 2001

Sir John was the Leader of the Council from 1973 to 1982; and Chairman of the County Council from 1989 to 1991 and again from 1997 to 1999. He was also the Chairman of the Police Authority from 1994 to 1998.

Knighted in 1980 for services to local government, Sir John was also appointed Deputy Lieutenant for Kent in 1986.

Sir John's son Paul has confirmed that following the family-only funeral, but there will be a memorial service in the New Year.

The Council stood in silence as a mark of respect and passed a resolution in the following terms:

RESOLVED that this Council desires to record the sense of loss it feels on the death of Sir John Grugeon and extends to his family and friend its heartfelt sympathy to them in their sad bereavement.

(b) Academic Award for Miss Susan Carey

The Chairman announced that Susan Carey, Member for the Elham Valley Electoral Division, had been awarded a Post Graduate Diploma in Local Government Studies from London Southbank University, which she passed with a Distinction. This is the first such qualification for Councillors.

Miss Carey was sponsored by KCC for the course and South East Employers paid the fees.

The Chairman invited Miss Carey to the dais to formally receive her Award.

(c) Local Authority Regeneration Team of the Year Award

The Chairman announced that the Regeneration and Economy Division, within the Chief Executive's department, had been awarded the National Award for Local Authority Regeneration Team of the Year by the Regeneration and Renewal Magazine.

The team was also highly commended in the Regeneration Design Category for the Ashford Shared Space Project.

(d) Human Resources and Payroll Award

The Chairman announced that Kent County Council, the only public sector organisation to be shortlisted for the recent Pay Magazine's awards, had won the Integrated Human Resources and Payroll Team prize. The Pay Magazine is the largest trade publication in the industry.

(e) UK Teaching Awards

The Chairman formally congratulated Dan Walton, an advanced skills maths teacher at St. John's Catholic Comprehensive School in Gravesend, for being crowned "Teacher of the Year in a Secondary School" at the recent national Teaching Awards.

Four other Kent teachers and one Kent school also won regional awards held earlier in the year.

(f) Petitions

The Chairman announced the receipt of two petitions from Members:

The first petition had been submitted by Mrs Whittle on behalf of 150 residents in Stockbury, calling for KCC to invest in Broadband access to their village, which was handed formally to Mr Roger Gough, Cabinet Member for Corporate Support Services and Performance Management for investigation and response.

The second petition had also been submitted by Mrs Whittle on behalf of residents of Harrietsham in relation to the A20 speed limits review and the proposal to move the 60mph limit eastwards into the village, which was handed formally to Mr Nick Chard, Cabinet Member for Environment, Highways and Waste for investigation and response.

(g) Demonstration of the BT Meet Me Teleconferencing Service

The Chairman stated that there was a demonstration outside the Chamber for Members of the BT "Meet Me" Teleconferencing Service. This service allows a telephone conversation to be held with up to 40 people at the same time and can be accessed from any landline or mobile phone. If a Member initiates the call from County Hall, the service is free to use; if the service is accessed from a Member's home or a mobile, the Member will be charged for the service. However, there are opportunities for savings in time for Members in travelling to and from meetings.

(i) Support for our Armed Forces

The Chairman stated that he had received a letter from Brigadier Iain James at the Shorncliffe Barracks, expressing sincere thanks for the support offered by Kent County Council to servicemen and women, their families and dependents, during the last year.

The Brigadier had stated in his letter that this had been a hard year for the Army, describing the operation in Afghanistan as “intense” and the “human cost relentless”. On a more positive front, the letter stated that it was clear that the Army enjoyed a high public profile and public support and that the hard work must continue to seek to make soldiers’ lives better. The letter concluded by wishing all in the County Council a Happy Christmas and a Prosperous New Year.

The Chairman invited Members to remember this Christmas all members of the armed forces and their families, especially those who had sadly lost loved ones and also those currently in Afghanistan who are serving our Country at this difficult time. He added; “May we wish you all a Happy Christmas – you are in our thoughts and in our prayers”.

5. Questions

Under Procedure Rule 1.18, 8 questions were asked and replies were given. No questions remained unanswered at the end of the 30 minute period.

6. Report by Leader of the Council (Oral)

In the absence of the Leader, who was meeting with the Immigration Minister in London, the oral report was delivered by the Deputy Leader.

The Deputy Leader updated the Council on various matters since the last meeting of the County Council. Specifically, he referred to the recent publication by the Audit Commission of the league table for performance by local authorities in England. He stated that Kent County Council had been judged joint top among all county councils in England - it was one of only three county councils that are "performing excellently" and that, for the eighth year running, Kent County Council had scored the highest possible overall rating. KCC was also singled out for exceptional achievement. In the partnership assessment, Kent was awarded two exceptional accreditations for improving young peoples' education and skills, for providing job opportunities to match Kent's growing economy and for the Gateways. The Deputy Leader paid tribute to the leadership of the Authority by Paul Carter and Peter Gilroy and also congratulated the staff on their important roles in these achievements.

The Deputy Leader warned that there were tough times ahead for the public sector but that KCC was in good shape to face these challenges and that the key word for these challenging times was “innovation”, which KCC excelled at.

RESOLVED: that the oral report of the Deputy Leader be noted.

7. Proposed Amendments to the Constitution

The Chairman referred to the revised version of the Constitution that had been circulated to all Members, which set out a number of proposed amendments to this report following its consideration at the Selection and Member Services Committee on Friday 4 December 2009.

Mr A King moved, Mr K Lynes seconded the recommendations set out on page 11 of the Blue Book.

During the debate, Mrs Dean moved, Mr Prater seconded the following Amendment:

“That the Constitution be changed so that the Scrutiny Board is chaired by a member of the Opposition”.

The Chairman put the Amendment to the vote, when the voting was as follows:-

For – 10

Mr I Chittenden, Mr L Christie, Mr D Daley, Mrs T Dean, Mrs E Green, Mr G Koowaree, Mr R Lees, Mr T Prater, Mr M Robertson, Mr M Vye.

Abstain – 2

Mr R Manning, Mr C Smith.

Against – 59

Mrs A Allen, Mr M Angell, Mr D Brazier, Mr R Brookbank, Mr R Burgess, Mr C Capon, Miss S Carey, Mr N Chard, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr M Dance, Mr K Ferrin, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr C Hibberd, Mr M Hill, Mr D Hirst, Mrs S Hohler, Mr P Homewood, Mr G Horne, Mr E Hotson, Mr M Jarvis, Mr A J King, Mr R King, Mr J Kite, Mr P Lake, Mrs J Law, Mr J London, Mr R Long, Mr K Lynes, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr K Pugh, Mr W Richardson, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Simmonds, Mr K Smith, Mr M Snelling, Mrs P Stockell, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe.

