



Summons to and
Agenda for the
Annual Meeting on
13 May 2010
At **10.00 am**



DEMOCRATIC SERVICES
SESSIONS HOUSE
MAIDSTONE

Tuesday, 4 May 2010

To: All Members of the County Council

Please attend the Annual meeting of the County Council in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 13 May 2010 at **10.00 am** to deal with the following business. **The meeting is scheduled to end by 1.00 pm.**

A G E N D A

1. Election of Chairman
2. Election of Vice Chairman
3. Apologies for Absence
4. Declarations of Interest
5. Minutes of the meeting held on 1 April 2010, if in order, to be approved as a correct record. **(Pages 1 - 8)**
6. Chairman's Announcements
7. Questions
8. Report by Leader of the Council (Oral)
9. Appointment of Interim Head of Paid Service **(Pages 9 - 10)**
10. Mental Health Act Guardianship Sub-Committee **(Pages 11 - 12)**
11. Youth Justice Plan Strategic Plan 2010-11 **(Pages 13 - 16)**
12. Reporting of Transactions **(Pages 17 - 20)**
13. Minutes for Information - Planning Applications Committee - 16 March 2010 **(Pages 21 - 24)**

Peter Sass
Head of Democratic Services and Local Leadership
01622 694002

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 1 April 2010.

PRESENT:

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

Mrs A D Allen, Mr M J Angell, Mr R W Bayford, Mr A H T Bowles, Mr D L Brazier, Mr R Brookbank, Mr J R Bullock, MBE, Mr R B Burgess, Mr C J Capon, Miss S J Carey, Mr P B Carter, 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 T Gates, Mr G K Gibbens, Mr R W Gough, Mrs E Green, Mr M J Harrison, 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 J D Kirby, 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 S Manion, Mr R F Manning, Mr R A Marsh, Mr M J Northey, Mr R J Parry, Mr R A Pascoe, Mr T Prater, Mr K Pugh, Mr W Richardson, Mr L B Ridings, Mr M Robertson, 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 and Mr A Willicombe

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

UNRESTRICTED ITEMS

1. Apologies for Absence

The Chief Executive reported apologies from the following Members:

Mr Frayne
Mr Hibberd
Mr R King
Mr Ozog
Mrs Rook
Mr Wickham

2. Declarations of Interest

The following Members declared personal interests and remained in the meeting during consideration of the relevant items:

Mrs Whittle – in item 8 (Revised Kent Scheme Pay Structure and Appraisal) as her husband is employed by Kent County Council.

Mr Lynes – in item 7 (Comprehensive Area Assessment) as he works for the Audit Commission as a Member peer on CAA inspections in other authorities.

Mr Hirst – in item 11 (Active Lives Now – The future of Adult Social Care in Kent 2010-2013) as he has an interest in a family business relating to care in the home, but none of these business interests were in Kent.

Mr Brookbank – in item 11 (Active Lives Now – The future of Adult Social Care in Kent 2010-2013) as he is Chairman of Darenth Valley Age Concern

Mr Craske – in item 11 (Active Lives Now – The future of Adult Social Care in Kent 2010-2013) as he is a trustee and executive member of Northfleet Age Concern.

Mrs Allen - in item 11 (Active Lives Now – The future of Adult Social Care in Kent 2010-2013) as she is the Chairman of Trustees of Dartford Age Concern.

Mrs Stockell – in item 11 (Active Lives Now – The future of Adult Social Care in Kent 2010-2013) as she is a foundation governor of the Kent and Medway Mental Health Trust.

Mr Willicombe – in item 12 (Safeguarding Children in Kent) as he is a trustee of young carers in Kent.

3. Minutes of the meeting held on 18 February 2010 and if in order, to be approved as a correct record.

RESOLVED: that the minutes of the meeting held on 18 February 2010, are correctly recorded and that they be signed by the Chairman.

Mr Christie offered his apologies to the County Council for failing to declare a personal interest in item 7 on the agenda for the previous meeting (Medium Term Plan 2010/13 and Budget and Council Tax setting for 2010/11), as his wife was Chairman of the Management Committee of Gravesham Citizen's Advice Bureaux. The Chairman reassured the County Council that, because Mr Christie had only declared a personal interest, albeit retrospectively, his participation in the debate and votes on the budget item would not have been affected.

4. Chairman's Announcements

(a) Today's agenda

The Chairman advised Members that the agenda was likely to be a demanding but varied and interesting one and that the cooperation of all Members in getting through the business of the day as effectively as possible would be appreciated.

In that regard, the Chairman moved, the Vice Chairman seconded the suspension of Procedure Rule 1.30, to limit the length of all speeches to 3 minutes (instead of 5 minutes), with the exception of the Leader's Oral report, where the length of speeches will be in accordance with the Constitution.