Amendment lost

RESOLVED: that:

- (a) the consequential amendments to the Constitution as per the version recommended by the Selection and Member Services Committee on 9 December 2009, be approved;
- (b) the Protocol for the Councillor Call for Action as set out in Appendix 3 of the circulated report be approved;
- (c) the Protocol for the operation of the Crime and Disorder Committee as set out in Appendix 4 of the circulated report be approved;
- (d) the revised version of the Policy Framework at Appendix 5 in the circulated report be approved; and
- (e) the work being undertaken to refresh the protocols on the Overview and Scrutiny of Health across Kent and the Overview and Scrutiny Inter Authority Co-operation be noted.

8. Proposed Flood Risk Management Committee

Mr N Chard moved, Mr D Brazier seconded the recommendations contained on page 210 of the Blue Book, as follows:

10 December 2009

- (a) The establishment of a Flood Risk Management Committee with 7 Members on the basis of 6 Conservatives and 1 Liberal Democrat
- (b) Approval of the Committee's Terms of Reference, as set out in the appendix to the report (and appended to these Minutes).

Carried without a vote

9. Minutes for Information

Pursuant to Procedure Rules 1.10 and 1.23(4), the Minutes of the Planning Applications Committee meetings held on 6 October and 3 November 2009 were noted.

Appendix

FLOOD RISK MANAGEMENT COMMITTEE

PROPOSED TERMS OF REFERENCE

7 Members

Conservative: 6; Liberal Democrat: 1.

This Committee is responsible for:-

- the preparation, monitoring and review (in conjunction with the Flood Risk Management Officer) of a strategic action plan for flood risk management in Kent taking into account KCC Select Committee recommendations, the Pitt Review and relevant requirements of the Flood and Water Bill (and Act in due course);
- reporting annually (and more often if necessary) to the Environment, Highways and Waste Policy Overview Committee and to the Cabinet Member for Environment, Highways and Waste;
- reviewing and responding to any consultation on the implementation of the Pitt Review and the future development of the Flood and Water Bill (and associated Act);
- receiving reports from the South East Regional Flood Defence Committee and responding as appropriate; and
- the investigation of water resource management issues in Kent.

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KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 10 December 2009.

PRESENT:

Mr J A Davies (Chairman)
Mr W A Hayton (Vice-Chairman)

Mrs A D Allen, Mr M J Angell, Mr D L Brazier, Mr R Brookbank, Mr R B Burgess, Mr C J Capon, Miss S J Carey, Mr N J D Chard, Mr A R Chell, Mr I S Chittenden, Mr L Christie, Mrs P T Cole, Mr N J Collor, Mr G Cooke, Mr B R Cope, Mr H J Craske, Mr A D Crowther, Mr J Cubitt, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mrs T Dean, Mr K A Ferrin, MBE, Mr G K Gibbens, Mr R W Gough, Mrs E Green, Mr M J Harrison, Mr C Hibberd, Mr P M Hill, OBE, Mr D A Hirst, Mrs S V Hohler, Mr P J Homewood, Mr G A Horne MBE, Mr E E C Hotson, Mr M J Jarvis, Mr A J King, MBE, Mr R E King, Mr J A Kite, Mr S J G Koowaree, Mr P W A Lake, Mrs J Law, Mr R J Lees, Mr J F London, Mr R L H Long, TD, Mr K G Lynes, Mr R F Manning, Mr R A Marsh, Mr M J Northey, Mr J Ozog, Mr T Prater, Mr K Pugh, Mr W Richardson, Mr L B Ridings, Mr M Robertson, Mrs J A Rook, Mr A Sandhu, MBE, Mr J E Scholes, Mr J D Simmonds, Mr C P Smith, Mr K Smith, Mr M V Snelling, Mrs P A V Stockell, Mr B J Sweetland, Mr R Tolputt, Mrs E M Tweed, Mr M J Vye, Mr J Wedgbury, Mr C T Wells, Mr M Whiting, Mrs J Whittle, Mr A Wickham and Mr A Willicombe

IN ATTENDANCE: Mr P Gilroy (Chief Executive), Mr G Wild (Director of Law and Governance) and Mr P Sass, Head of Democratic Services and Local Leadership.

UNRESTRICTED ITEMS

1. Apologies

The Chief Executive reported apologies from the following Members:

Mr R Bayford
Mr A Bowles
Mr J R Bullock, MBE
Mr P Carter
Mr R Frayne
Mr T Gates
Mr J Kirby
Mr S Manion
Mr R Parry
Mr R Pascoe

2. Declarations of Interest

There were no declarations of personal or prejudicial interest by Members in any item on the agenda.

3. Appointment of Honorary Aldermen

The Chairman announced that it was his great privilege and honour to be the first Kent County Council Chairman to preside over this special meeting of the Authority to confer the award of Honorary Alderman to eight of its most distinguished former Members, who had been judged to have provided eminent services, both to Kent County Council and the people of Kent.

The Chairman welcomed the nominees and their guests to the meeting, although noted with sadness the absence of Mrs Joyce Esterson, who was at home recuperating from an operation.

Mr Alex King, on behalf of the Leader, Mrs Dean and Mr Christie all spoke briefly to introduce their nominations.

RESOLVED UNANIMOUSLY: that the following distinguished former Members of Kent County Council be awarded the status of Honorary Alderman:

Mr Terry Birkett
Mrs Joyce Esterson
Dr Frank Fox
Mr Frank Gibson OBE
Lord Kingsdown KG PC
Mr Peter Morgan
Mrs Allison Wainman OBE
Mr Fred Wood-Brignall

Lord Kingsdown and Mrs Allison Wainman responded in suitable terms on behalf of all eight recipients of the award and offered their sincere gratitude for the honour bestowed upon them by the County Council.

Question No. 1

COUNTY COUNCIL MEETING

18 February 2010

**Question by Mr M J Harrison to the
Cabinet Member for Regeneration and Economic Development**

The 2012 Olympics are becoming known as “the Green Games”. I am reliably informed that there will be a need to supply over 14 million meals for the four to five week duration of the games. The Government has stated that they would wish for as much as possible of the produce etc to be sourced locally and if not, then as much from the United Kingdom as possible.

My question to Mr Lynes is: What, if anything, are we here as KCC doing to cash in on this golden opportunity to supply through perhaps our own “Produce in Kent” company as much as possible from Kentish farmers and producers?

Answer

KCC has been working on a range of initiatives to back Kent’s business sector in securing contracts for London 2012.

Kent staged the regional Olympics event for business last June and specifically held a breakfast meeting with Kent businesses to further explain the associated business opportunities.

KCC has also funded, in partnership with Business Support Kent, an advanced Olympic bid writing seminar for businesses to provide further assistance.

Produced in Kent is also working with the South East Food Group and London Food Links to keep members updated and have recently launched a step by step online guide for local producers entitled 'Feeding the Olympics' which can be found on the Produced in Kent website.

To date, almost 1,900 businesses have registered on the official London 2012 ‘Compete For’ website and we are already receiving news that Kent companies are winning contracts.

We are committed to building upon this success and are planning a further series of workshops one of which will specifically focus on Kent’s food sector.

COUNTY COUNCIL MEETING

18 February 2010

**Question by Mr N Collor to the
Cabinet Member for Environment, Highways and Waste**

The movement of freight vehicles through Kent is so finely balanced that any incident, large or small, can upset the balance causing congestion, more often in the Dover and Folkestone areas when the problem is associated with movements at either the Port of Dover or Eurotunnel.

When the problem is likely to last for some time and result in heavy congestion, there is an apparent lack of urgency from the authorities to take any action.

Does the Cabinet Member agree with me, in the light of the forecast increase in freight traffic and aspirations for Growth without Gridlock, that the County Council organise an investigation at an early date to ensure that in the future local businesses can operate and emergency vehicles are able to get through?

Answer

The problems occurring in the week before Christmas when the port of Calais and Eurotunnel were closed has highlighted the need for a new contingency plan when not only lorries but large numbers of passenger cars are caught up in Operation Stack.

I propose to set up a high-level meeting with the Police, Highways Agency, Dover District Council, Eurotunnel, Dover Harbour Board and the ferry operators to initiate an investigation on how such problems can be ameliorated in the future.

COUNTY COUNCIL MEETING

18 February 2010

**Question by Mrs A Allen to the
Cabinet Member for Environment, Highways and Waste**

Could the Cabinet Member for Environment, Highways and Waste advise me of how many developments remain unadopted and are in contravention of the original planning/legal agreements?

Answer

A list of development sites in the County for which a Section 38 agreement has been entered into but are not yet adopted will be provided to Mrs Allen by KHS Officers.

Currently there are no clauses within the Agreement that require adoption to take place within a certain timescale other than specifying that the "Works" shall be completed to specified standards before the first occupation of dwellings.

The County Council launched the "Cold Case" project in April 2008 to tackle the backlog of outstanding adoptions inherited from the District Councils when Highways was brought back in house in April 2005. Phase 1 of the project concentrated on outstanding adoption with agreements signed prior to 2002, the project was a great success with over 160 out of 170 cases concluded. Phase 2 is currently underway to deal with agreements signed between 2002 to 2005.

Adoption policies have been reviewed and the Model Agreement has been revised to streamline the adoption process with the introduction of penalty clauses. The new Model Agreement will be used from 1 April 2010.

COUNTY COUNCIL MEETING

18 February 2010

**Question by Mr T Prater to the
Cabinet Member for Environment, Highways and Waste**

Will the Cabinet Member for Environment, Highways and Waste confirm that Kent Police contacted Kent County Council on Wednesday to get roads treated and would he also agree that the response by Kent Highways to the snowfall on 10th / 11th February was totally inadequate in Folkestone and surrounding areas, leading to main roads being completely impassable, cars being abandoned and a number of road accidents.

Answer

There is always very close liaison between Kent Police and Kent Highway Services during these situations. Kent Police are fully aware of the primary and secondary salting routes, but will contact KHS if they feel additional action is required. I have no record that they did this last Wednesday.

I totally disagree with the statement that the response was inadequate. All primary and secondary routes were treated in accordance with the policy agreed by the County Council and KHS responded to all other requests as resources permitted. A snow emergency was declared and conditions were exceptional. Mr Prater must understand that with the best will in the world treating roads does not prevent significant snowfall or drifting.

COUNTY COUNCIL MEETING

18 February 2010

**Question by Mrs T Dean to the
Cabinet Member for Environment, Highways and Waste**

Can the Cabinet Member for Environment, Highways and Waste please say which Councils in Kent offered assistance to KCC in clearance of snow and gritting of pavements, and explain why these offers were declined?

Answer

KHS has a detailed plan for dealing with ice, frost and snow events. There are also Local plans for each district which includes priority lists for treatment in each locality. Prior to the winter season, Community Delivery Team Leaders in some districts had already made contact with district colleagues.

We have had 3 snow emergencies since 17th December, and severity of conditions not experienced for 30 years.

In the period prior to Christmas, I am aware that two Councils did make contact towards the end of the emergency period but the offers were not taken up. With hindsight I wish these offers had been accepted.

The situation in January improved with extensive collaboration with districts to help clear local roads and pavements. Kent Commercial Services were also used effectively. All districts responded with offers of assistance which was taken up, with any charges being withdrawn for work carried out during normal office hours. The joint response worked very well and proved to be effective.

Similar positive joint working has operated in the East of Kent during the February heavy snow falls.

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By: Kevin Lynes, Cabinet Member for Regeneration and Economic Development
 Nick Chard, Cabinet Member for Environment, Highways and Waste
 Tanya Oliver, Director of Strategic Development and Public Access

To: Council -18 February 2010

Subject: Local Act for amendment of Road Traffic Regulation Act 1984 – The Kent County Council (Filming on Highways) Bill

Classification: Unrestricted

Summary: The Council has resolved to promote a Private Bill to enable road closures for filming in Kent and is required to confirm that resolution or withdraw the Bill. This report seeks that confirmation.

Introduction

- 1 At it's meeting on 15 October 2009 the County Council approved the following resolution:
 - a. The Council agrees to deposit the Kent County Council (Filming on Highways) Bill to confer powers in relation to filming on highways and for related purposes;
 - b. The Council authorises the Chief Executive, in consultation with the Cabinet Member for Regeneration and Economic Development and the Cabinet Member for Environment, Highways and Waste to address the procedural matters that may arise in relation to the promotion of the Bill and to enter into undertakings or commitments in relation to it; and
 - c. The Council authorises the Director of Strategic Development and Public Access to agree to the making of any amendments to the Bill that may arise during the course of the promotion of the Bill
- 2 A copy of the report to County Council of 15 October 2009 is appended.
- 3 The Bill was deposited with Parliament on 27 November 2009 in the form appended to the previous report. Section 239 Local Government Act 1972 ("the Act") requires that a further meeting, previously advertised, must confirm the earlier resolution to promote the Bill as soon as may be after the Bill has been deposited. If the previous resolution is not confirmed the Bill must be withdrawn.
- 4 The Act also requires 30 days notice be given of the meeting that considers the second resolution. The requisite notice has been given by way of publication of a notice in local papers.
- 5 The vote must be supported by a full majority of the whole County Council. A majority of those present and voting is not sufficient.

Implications

- 6 Legal – If the resolution is not passed the Bill must be withdrawn.

Consultations

- 7 Prior to the previous report to Council extensive consultation was carried out. This included consultation with the Police and Kent Fire and Rescue, the district councils and other stakeholders who would potentially be affected by the provisions of the Bill, together with members of the public. Consultation with government departments was also carried out.

Options

- 8 Members may either confirm or reject the previous resolutions. The previous resolution was unanimously approved by the County Council as it was persuaded that the case for the additional powers contained within the Bill was compelling. Nothing has changed that would suggest Members should take a different view.