Carried without a vote

(b) Young County Council of the Year

The Chairman stated that two of our young employees, Daniel Vokes from the Supporting Independence team, and Tom Marsh from the Sports Leisure & Olympics team, represented KCC at the recent Young Authority of the Year competition, they produced a really positive result by winning 'Young County Council of the Year'.

Competing against 39 other local authorities, Tom and Daniel gave two presentations to an audience of 100 people: one being three minutes in length without notes, and the other six minutes in duration following the submission of a 900 word paper.

In the County Council section, they defeated 18 other teams including Essex, Dorset, Surrey, Hertfordshire, Devon and East Sussex. They also finished third in the overall 'Local Authority of the Year' category.

Both young people are within the Communities Directorate and were selected from Kent County Council's Greenhouse programme, which develops young talent within the authority.

The Chairman stated that he was delighted that both Tom and Daniel were present at the meeting and he invited them to the dais to formally receive their certificate.

(c) Improvement and Efficiency South East Awards

The Chairman announced that Kent County Council had won 3 individual awards in the recent Improvement and Efficiency South East Awards, as follows:

- Peter Bole – Head of ICT Commissioning – who won the “Working Together” Award: for the most impressive programme of shared working with other public sector organizations, local businesses and national organizations.
- Kevin Lynes – who won the “Local Hero” Award: for the work of an individual in local government who has delivered an outstanding contribution to the community
- Peter Gilroy – who won the Award given by the Chairman of Improvement and Efficiency South East – for the individual who has made an outstanding contribution to local government and the work of Improvement and Efficiency South East.

The Chairman congratulated all three recipients on their awards.

(d) Last meeting for Peter Gilroy, Chief Executive

The Chairman stated that this was the last County Council meeting for Peter Gilroy, who has served Kent County Council since 1991 as follows:

- 1 April 1991 he was appointed as Senior Assistant Director (Operations) – (later Director of Operations) for Kent County Council Social services

- 19 January 1998 he became Strategic Director of Social Services for KCC
- 6 May 2005 he became Chief Executive

The Chairman stated that it had been a pleasure to work with a senior manager who cared so passionately about his work and the staff he worked with; was innovative; always pursued excellence in everything he did; and was an excellent ambassador for Kent. The Chairman invited Mr Carter, Mrs Dean, Mr Christie, Mr Ferrin and Mr Lake to give their tributes. Mr Gilroy responded to the tributes, saying that he had thoroughly enjoyed the journey that he had led KCC on over a number of years and thanked all Members and Officers for the support that they had given him.

There was a standing ovation for Mr Gilroy.

(e) One minute silence for soldiers

The Chairman stated that, during his year of Office, it was sad to record that over 100 of our service personnel had been killed in Afghanistan bringing the total to 278. Some of those from our armed forces were from Kent and the Chairman extended his sincere condolences to all those bereaved and thanked all our serving personnel in the services for their professionalism and dedication in serving our Queen and Country.

The County Council stood in silence in remembrance of those fallen.

5. Questions

Under Procedure Rule 1.18, 7 questions were asked and replies given.

6. Report by Leader of the Council (Oral)

The Leader updated the County Council on various matters since the last meeting of the County Council. Specifically, he mentioned the recent Rail Summit, where the benefits of the new High Speed One service was celebrated, but he advised the County Council that there were also some dis-benefits to travellers in some parts of the County and that he would continue to press South East trains hard to effect changes to the timetable for non-High Speed One services.

The Leader mentioned the impending blitz on pot-holes across the County, now that the severe winter weather was over; he welcomed the competition that this would provide for Ringway and gave credit to the staff in the Kent Highways Service for their hard work in specifying the work and getting it to tender in such a relatively short period of time.

Finally, the Leader commented on the forthcoming Parliamentary Election, stating that the concept of Total Place had been embraced by the Conservatives and that there were massive opportunities for saving millions of pounds through increased efficiencies in public sector spend.

7. Comprehensive Area Assessment

The Chairman welcomed and introduced Claire Bryce-Smith, Audit Commission CAA Lead for the Kent and Medway area, who gave a presentation on the position with regard to CAA in Kent.

Ms Bryce-Smith responded to a number of questions from Members.

The Chairman thanked Ms Bryce-Smith for her presentation and for attending the meeting and responding to Members' questions.

8. Revised Kent Scheme Pay Structure and Appraisal

(1) Mr R W Gough moved, Mr P B Carter seconded the approval of the proposed pay structure and appraisal model, as described in the report.