Recommendations

- 9 The County Council is recommended to confirm the previous resolution set out at the beginning of this report and resolve:

“THAT:

The Resolution of the County Council passed at a meeting of the County Council held on 15 October 2009 approving the deposit of the Kent County Council (Filming on Highways) Bill as now deposited be, and is by this Resolution, confirmed.”

Background Documents:

- 1 – The Kent County Council (Filming on Highways) Bill
2 – Report to Council 15 October 2009

Other Useful Information:

Kent Film and Television Strategy
Kent Filming Partnership Agreement

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Kent County Council (Filming on Highways) Bill

EXPLANATORY MEMORANDUM

This Act provides Kent County Council with powers in relation to filming on highways.

Clause 1 deals with citation.

Clause 2 sets out definitions of certain expressions used in the Act. It defines "Council" as Kent County Council, and that expression will be used in this Explanatory Memorandum.

Clause 3 enables the Council, by order or by notice, to prohibit or restrict traffic on roads for the purpose of enabling the making of a film to take place. It also enables closures for the purpose of enabling members of the public to watch the making of a film or to reduce the disruption to traffic likely to be caused by the making of a film. The clause modifies section 16A of the Road Traffic Regulation Act 1984 which provides powers to traffic authorities to close roads for the purpose of special events, such as cycle races. Notices can be issued to enable the immediate prohibition or restriction of traffic if it appears to the Council that the prohibition or restriction should be imposed without delay.

By altering the application of section 16B of the 1984 Act, *Clause 4* sets out restrictions which would apply to orders made and notices given for film making purposes. An order under *Clause 3* may not remain in force for longer than 7 days whilst a notice under that clause may not continue in force for a period of more than 24 hours. The 1984 Act applies so as to enable the Secretary of State to direct that orders may continue in force for longer than 3 days. Section 16B is also altered so as to prevent any more than 6 orders being made in one calendar year as regards any stretch of road.

Clause 5 enables the Council to grant permission to any person making a film to place temporarily on the highway any object or thing required for the purposes of making a film. The clause contains safeguards for statutory undertakers.

EUROPEAN CONVENTION ON HUMAN RIGHTS

In the view of the Council the provisions of the Kent County Council (Filming on Highways) Bill are compatible with the Convention Rights.

Kent County Council (Filming on Highways) Bill

CONTENTS

- 1 Citation
 - 2 Interpretation
 - 3 Prohibition or restriction on roads in connection with filming
 - 4 Restrictions on orders and notices
 - 5 Power to place objects on highways
-

A

B I L L

To confer powers on Kent County Council in relation to filming on highways; and for related purposes

5 **W**HEREAS—

- (1) It is expedient that the powers of Kent County Council (hereinafter referred to as “the Council”) should be extended and amended as provided in this Act:
- (2) It is expedient that provision be made in relation to filming on highways in Kent:
- 10 (3) [It is expedient that the other provisions contained in this Act should be enacted:]
- (4) The purposes of this Act cannot be effected without the authority of Parliament:
- (5) In relation to the promotion of this Act the Council has complied with the requirements of section 239 of the Local Government Act 1972 (c. 70):

15 May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

20 **1 Citation**

This Act may be cited as the Kent County Council (Filming on Highways) Act 2010.

2 Interpretation

In this Act—

- 25 “the 1984 Act” means the Road Traffic Regulation Act 1984 (c. 27); and
 “the Council” means Kent County Council.

3 Prohibition or restriction on roads in connection with filming

(1) Section 16A of the 1984 Act (prohibition or restriction on roads in connection with certain events) shall apply to the Council with the following modifications.

(2) The expressions “relevant event” and “the holding of a relevant event” include the making of a film.

(3) After subsection (2), the following subsection is inserted—

“(2A) The traffic authority for a road may at any time by notice restrict or prohibit temporarily the use of the road, or any part of it, by vehicles, or vehicles of any class, or by pedestrians, where it appears to them that it is expedient for the making of a film and that the restriction or prohibition should come into force without delay.”

(4) The references, in subsections (3) and (5) to (10), to an order under section 16A include references to a notice under subsection (2A) of that section, as inserted by subsection (3) above, and references to the making of such an order include references to the issuing of such a notice.

4 Restrictions on orders and notices

(1) Section 16B of the 1984 Act (restrictions on orders under section 16A) shall apply in the county of Kent with the following modifications.

(2) In subsection (1) after the words “three days” the words “(or seven days, in the case of a film order)” are inserted.

(3) In subsection (6) the words “Subject to subsection (6A),” are inserted at the beginning.

(4) After subsection (6), the following subsections are inserted—

“(6A) No more than 6 film orders may be made under section 16A in any calendar year so as to affect any length of road, unless a further film order—

(a) is made by the Secretary of State as the traffic authority for the road concerned; or

(b) is made with his consent.

(6B) No film notice shall continue in force for more than 24 hours from the time at which it comes into effect.

(6C) In this section, “film orders” and “film notices” are orders and notices under section 16A of this Act which are made or issued in relation to the making of a film.”.

(5) In subsection (7), for “subsection (6)” there is substituted “subsections (6) and (6A)”.

5 Power to place objects on highways

(1) Subject to the provisions of this section, the Council, as highway authority, may grant permission for any person making a film to place temporarily on the highway any object or thing required for the purposes of making a film.

(2) A person making a film shall not, in pursuance of a grant of permission under this section, place any object or thing on a bridge over a railway, or under a bridge carrying a railway over a highway or a public open space, or within four metres of the abutments of a bridge carrying a railway over a highway or a public open space, except with the consent of the railway undertakers concerned.

(3) In exercising their functions under this section the Council —

(a) shall take steps to prevent, so far as reasonably practicable, interference with vehicular and pedestrian traffic using the highway; and

(b) shall not grant any permission which would have the effect of obstructing or rendering less convenient—

(i) the access to or exit from premises belonging to canal, inland navigation, dock, harbour, tramway, or statutory undertakers, or persons authorised by any enactment to carry out on any other public undertaking; or

(ii) the use by those undertakers or persons of such premises for the purposes of their undertaking.

(4) In subsection (3) above, “statutory undertakers” means any of the following—

(a) a licence holder within the meaning of Part 1 of the Electricity Act 1989 (c. 29);

(b) a public gas supplier within the meaning of Part 1 of the Gas Act 1986 (c. 44);

(c) a water undertaker within the meaning of the Water Industry Act 1991 (c. 56);

(d) a sewerage undertaker within Part 1 of the said Act of 1991;

(e) a local authority which is a relevant authority for the purposes of section 97 of the said Act of 1991.