(2) The Chairman put the Motion to the vote, where the voting was as follows:

FOR - 60

Mrs A D Allen, Mr M J Angell, Mr R W Bayford, Mr D L Brazier, Mr R E Brookbank, Mr J R Bullock, Mr R B Burgess, Mr C J Capon, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mr A R Chell, 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 M Cubitt, Mrs V J Dagger, Mr M C Dance, Mr G K Gibbens, Mr R W Gough, Mr D A Hirst, Mrs S V Hohler, Mr P J Homewood, Mr G A Horne, Mr E E C Hotson, Mr M J Jarvis, Mr A J King, Mr J D Kirby, Mr J A Kite, Mr P W A Lake, Mrs J P Law, Mr J F London, Mr R L H Long, Mr K G Lynes, Mr S Manion, Mr R F Manning, Mr R A Marsh, Mr M J Northey, Mr R J Parry, Mr R A Pascoe, Mr K H Pugh, Mr W L Richardson, Mr L B Ridings, Mr A Sandhu, 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 J N Wedgbury, Mr C T Wells, Mr M J Whiting, Mr A T Willicombe

ABSTAIN – 1

Mrs J Whittle

AGAINST – 10

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

Carried

9. Appointment of the Group Managing Director

(1) Mr Carter moved, Mr A King seconded that:

(a) the recommendation of the Personnel Committee to appoint Katherine Kerswell as the Council's Group Managing Director be endorsed; and

(b) Mr Gilroy's existing contract as Chief Executive be formally extended by five days to 13 May 2010 on existing terms and conditions and that the Personnel Committee be requested to consider proposals for the execution of the statutory responsibilities of the Head of Paid Service on an interim basis during the period

between Mr Gilroy's contract ending and Katherine Kerswell's contract commencing, and make a recommendation to the County Council at its meeting on 13 May 2010.

Agreed unanimously

10. Statutory and Proper Officers of Kent County Council

(1) The Chairman referred to the amended version of this report, circulated to all Members on Friday 26 March, which replaced the version contained in the Blue Book.

(2) At the request of the Chairman, Mr Wild addressed the meeting and explained the key differences between the two reports.

(3) Mr Carter moved, Mr A King seconded the designation of individual officers as statutory and proper officers of the Kent County Council as set out in the table to the amended report, which had been circulated separately.

Agreed

At this stage in the meeting, the Chairman stated that he wished to vary the order of items on the agenda, to enable item 14 (Minutes of the Governance and Audit Committee) and item 15 (Minutes for information) to be considered at this stage.

11. Minutes for Approval - Governance and Audit Committee - 1 December 2009

RESOLVED: that, pursuant to Procedure Rule 1.23 (3) the Minutes of the Governance and Audit Committee meeting held on 1 December 2009 be noted.

12. Minutes for Information

Pursuant to Procedure Rules 1.10 and 1.23(4), the Minutes of the Planning Applications Committee meetings held on 8 December 2009, 21 January and 17 February 2010; the Minutes of the Regulation Committee meeting held on 26 January 2010; and the Minutes of the Electoral and Boundary Review Committee meeting held on 8 March 2010, were noted.

13. Kent Invicta Awards

The Chairman presented two Kent Invicta Awards to Amanda Cottrell and Hilary Lister.

14. Active Lives Now: The Future of Adult Social Care in Kent 2010-2013

(1) The Chairman welcomed a number of service users and carers, who had contributed to the development of the Active Lives Now strategy and were present at the meeting, as follows:

Priscilla McBean
Pat Still
Haris Patel and carer (Jane Yuill)
Peter and Jenny Onley
Sue Colley

(2) Mr Oliver Mills, Managing Director Kent Adult Social Services, gave a presentation on the Active Lives Now strategy.

(3) Following questions to Mr Mills, a number of the service users and carers made contributions to the debate, which was warmly welcomed by all Members.

(4) Mr Gibbens moved, Mr Angell seconded that the Active Lives Now strategy be endorsed.

Agreed unanimously

15. Safeguarding Children in Kent: Defending and Developing the Service

(1) The Chairman welcomed David Worlock, Independent Chairman of the Kent Safeguarding Board to the meeting, together with Peter Thomason, an independent social work consultant and Martyn Ayre from the Chief Executive's Directorate, who co-authored the report.

(2) The Chairman referred to the comments and views of the Children, Families and Education Vulnerable Children Policy Overview and Scrutiny Committee and the Cabinet, which had been tabled for Members' information.

(3) Mr Peter Gilroy, Chief Executive, gave a presentation of the key outcomes of the review, commissioned by the County Council in December 2008, of the arrangements in Kent for protecting vulnerable children.

(4) Following a number of questions and a debate, Mrs Hohler moved, Mrs Allen seconded the following Motion:

(a) that the contents of the report be noted that the recommendations be accepted;

(b) the County Council agrees to express its sincere gratitude to Mr Gilroy and his team for the extensive work carried out in producing this valuable report and to all of the staff involved in providing essential care to vulnerable children.

Agreed unanimously

16. Motion for Time Limited Debate

(1) As the time was approaching 4.25pm, the Chairman proposed, the Vice Chairman seconded that the meeting be extended until 5:00 pm to allow time for the item for Time Limited Debate.

FOR - 21:

Mrs A D Allen, Mr A H T Bowles, Mr R B Burgess, Mr I S Chittenden, Mr L Christie, Mr A D Crowther, Mr J M Cubitt, Mrs T Dean, Mr K A Ferrin, Mrs E Green, Mr W A Hayton, Mr S J G Koowaree, Mr J F London, Mr S Manion, Mr R J Parry, Mr T Prater, Mr M B Robertson, Mr K Smith, Mrs P A V Stockell, Mrs E M Tweed, Mr M J Vye

ABSTAIN -4:

Mrs J P Law, Mr W L Richardson, Mr B J Sweetland, Mr M J Whiting

AGAINST - 39:

Mr M J Angell, Mr D L Brazier, Mr R E Brookbank, Mr J R Bullock, Mr C J Capon, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mrs P T Cole, Mr N J Collor, Mr G Cooke, Mr B R Cope, Mr H J Craske, Mrs V J Dagger, Mr G K Gibbens, Mr R W Gough, Mr M J Harrison, Mr P M Hill, Mrs S V Hohler, Mr P J Homewood, Mr G A Horne, Mr A J King, Mr J D Kirby, Mr J A Kite, Mr R L H Long, Mr K G Lynes, Mr R A Marsh, Mr M J Northey, Mr R A Pascoe, Mr K H Pugh, Mr L B Ridings, Mr A Sandhu, Mr J E Scholes, Mr C P Smith, Mr M V Snelling, Mr R Tolputt, Mr J N Wedgbury, Mr C T Wells, Mrs J Whittle

Lost

(2) Mr Prater moved, Mrs Dean seconded the following Motion:

1. Kent County Council, believing in accountability to the taxpayer, notes the recent campaigns by the Taxpayers Alliance and George Osborne MP to ensure greater disclosure to the public of what their money is being spent on.
2. Council also notes the recent move by the London Mayor to publish online details of all GLA expenditure over £1000, detailing all payments for goods and services.
3. Council believes that the publication of all Council items of revenue expenditure of £1,000 and above; and capital expenditure of £10,000 and above will improve transparency and therefore accountability.
4. Therefore, Council resolves to instruct the Director of Finance to bring forward proposals, compiled from existing data and at the lowest possible cost, to publish online from 1 July 2010, details on all such items of Council expenditure on a monthly basis within three months of the transaction.

(3) In accordance with Procedure Rule 1.35 (1), Mr Christie moved, Mr Vye seconded that "the question be put". During the voting on this procedural motion, the Chairman closed the meeting as the time had reached 4.30pm. The vote on the procedural motion was not completed. There was no vote on Mr Prater's motion.

Question No. 1**COUNTY COUNCIL MEETING****13 May 2010****Question by Mr M J Harrison to the
Cabinet Member for Finance**

Will the Cabinet Member please help with my coming to terms with the Budget Book 2010/11 in particular the sums of money relating to Home to School Transport? I note on page 27 it refers to SEN Transport at a cost of £470,000. Then on page 30 it reads Mainstream Home to School Transport -£417,000 and on page 31 it reads Home to School/ College Transport £36,470,000!

My question to the Cabinet Member is: "Are these sums correct? Are they to be added together and is the sum for SEN Transport correct? And finally I am unable to find a figure for Social Services Special Needs Transport, is there such a budget line?"

Response

The figures on pages 27 and 30 represent **the year on year changes** to the mainstream home to school, SEN and home to college transport budgets. The SEN and home to college transport budgets are both under pressure due to additional demands and we have had to put additional funding into both (£470k into SEN and £280k into home to college). Conversely demand for mainstream home to school transport is declining and we have made a savings of £417k and £270k (also on page 30). The £417k is the full year effect of the roll out of the Freedom Pass in 2009/10 and £270k is due to falling secondary school rolls.

The figure of £36,470k on page 31 is the **total planned expenditure** on mainstream home to school, SEN and home to college transport from the subjective analysis. This is made up of the following amounts (together with the relevant page number in the Budget Book):

- £16,175k on Mainstream Home to School Transport (page 24)
- £18,740k on SEN Transport (page 19)
- £1,787k on Home to College Transport (page 22 on the line headed Awards)

This expenditure is partially offset by income from selling vacant seats to those not eligible for free transport (£484k on mainstream home to school and £367k on home to college). This reduces the **net cost of mainstream home to school, SEN and home to college transport to £35,851k.**

There is not a Social Services Special Needs Transport in quite the same way as SEN home to school transport. We do provide transport assistance to Social Services clients (children, adults and older people) particularly to day care facilities. **The total spend in Children's Social Services is £1,544k (page 31), Adult Social Services is £1,321k (page 43) and Communities £55k (page 63).**

COUNTY COUNCIL MEETING

13 May 2010

Question by Mr M J Vye to the Cabinet Member for Children, Families and Education

Will the Cabinet Member for Children, Families and Education outline the measures she is taking to ensure any instances of mishandling of serious cases at the local level are communicated swiftly up to her?