Kent County Council (Filming on Highways) Bill

A

BILL

To confer powers on Kent County Council in relation to filming on highways; and for related purposes

SESSION 2009-10

BIRCHAM DYSON BELL LLP
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Mr Peter Gilroy
Chief Executive
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Kent ME14 1XQ

By: Kevin Lynes, Cabinet Member for Regeneration and Economic Development
Nick Chard, Cabinet Member for Environment, Highways and Waste
Tanya Oliver, Director of Strategic Development and Public Access

To: Council -15 October 2009

Subject: Local Act for amendment of Road Traffic Regulation Act 1984 – The Kent County Council (Filming on Highways) Bill

Classification: Unrestricted

Summary: This report sets out the case for the promotion of a Private Bill to enable road closures for filming in Kent

Introduction

- 1 Since its launch in 2006, the Kent Film Office has been responsible for attracting over £13 million into the local economy through filming within the county.
- 2 The Kent Film Office regularly receives requests to close roads for the purpose of filming on the highways and to alleviate the effect of modern traffic noise on period productions. Currently, Kent Police does not support road closures or traffic regulation for filming using the provisions of the Road Traffic Regulation Act 1984 (“RTRA”), which is the legislation governing temporary road closures for “relevant events”.
- 3 At present, therefore, filming on Kent’s roads is usually achieved by production companies either:
 - (i) hiring off-duty police officers to hold traffic for a limited amount of time during takes; or
 - (ii) persuading local district or borough councils to put in place a temporary road closure for filming based on the Town Police Clauses Act 1847 (“TCPA”).
4. Both options are not without problems. For example, when holding traffic, police can only request that drivers stop but cannot legally require them to do so. If a driver asks to be let through they must be allowed to do so, thus interrupting the flow of filming, which can be very costly. These scenarios also have health and safety implications, in that traffic is passing through areas occupied by workers concentrating on their tasks and not the traffic flow. Passing traffic is also distracted by filming activity and thus potential for accidents is increased.
- 5 The TCPA has only been used by some district and borough councils and only in exceptional cases as they consider doing so makes them vulnerable to a legal challenge. In addition, Kent Police are not supportive of temporary road closures for filming under the TCPA. Accordingly, only requests for filming with virtually no impact on the highway are currently being allowed.

- 6 As explained above, Kent Police does not support temporary highway closures under the RTRA either. The RTRA provides for the closure of roads for “*relevant events*”, which are defined as “*any sporting event, social event or entertainment which is held on a road*”. There is considerable uncertainty in respect of whether filming falls within this definition and there is therefore a risk of challenge if powers under this section were exercised for the purpose of closing roads for filming.
- 7 There are further restrictions in that an order under the RTRA may only remain in force for a maximum of three days (unless before the order is made, the Secretary of State has agreed that it should continue for a longer period) and an order may only be made for a specific road or part of such a road once per year. This restriction is not limited to closing the road for a particular purpose and it therefore prevents a road being closed for any other purpose in that year. As this will include, for example, community events, local communities are often reluctant to agree to road closures for filming in prime locations.
- 8 The potential financial advantages of being able to close roads for filming are considerable. This year a road closure was implemented for filming in Chilham. It is estimated that this brought in approximately £64,000 in direct spend during the week that they filmed there.
- 9 The Kent Film Office has lost major filming projects due to the inability to close roads for lack of police or district agreement, in particular period films where modern traffic presents obvious complications.
- 10 Districts which allow road closures under the existing TPCA powers, such as Thanet, Canterbury and Ashford, see proportionally higher levels of filming activity than those that do not support this. KCC currently has no powers at local level with regard to these decisions.
- 11 The London Local Authorities and Transport for London Act 2008 (“LLATLA”) contains provisions that amend the RTRA in order to facilitate the closure of highways in London for filming purposes. In summary these provisions:
- (a) define filming as a “relevant event”;
 - (b) lengthen the maximum time that a road may be closed for filming from three to seven days; and
 - (c) increase the number of times that a particular road may be closed in any one year (from once per year to up to six times per year).

Procedural Matters

- 12 The County Council has sought the advice of Parliamentary Agents who have produced a draft Bill (a copy of which is annexed to this report), and which is currently subject to consultation. The draft Bill contains similar provisions to those outlined in the LLATLA above, together with an additional provision which will confer upon the County Council the power to authorise any person making a film to temporarily place objects on the highway.
- 13 In order to promote the Bill, KCC must comply with the provisions of section 239 of the Local Government Act 1972. Primarily, KCC must pass the necessary resolutions. The first resolution (to be given at the 15 October 2009 Council meeting) confirms that KCC considers it expedient to promote the Bill. The second resolution (to be given at a later meeting) confirms the first resolution and the deposit of the Bill in Parliament.
- 14 The procedure to be followed is as follows:

a – The County Council meeting on 15 October 2009 will consider approval for pursuing the Bill. A full majority of the whole County Council will be required to pursue the Bill. A majority of those present and voting is not sufficient.

b – If the first resolution is made at the 15 October 2009 meeting, the Bill is to be deposited in Parliament by 27 November 2009. If it is not deposited by this date, KCC will have to wait until 27 November 2010 to deposit the Bill. This is because private Bills can only be deposited once a year, on or before the 27 November.

c – A second County Council resolution must also be confirmed by a majority at a further meeting convened and held not earlier than 14 days after the deposit of the Bill, confirming that the Council wishes to proceed.

d - There will be various stages of the Bill through Parliament which will be facilitated by our Parliamentary Agents. If successful, it is likely to be enacted by Spring 2011.

Report Structure

- 15 The decision to deposit the Bill with Parliament is within the authority of the County Council. This report sets out the need case for road closures for filming in Kent and how this will be accomplished by the promotion of the Bill (rather than by other means) to inform the meeting of the full County Council on 15 October 2009.

Policy Framework

- 16 The Bill will enable the Kent Film Office to continue its progress to raise the profile of the county as a major venue for film, television and the wider creative industries and benefit the Kent economy as set out in Target 8 of the Towards 2010 document. The powers under the Bill, if enacted, will offer legal certainty to Kent County Council in respect of authorising road closures for filming and would enable the Kent Film Office to work within the protection of the law.
- 17 Economically, it would put Kent in a unique position as the only UK region outside London with these powers. This would make Kent extremely competitive with the capital and indeed other parts of Europe, where such legislation also exists.
- 18 It would also help to deliver Priority One of the Kent Film and Television Strategy: “The Film Office is critical to delivering the Kent Film Strategy. It will build on its recent successes across a broad spectrum of activity in establishing internal and external mechanisms that will provide effective support, information and advice to the film and television industry. Actions include:
- Delivering the economic potential of the film and television industry into Kent increasing the number and the scale of film productions in the county.
 - Examining and exploiting the prospects of income generation through the Kent Film Office.”
- 19 The Bill would facilitate the Kent Film Office not only to attract more filming into the county, but also to offer the county to more high level – high impact filming.
- 20 The Bill will also have implications for other events, as it will enable roads to be closed more than once in a year. This will allow for large scale events, such as the Tour de France, to take place on the same length of road within the same

year. This means all sporting and community events will benefit from the Bill and might even offer further opportunities for Kent's role in the 2012 Olympics.