Response

I am at a loss to understand what Mr Vye means when he asks about the 'mishandling' of serious cases. Every child death in Kent is reviewed by the Child Death Overview Panel and, if the case meets the criteria for a serious case review, an independent review is undertaken by Kent Safeguarding Children Board. This is a multi-agency review which is chaired by an independent chairman. The report is written by an independent report writer. As Cabinet member I am notified of these cases immediately by the managing director, and briefed appropriately.

COUNTY COUNCIL MEETING

13 May 2010

**Question by Mr G Koowaree to the
Cabinet Member for Environment, Highways and Waste**

Will the Cabinet Member for Environment, Highways and Waste advise Members of the Protocol for informing the Local Member of any changes or cancellations to the schedule of Highways works approved by the Joint Transportation Board in their division?

RESPONSE

The formal protocol of informing members of any schemes added or removed from the approved schedules is via the Joint Transportation Boards (JTB). This would be by an update report to the next available JTB. I would suggest that if Mr Koowaree has an issue with a specific scheme he initially speaks with his Community Liaison Officer who can follow up on the matter.

COUNTY COUNCIL MEETING

13 May 2010

**Question by Mr P W A Lake to the
Cabinet Member for Environment, Highways and Waste**

Last month we were told that a small army of small and medium- sized specialist tarmac companies were to start work fixing potholes on the county's minor roads, and it is good to hear that more than 68,000 have been fixed to date. So will the Cabinet Member for Environment Highways and Waste tell me why Ringway has been employed to do this work in Sevenoaks and Swale? Surely this company under its contractual arrangements should be wholly engaged in repairing and relaying our roads in Kent which are in such an appalling state, because, if normal maintenance work is not undertaken, we will end up with still more potholes in the future.

RESPONSE

The award of contracts for road patching and pothole repairs followed EU and KCC procurement procedures. Such procedures must not discriminate against any contractors who submit valid tenders.

To encourage a number of contractors to be involved in this initiative, the tender documents limited contractors to winning a maximum of 2 districts each.

Following the competitive selection process, Ringway won 2 districts, these being Sevenoaks and Swale.

Ringway continue to supply the appropriate crews and resource through the main contract to meet the requirements for normal maintenance work.

By: Geoff Wild - Director of Law and Governance

To: County Council – 13 May 2010

Subject: Appointment of Interim Head of Paid Service

Classification: Unrestricted

Summary: The Council is requested to determine the recommendation of the Personnel Committee, held on 5 May 2010, in relation to the interim arrangements for the execution of the statutory functions of Head of Paid Service from 14 May 2010 until Katherine Kerswell takes up her position as Group Managing Director.

FOR DECISION

1. At its meeting on 1 April, the County Council approved the recommendation of the Personnel Committee to appoint Katherine Kerswell as the Council's Group Managing Director. In addition, the County Council agreed to formally extend Peter Gilroy's contract as Chief Executive by five days to 13 May 2010 and invited the Personnel Committee to consider proposals for the execution of the statutory responsibilities of the Head of Paid Service on an interim basis during the period between Peter Gilroy's contract ending and Katherine Kerswell's contract commencing, and to make a recommendation to this County Council meeting.
2. The Personnel Committee met on Wednesday 5 May, which was after the agenda for this meeting was due to be published. Accordingly, a supplementary report will be circulated to Members as soon as possible in advance of this meeting, recommending interim arrangements for the execution of the statutory responsibilities of the Head of Paid Service.

Recommendation

3. The Council is requested to determine the recommendation of the Personnel Committee to in relation to the appointment of an interim Head of Paid Service, as detailed in this and the supplementary papers.

Geoff Wild
Director of Law and Governance
Ext 4302

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By: Paul Carter, Leader of the Council and Chairman of Personnel Committee

To: County Council – 13 May 2010

Subject: Appointment of Interim Chief Executive/Head of Paid Service – Supplementary Report

Classification: Unrestricted

Summary: The Council is requested to endorse the appointment of David Cockburn as Interim Chief Executive/Head of Paid Service.

FOR DECISION

1. At its meeting on 1 April, the County Council approved the recommendation of the Personnel Committee to appoint Katherine Kerswell as the Council's Group Managing Director. In addition, the County Council agreed to formally extend Peter Gilroy's contract as Chief Executive by five days to 13 May 2010 (the date of today's meeting) and invited the Personnel Committee to consider proposals for the execution of the statutory responsibilities of the Head of Paid Service on an interim basis during the period between Peter Gilroy's contract ending and Katherine Kerswell's contract commencing, and to make a recommendation to this County Council meeting.
2. The Personnel Committee met on 5 May and resolved that David Cockburn, KCC's Executive Director, Strategy, Economic Development and ICT, should be recommended to the County Council as its interim Chief Executive/Head of Paid Service.
3. In accordance with the Constitution (Appendix 2 Part 6) the name of the person to be offered the appointment was recorded by the Monitoring Officer and sent to all Members of the Cabinet asking for any objections to the making of an offer to be submitted by 11 May 2010. With that time having elapsed I am advised that no objections were received.
4. Katherine Kerswell has confirmed that she is able to join Kent County Council on 7 June 2010. An intensive induction programme is being developed for the first three weeks of her employment during which she will meet key internal and external stakeholders, visit service delivery teams at sites across the county and start to familiarise herself with Kent and the County Council. To maximise the effectiveness of this induction period, David Cockburn will continue as interim Chief Executive (but not interim Head of Paid Service) until 4 July 2010.
5. Personnel Committee resolved that David Cockburn should undertake all the duties of Head of Paid Service as defined in the Constitution for the period 14 May to 6 June 2010. These are summarised as:
 - a. assuming overall corporate management and operational responsibility (including overall management responsibility for all staff)
 - b. the provision of professional advice to all parties in the decision making

- process (the executive, overview and scrutiny, full council and other committees)
- c. together with the Monitoring Officer, responsibility for a system of record keeping for all the local authority's decisions (executive or otherwise)
 - d. representing the council on partnership and external bodies (as required by statute or the council).
- 6 The Committee also resolved that as Interim Chief Executive from 14 May to 4 July 2010, Mr Cockburn would take responsibility for the day to day operation of the County Council, liaise with the Leader and Cabinet about the progress and development of key strategic initiatives during this interim period and direct the functions of the Chief Executive's office.

Recommendation

- 5. The Council is therefore requested to endorse the recommendation of the Personnel Committee to appoint David Cockburn as the Council's interim Chief Executive from 14 May to 4 July 2010 (including as interim Head of Paid Service from 14 May to 6 June 2010) to undertake the responsibilities and under the terms outlined above.

Amanda Beer
Director of Personnel & Development
Ext 4136

By: Alex King, Deputy Leader
Peter Sass, Head of Democratic Services and Local Leadership

To: County Council – 13 May 2010

Subject: Mental Health Act Guardianship Sub-Committee

Classification: Unrestricted

Summary: The Selection and Member Services Committee at its meeting on 23 March 2010 recommend to the County Council the establishment of a Sub-Committee of the Regulation Committee to consider applications under section 23 of the Mental Health Act 1983 to discharge a person from guardianship.

1. (1) Under section 7 of the Mental Health Act 1983 (MHA 1983), applications for guardianship signed by two doctors and an Approved Mental Health Professional (AMHP) are received on behalf of KCC and entered into the Guardianship Register kept at County Hall. KCC as a guardian can require that the person subject to the guardianship lives in a certain place, accesses health professionals and attends appointments relating to their care and treatment.

(2) The Mental Health Act 2007 (MHA 2007) introduced changes in respect of guardianship orders and amended the regime for health authorities in discharging patients subject to guardianship. As a consequence of these changes, the role of Local Authority Social Services departments to actively consider the discharge of such patients came into force. In order to carry out this function it is necessary to establish a Sub-Committee to enable Members to consider applications under section 23 of the MHA 1983 to discharge a person from guardianship.

(4) KCC currently has 55 people who are the subject of guardianship orders across the county. Although no discharges have been made in the last three years, it is necessary for the County Council to have a process for considering any applications that may arise.

(5) The Selection and Member Services Committee considered a proposal that this should come within the remit of the Regulation Committee, allowing it to convene an ad hoc sub-committee of Members to discharge this function. As Members with the most knowledge of social services mental health issues are likely to serve on the Adult Social Services Policy Overview and Scrutiny Committee it was suggested that the majority of the sub-committee be made up of Members from that Committee. The Sub Committee would be supported in coming to its decision by the presentation of reports and advice from an experienced officer from Kent Adult Social Services Directorate.

(6) In accordance with the suggestion of the Selection and Member Services Committee, and subject to the County Council agreeing the recommendation set out below, arrangements will be made to ensure that there is a pool of appropriately trained Members available to fulfil this role.

Recommendation

2. That the County Council approve the following addition to the terms of reference for the Regulation Committee:

“(g) the discharge of persons who are subject to guardianship, pursuant to section 23 of the Mental Health Act 1983 on the recommendation of the Director of Adult Social Services.