Implications

- 21 Financial - Costs for the Bill will be paid by KCC. This includes the parliamentary agents' fees and disbursements. It is expected that these will be recouped through filming spend into the county, as well as spend around other large scale events indirectly made possible through this Bill. The costs of obtaining the Bill are estimated to be £58,000. Costs incurred by road closures will be recouped directly from the production companies requesting the road closure. This may include costs for implementing diversions, signage and staff time.
- 22 Legal – The Bill will lead to a change in legislation which will be applicable within the Kent County Council administrative area only.
- 23 Reputation – A framework for granting road closures has already been prepared and partially set out within the A-Z Filming Guidelines under the Kent Filming Partnership. Road closures will be granted in close consultation with Kent Highway Services, Kent Police and other emergency services. Production companies will be obliged to cover costs, provide risk assessments, consult with local residents and businesses and put in place procedures for emergencies before a film order permitting closure of a road is granted.

Consultations

24. There has been internal consultation with officers from Kent Highway Services in respect of both the principle and the provisions of the draft Bill. External consultation with Kent Police, the district Councils, statutory undertakers, Royal Mail and the AA and RAC commenced on 1 August and ran for a period of one month.
- 25 Details of the consultation have been published on the County Council website.
- 26 Consultation with Government Departments and Kent Members of Parliament is being carried out by the Parliamentary Agents.

Conclusion

- 27 At its meeting on 14 September, Cabinet agreed to support the recommendations to enable the Kent Film Office to proceed with the Bill to close roads for the purpose of filming, subject to the approval of the County Council. Once the Bill is enacted by Parliament, it will make Kent unique as the only county in the UK where filming in the highway is permitted in this way. This will potentially attract more high level filming to the county and increase the amount of direct spend from filming, which directly benefits residents and businesses in Kent.
- 28 Other options considered were:
 - A - to continue to close roads either by stop/go method or via districts under the TCPA . However, this method relies on the co-operation of the districts and/or Kent Police. In the past the Kent Film Office has lost major filming projects because it was unable to close roads.
 - B - to ask other councils whether they would participate in the Bill. Whilst there may be some economies of scale if additional councils were to proceed with the same Bill as KCC, these would be outweighed by the loss of competitive advantage from being the only council with these powers. In addition, there

would be potential for the Bill to be delayed if other councils were not able to meet the prescriptive timetable for the submission of the Bill to Parliament and there would be an increase in the risk of challenges, which may not be directly relevant to the County Council.

Recommendations

- 29 The County Council is recommended to agree that:-
1. The Council deposits the Kent County Council (Filming on Highways) Bill to confer powers in relation to filming on highways and for related purposes.
 2. The Council authorises the Chief Executive, in consultation with the Cabinet Member for Regeneration and Economic Development and the Cabinet Member for Environment Highways and Waste to address procedural matters that may arise in relation to the promotion of the Bill and to enter into undertakings or commitments in relation to it.
 3. The Council authorises the Director of Strategic Development and Public Access to agree to the making of any amendments to the Bill that may arise during the course of the promotion of the Bill.

Background Documents:

- 1- London Local Authorities and Transport for London Act 2008
- 2 – The Draft Kent County Council Filming on Highways Bill

Other Useful Information:

Kent Film and Television Strategy

Kent Filming Partnership Agreement

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By: Paul Carter, Leader of the Council
 To: County Council - 18 February 2010
 Subject: Medium Term Plan 2010-13 (Incorporating the Budget and Council Tax Setting for 2010-11)
 Classification: Unrestricted

Summary: This report has been prepared so that Kent County Council can formally set its budget and council tax levels for 2010-11 in accordance with relevant legislation.

The report briefly provides an update on the 2009-10 financial position and makes detailed proposals for the 2010-11 revenue and capital budgets, as set out in the draft Budget Book and proposed Medium Term Plan. This report incorporates Final Settlement Grant figures, final tax base notifications, final collection fund surpluses and deficits, all as described in the updated Cabinet Report of 1 February 2010. Consequential changes made to the Medium Term Plan and Budget have been identified within this report, as set out in paragraph 12 onwards ('Changes between draft budgets for Cabinet and Council').

This report also includes some minor amendments to the published "Draft for County Council" version of the Budget Book as set out in paragraphs 18 onwards.

Members should note that the proposed Council Tax increase is now 2.1% following resolution of issues on the support for unaccompanied asylum seekers.

Indicative financial information has been provided within the Medium Term Plan for 2011-12 and 2012-13. It should be noted that this is for planning purposes only, in line with the requirements of the Local Government Act 2003 and has not yet been updated for the minor amendments outlined in paragraphs 18 onwards

Members are reminded to bring the white comb-bound "Budget Book 2010/11" and "Medium Term Plan 2010-13" to this meeting.

Members are reminded that Section 106 of the Local Government Finance Act 1992 applies to any meeting where consideration is given to matters relating to, or which might affect, the calculation of Council Tax.

Any Member of a Local Authority, who is liable to pay Council Tax, and who has any unpaid Council Tax amount overdue for at least two months, even if there is an arrangement to pay off the arrears, must declare the fact that he/she is in arrears and must not cast their vote on anything related to KCC's Budget or Council Tax.

INTRODUCTION

1. The Local Government Finance Act 1992 requires the Council to formally consult on and ultimately set a budget and Council Tax for the next financial year, 2010-11. This report sets out the required calculations and recommendations. The Local Government Act 2003 requires the Director of Finance to give an opinion on the robustness of the budget estimates and the level of reserves held by the Council. The Medium Term Plan formally sets out the assumptions that inform these decisions.
2. The Council's budget is set within the framework of its policy priorities. It takes into account a range of external factors including national local government funding and the legislative programme.
3. To clearly demonstrate this, the Medium Term Plan for 2010-13 is attached to this report (white comb version). It should be noted that financial projections for both resourcing and expenditure for 2011-12 and 2012-13 are shown as "indicative" planning assumptions. For those two years, we have no indication of the level of Government Grant that we can expect to receive, as the Grant for 2010-11 is the last of the existing three-year settlement. Formal decisions on the actual annual budget allocations will continue to be made each February at County Council.
4. The Medium Term Plan sets out in some detail the main issues that have been taken into account in setting the budget and Council Tax for 2010-11. Formula Grant funding will increase by a headline 3.2%, which is above the floor funded minimum. It should be noted that Formula Grant and Area Based Grant account for less than half of our budget requirement, the rest is funded by Council Tax.