(The Council agreed on 13 May 2010 that function (g) could be delegated to a sub-committee of at least three Members one of whom should be a Member of the Regulation Committee and the others to be Members of the Adult Social Services Policy Overview and Scrutiny Committee (who must not also be members of a Foundation Trust). The decision to discharge must be agreed by at least three Members or where there are more Members on the sub-committee by a majority of the Panel)”

Peter Sass
Head of Democratic Services and Local Leadership
01622 694002

Background documents

None

To: Kent County Council – 13 May 2010

By: Mike Hill, Cabinet Member

Subject: Youth Justice Strategic Plan 2010-11

Classification: Unrestricted

Summary: This report provides a context for and an introduction to the core objectives of the Kent Youth Justice Strategic Plan for 2010/11. It identifies the resources which the County Council is providing for the multi agency Youth Offending Service.

FOR APPROVAL

1. Introduction

- 1.1 The Kent Youth Justice Plan sets out how the Youth Offending Service (YOS) will work, in the county, during 2010/11 towards the principal aim for the youth justice system, “the prevention of offending by children and young people”. The Plan, which is a statutory requirement (Crime & Disorder Act 1998, S40), must be submitted to the Youth Justice Board in line with the KCC planning cycle.
- 1.2 The contents are similar to those included in the 2010/11 Annual Operating Plan for the Service. The key themes include:
 - (i) the partnership arrangements for the management of YOS
 - (ii) the targets for the performance of the Service, including that for reducing the number of first time entrants, National Indicator 111, which is one of the 35 priorities for the current Kent Area Agreement
 - (iii) planned new developments and the activity forecasts for the core youth justice services
 - (iv) the resources the Service has available to deliver the objectives of the Plan
- 1.3 Annexes A – F provide youth justice data that provides an insight into the demands on the Service at each stage of the youth justice process and enables comparisons to be made between the levels of demand experienced in 2008 & 2009.
- 1.4 The attached Plan has been subject to consultation with the County Youth Justice Board, Kent Children’s Trust Executive, Communities Policy and Scrutiny Overview Committee and Cabinet Members

2. Context

- 2.1 The immediate context for the Plan is the change in legislation, the Criminal Justice & Immigration Act 2008, and policy, the Scaled Approach, which were both implemented in November of last year. The changes introduced require the Service to prioritise the management of those children and young people who

have been assessed as being the most likely to re-offend or to present a risk of serious harm to others or both of these factors. The existing priorities, to reduce the numbers of children and young people resident in the county entering the youth justice system, to promote the welfare of those known to the Service and to engage victims of youth crime in restorative justice processes, do however remain.

2.2 The Service has recorded a downward shift in demand in the past twelve months. The findings indicate that during 2009 there was:

- (i) when compared with 2008 a:
 - a. 9.0% decrease in the number of offences recorded by the Service (Annexes A & B)
 - b. 3.4% reduction in the number of first time entrants (Annex F)
 - c. 12.7% fall in the number of sentences imposed by the Courts on children and young people (Annex D)
- (ii) a 48.0% reduction in the number of young people receiving a custodial sentence when comparing the number for Quarter 3 of 2009/10 (15) compared to the number (29) for Quarter 4 of 2008/09
- (iii) a 10.9% fall in the statutory caseload based on snapshots taken in January 2009 (708) and January 2010 (631)

2.3 This reduction in demand is felt to be a contributory factor to the improving performance of the Service that is reflected in the reduction of the re-offending rate (Annex E). There has been an incremental reduction in the rates achieved for the cohorts for 2005, 2006 and 2008 (NB there was no cohort in 2007) with the outcomes being respectively 40.2%, 36.3% and 34.6%. The rate for the 2009 cohort is forecast to show a further improvement.

2.4 The demand, though, for remand services (Annex C) increased during 2009. The upward trend was recorded for Bail Support & Supervision as well as for the use of the Secure Estate and this is being considered as part of our review of the Remand Management Services.

3. YOS Business Priorities for 2010/11

3.1 The key priorities for the Service continue to revolve around a number of themes. These include:

- (i) integrating the YOS prevention strategy with that of the Children's Trust as set out in the Children and Young People's Plan for 2011/14
- (ii) joint work with Kent Police (the Offender Management Units) in line with the Deter Young Offender strategy which targets the persistent offender. This collaboration has been facilitated by aligning the boundaries of the five Teams within YOS with those of the five Police Areas
- (iii) improving the percentage of those of statutory school age known to YOS who are engaged in education
- (iv) maintaining the significant progress being made with the engagement of 16 / 17 year olds in training and employment – the New Skills New Live initiative led by the Service should be influential in this respect

- (v) matching the needs of children and young people with speech & language, mental health and substance misuse needs to appropriate interventions and services
- (vi) enhancing the services offered at the remand stage to ensure they are credible with Courts and so enable greater use of community based services at this stage of the youth justice process
- (vii) strengthening the post custody resettlement arrangements through the effective use of the Integrated Resettlement Support co-ordinators to further reduce the risk of re-offending
- (viii) joint working with Local Housing Authorities, Children's Social Services and supporting People to improve access for homeless 16 / 17 year olds to suitable accommodation
- (ix) exploring different approaches to the delivery of youth justice services, including closer co-operation with partners such as the Youth Service, with the objective of maximising the benefits of available resources