BUDGET 2009-10

5. Budget monitoring for the current year has shown significant pressures throughout the year to date, particularly on Children's Social Services as we continue to see the consequences of the Baby Peter case. The budget for 2010-11 takes these pressures into account, where appropriate, to ensure that our base budget reflects the latest possible projections of activity and cost.
6. The latest forecast for the revenue budget for 2009-10 is an underspend of £4.3m, although this will reduce if there is any overspend on Asylum. The proposed budget for 2010-11 assumes that £1.57m of underspend from 2009-10 will be available to support the 2010-11 budget.
7. We expect to close the 2009-10 accounts with £25.8m of general reserves, which is in line with the Council's financial strategy. It is also in line with recommended best practice as provided by both CIPFA and the Audit Commission. There is no proposal in the budget to change the level of general reserves in 2010-11.
8. Schools started 2009-10 with revenue reserves of £51.6m and capital reserves of some £9.5m. The slight reduction in schools' reserves in 2008-09 was only the second time in 19 years of Local Management in Schools that these had fallen. This is partly due to the introduction of the balance control mechanism, which came into force from January 2007, which limits the level of uncommitted reserves that individual schools may hold.
9. It should be noted that the Dedicated Schools Grant (DSG) is a ring-fenced grant and any surplus or deficit at the end of the year must be carried forward to the next financial year in accordance with the regulations, for use in schools or schools related expenditure.

CONSULTATION

10. The annual budget process provides formally for consultation with the public, Trade Unions, the business community, opposition Members, the Kent Youth County Council, and professional organisations. Policy Overview and Scrutiny Committees have considered the budget proposals during January 2010. A meeting with business leaders was held on 26 January and there was a consultation with staff representatives on 9 February. The budget proposals were reviewed at Cabinet Scrutiny Committee on 25 January.
11. Formal feedback has been received from market research firm Ipsos MORI on KCC's study of public attitudes to expenditure priorities and Council Tax levels. This information has informed the recommendations made to County Council and a summary was attached to the report to Cabinet on 1 February 2010.

CHANGES BETWEEN DRAFT BUDGETS FOR CABINET AND COUNCIL

12. Some changes to the Budget and Medium Term Plan document have been made since they were first published on 5 January. These are explained in this section.
13. We have received notification of an additional £0.913m of Area Based Grant. The majority of this, £0.781m, is for the transfer of staff from the Learning and Skills Council, with the remainder, £0.132m, to meet the Government's guarantee that all 16 and 17 year olds who are not in education, employment or training (NEETs) in January will have a place on an Entry to Employment programme. There is no net impact on the net budget and council tax.
14. The Council Tax base notified to us by Districts has grown by 0.62% on last year, compared to our assumed growth of 0.8%. This will reduce the Council Tax yield from that included in the draft budget released on 5 January 2010, by £1.023m. Our medium term assumptions of growth remain unchanged.
15. The balance on the District Collection Funds as at 31 January 2010 is a surplus of £1.461m. Therefore, the net yield from Council Tax for 2010-11 is an additional £0.438m. It is proposed to transfer this into the Rolling Budget reserve pending clarification of some of the outstanding budget issues, including the final figure on Second Homes. This change impacts on the Finance Portfolio and the budget and MTP have been changed accordingly.
16. The Budget Book and MTP have also been updated to reflect the most up to date information. That includes refining of gross and income estimates, allocation of overheads and capital charges, and general updates on the commentary in the MTP.
17. We have now reflected what we believe will be the final element of the Performance Reward Grant. This amounts to £1.5m. Half of that amount has been allocated to the CF&E Portfolio to assist with their restructure. The other half has been allocated to the Finance Portfolio in order to make a contribution to a reserve to be used over the medium term to support our intensive work in Margate. This change has no affect on the budget requirement.

CHANGES TO BUDGET SINCE THE DRAFT FOR COUNTY COUNCIL WAS PUBLISHED

18. Second Homes taxbase figures have now been confirmed by all Districts (the 2009-10 figure was £2.570m). The taxbase income at the projected council tax level will increase by £0.064m. It will be necessary to make a draw-down from the Rolling Budget Reserve to the District Grants for Local Priorities budget in the Localism and Partnerships Portfolio, on the basis that we will grant any sum over £2m back to Districts.
19. We have now resolved the outstanding issues on the support for unaccompanied asylum seekers and we can reduce the proposed budget in the Children, Families and Education Portfolio (p9 line 4) by £1.663m leaving a net cost of £1.337m. This net cost will be needed to meet the cost of ongoing support for those who have All Right of Appeal Exhausted beyond the extended grant, those who cannot be included in the grant claim, and the additional cost of different interpretation of the legal duties of Children Services Authorities between the Home Office and DCSF.
20. Following the decision not to let the contract for Kent TV at the end of the pilot period to transfer £0.400m from the "Strategic Development Unit" (Corporate Support Services & Performance Management Portfolio p50 line 1) to "Contribution to Reserves" (Finance Portfolio p55 line 12). This will still leave a total of £0.350m within the Strategic Development Unit to meet the costs of running a new Kent Digital service on the "kent.gov.uk" website.
21. The result of the changes which have an impact on the budget as set out in this report to Council can be summarised as follows:

TABLE 1 – CHANGES TO DRAFT BUDGET 2010-11	Net £'000
Budget Requirement per draft on 5 January	944,556
Deduct additional Asylum grant	-1,000
Additional contribution to reserves from changes in Council Tax base and collection funds	+ 438
Increase in Area Based Grant	+ 913
Revised proposed Budget Requirement as per "Draft for County Council"	944,907
Deduct reduction in net costs of Asylum	-1,663
Final proposed Budget Requirement	943,244

Amount met by Council Tax per draft on 5 January	-573,135
Additional Asylum grant	+ 1,000
Lower than expected taxbase	+ 1,023
Amount met by Council Tax per "Draft to County Council"	- 571,112
Reduction in net costs of Asylum	+1,663
Final proposed Amount to be met by Council Tax	-569,449
Government Funding	
Formula Grant (unchanged at Final Settlement)	-275,715
Area Based Grant (including additional allocations)	-96,619
Surplus on tax collection for previous years	- 1,461
Total funding	- 943,244

REVENUE BUDGET PROPOSALS 2010-11

22. Managing Directors and Cabinet Portfolio Members have developed and refined medium term budget pressures and savings opportunities since the summer. This has included the incorporation of changes to budgets to reflect changes between portfolios and directorates. The attached Medium Term Plan provides more detail, with the proposals for 2010-11 summarised in Table 2 below.
23. The final position on the Children, Families and Education Directorate in relation to Dedicated Schools Grant (DSG) will be subject to the remaining recommendations from the Schools Forum. The recommendations on this need to be delegated to the Cabinet Member for Children, Families & Education (CFE). The final amount of DSG will not be announced by the Government until June 2010.

TABLE 2 – REVENUE BUDGET PROPOSALS 2010-11	
Portfolio totals excluding central costs and charges for capital assets	£'000
Children, Families & Education	213,173
Adult Social Services	344,452
Environment Highways and Waste	151,261
Communities	87,926
Regeneration & Economic Development	6,361
Public Health & Innovation	561
Localism & Partnerships	7,367
Corporate Support Services & Performance Management	11,111
Finance	121,032
Budget requirement 2010-11	943,244

CAPITAL INVESTMENT PROPOSALS 2010-11

24. The total estimated resources are summarised below:

TABLE 3 – TOTAL ESTIMATED RESOURCES 2010-11	
SOURCE OF FUNDING:	£'000
Supported Borrowing	43,420
Prudential Borrowing	45,180
Prudential funded from Portfolio Revenue	14,720
Property Enterprise Fund 2 (PEF2)	24,065
Grants	284,554
External Funding - Developer Contributions	3,058
Other External Funding	16,257
Revenue and Renewals	14,390
General Capital Receipts	-4,151
Earmarked Capital Receipts	5,503
Private Finance Initiative (PFI)	45,101
Transfer of Land in Part Payment	3,600
Total of Funding Available	495,697
Amount of over-programming	9,734
Total Planned Capital Resources	505,431

25. The total forecast capital expenditure financed from all of the above sources of funding is as follows:

TABLE 4 - CAPITAL EXPENDITURE 2010-11	
PORTFOLIO:	£'000
Children, Families & Education	264,794
Adult Social Services	33,135
Environment, Highways and Waste	153,024
Communities	24,407
Regeneration & Economic Development	7,455
Localism & Partnerships	500
Corporate Support Services & Performance	
Management	22,116
Total Planned Capital Expenditure	505,431

26. The above figures reflect the rephrasing as set out in the regular budget monitoring reports to Cabinet throughout 2009-10, including the report on 1 February 2010.
27. The Prudential Regime requires that this capital programme be agreed with due regard to the new indicators which have been provided in full at Appendix D in the attached Medium Term Plan.

COUNCIL TAX 2010-11

28. The Budget's aims are to establish a sound and sustainable financial position, to provide value for money and to make progress on policies to deliver the kind of modern public services Kent people want, and deserve.
29. In order to calculate the level of county Council Tax it is necessary to divide the precept requirement by the tax base within its area. The County's tax base is the sum of the 12 District tax bases and is expressed as the number of equivalent Band D properties, which for 2010-11 equals 543,481.14.

TABLE 5 – CALCULATION OF COUNCIL TAX	
	£000
Budget Requirement 2009-10	886,470
Spending Increase (net of adjustments)	+ 56,774
Budget Requirement 2010-11	943,244
Financed From:	
Formula Grant	- 275,715
Area Based Grant	- 96,619
Collection fund surplus	- 1,461
Precept requirement from Council Tax	569,449
Divided by tax base (band D equivalent)	543,481.14
Council Tax for a Band D property 2010-11	* £1,047.78
Council Tax for a Band D property 2009-10	£1,026.27
Band D increase	£21.51
	+ 2.10%

* Band D tax must be divisible into ninths

30. The tax for other property bands is calculated in fixed proportions to Band D. Table 6 illustrates the impact for all property bands. In practice, people will pay lower amounts of tax if they are eligible for discounts (e.g. people living alone) or receive Council Tax Benefit which is available to people on low incomes. These tax levels exclude the charges from the separate Fire & Rescue Authority, Police Authority, District Councils and Parish Councils.

TABLE 6 – KCC COUNCIL TAX ASSUMING AN INCREASE OF 2.1%								
Band								
	A £	B £	C £	D £	E £	F £	G £	H £
Weekly Increase compared to 2009-10	28p	32p	37p	41p	51p	60p	69p	83p
Annual Charge	698.52	814.94	931.36	1,047.78	1,280.62	1,513.46	1,746.30	2,095.56

ROBUSTNESS OF ESTIMATES AND ADEQUACY OF RESERVES

31. As required by the Local Government Act 2003, the Director of Finance must formally give opinion as to the robustness of the budget estimates and the level of reserves held by the Council.
32. The estimates have been produced from a challenging process with Portfolio Holders and Directorates, resulting in agreement on the level of service delivery within the identified financial resources. In addition, the Medium Term Plan sets out the main budget risks, alongside the proposed management action for dealing with these.
33. The Medium Term Plan also clearly sets out the recommended strategy for ensuring adequate reserves. This has been set in consideration of a number of key factors, such as our recent excellent record on budgetary control, the internal financial control framework, our strong approach to risk management and the expected level of General Reserves at 31 March 2010. The level of general reserves is in line with best practice as recommended by CIPFA and the Audit Commission.
34. No budgetary provision has been made for the proposed Free Personal Care at Home legislation. The consultation process has highlighted major concerns about the potential cost to County Councils if this bill is passed. There is increasing concern about the financial implications of this, not only within councils, but also in the national media.
35. To conclude, the Director of Finance is able to formally report that the budget estimates are robust and the level of reserves adequate.

RECOMMENDATIONS

36. The Council are asked to approve the contents of the attached 2010-11 Budget and Medium Term Plan 2010-13 (as amended by this report) and to approve the following proposals:
- (a) the Revenue and Capital Budget proposals for 2010-11;
 - (b) the Revenue Budget requirement of £943,244,149;

- (c) the Capital Investment proposals of £505,431,000, together with the necessary use of borrowing, revenue, grants, capital receipts, renewals and other earmarked capital funds, external funding and PFI, subject to approval to spend arrangements;
- (d) the Prudential Indicators as set out in Appendix D of the attached Medium Term Plan;
- (e) the Revenue and Capital Budget proposals as presented in the white combed version of the Budget Book and Medium Term Plan, as adjusted by the items at paragraphs 18-21 in this report, for:
- Children, Families and Education;
 - Adult Social Services;
 - Environment, Highways and Waste;
 - Communities;
 - Regeneration and Economic Development;
 - Public Health & Innovation;
 - Localism & Partnerships;
 - Corporate Support Services & Performance Management; and
 - Finance;
- (f) that final recommendations in relation to the Schools Budgets and Dedicated School Grant (DSG) be delegated to the Cabinet Member for Children, Families and Education (CFE);
- (g) a total requirement from Council Tax of £569,448,669 to be raised through precept to meet the 2010-11 budget requirement; and
- (h) a Council Tax as set out below, for the listed property bands:

Band								
Council Tax for Band at 2.1% increase	A	B	C	D	E	F	G	H
£	698.52	814.94	931.36	1,047.78	1,280.62	1,513.46	1,746.30	2,095.56

Background documents:

Autumn Budget Statement – Cabinet 12th October 2009

Budget 2010/11 and Medium Term Financial Plan 2010-13 considered by Policy Overview and Scrutiny Committees between 11th November 2009 and 19th November 2009

Provisional Local Government Finance Settlement 2010/11 – 26th November 2009

KCC response to the Provisional Local Government Finance Settlement – 6th January 2010

Provisional Local Government Settlement 2010/11 – Cabinet 11th January 2010

Draft 2010/11 Budget and Medium Term Plan 2010-13 launched 5th January 2010 and considered by Policy Overview and Scrutiny Committees between 11th January 2010 and 19th January 2010

Budget 2010/11 and Medium Term Plan 2010/13 – Update – Cabinet 1 February 2010

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