4. Resource Implications

- 4.1 The YOS Budget for 2010/11 is projected to be £6.7m, a reduction of £181k when compared to the total for 2009/10, of which the County Council contributes £3.7m (55.2%). The remainder is provided by statutory partners (Health, Education, Children's Social Services, Police and Probation) and by grants from the Youth Justice Board,
- 4.2 To date not all funding streams have been confirmed for 2010/11 although a reduction in funding had been planned for by the Service. Partnership funding has been reduced to achieve efficiency savings, these include 2.1% from the KCC contribution and 8.3% from that of Probation. Others, including the Youth Justice Board Grants, are expected to maintain their contributions at the funding levels provided for 2009/10.
- 4.3 Whilst there has been additional investment from the Youth Justice Board (YJB) for Integrated Resettlement Support and from KCC for Training these are not long term commitments with the IRS grant funding only to 31 March 2011. YOS Partnership funding settlements are anticipated to continue to be challenging for the foreseeable future given the political and economic climate.

RECOMMENDATION

- 5.1 Council are asked to APPROVE the objectives of the Kent Youth Justice Strategic Plan and the contribution the County Council is making with respect to improving both public safety and the life chances of those at risk of entering the youth justice system and those who have offended.

Director: Angela Slaven

Title: Director of Youth Services and Community Support

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By: Cabinet Member for Finance
To: County Council - 13 May 2010
Subject: **DISCLOSURE OF PAYMENT TRANSACTIONS**
Classification: Unrestricted

Summary: To set out an approach to reporting transactions.

FOR DECISION

INTRODUCTION

1. It is clear that the public quite rightly expect greater transparency from public organisations and I want this Council to be at the forefront of this and we already have a wealth of data in the public domain from the Medium Term Plan and monitoring reports to Cabinet. A higher level of reporting by public bodies on issues such as staff salaries, use of purchase cards and payments is an aspect of this. My report addresses the issue of disclosure of payments in a way which is open and transparent but is also workable.

PAYMENTS TRANSACTIONS

2. The Council has an external spend on goods and services of approaching £1bn per annum and creditor payments are primarily made using the Oracle Accounts Payable system. Annually we process around 480,000 transactions through Accounts Payable, by manual invoices and through electronic interfaces. There is some use of purchase cards, primarily for domiciliary care invoices.
3. Accounts Payable is a payments system and it is not configured to easily facilitate reporting on individual transactions.
4. Accounts Payable is used for much more than payments to trade creditors and includes a range of payments to individuals. These would include payments to:
 - Foster parents
 - KASS clients
 - Supporting People
 - Pension lump sums

We need to do further work to confirm which payments to individuals we should exclude on grounds of privacy.

5. We would also propose to exclude internal transactions, primarily with Commercial Services and Schools.

VALUES

6. Given the large number of transactions in total we need to set a sensible value limit and only report transactions over the limit monthly. Out of a total of 480,000 transactions annually through Accounts Payable, the number in certain defined ranges are:

	Number of Transactions
Over £500	199,300
Over £8,000	27,000
Over £50,000	8,200

7. These limits come from:
 - Over £500 – this is the limit used by the Greater London Assembly but they only report only a few hundred transactions per month.
 - Over £8,000 – this is the limit under the Council’s procurement rules which require more than 3 quotes to be obtained.
 - Over £50,000 – all contracts worth over £50,000 should be advertised on the South East Business Portal.

RESOURCING

8. Resourcing essentially falls into two categories:
 - Preparation of data – the more exclusions we make the more work will be required to prepare the data for reporting.
 - Queries – at this stage we have no way of knowing how many queries will be received but this will all be additional work in a back-office area where we continue to seek to make efficiency savings.

PUBLIC CONSULTATION

9. During the year we use appropriate fora to consult with the public and the business community on budget issues. It would seem sensible to seek the public’s views on this issue.

RECOMMENDATIONS

10. The County Council is recommended to:

- (1) Approve the principle of a wider public disclosure of payment transactions, as described in this report; and
- (2) Delegate authority to the Cabinet Member for Finance to determine the parameters for the disclosure scheme, in consultation with the Informal Member Group on Budgetary Issues.

John Simmonds
Cabinet Member for Finance

Ext: 7000 4311

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KENT COUNTY COUNCIL**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 16 March 2010.

PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R Brookbank, Mr A R Chell, Mrs V J Dagger, Mr T Gates, Mr C Hibberd, Mr G A Horne MBE, Mr J D Kirby, Mr R F Manning, Mr R J Parry, Mr W Richardson (Substitute for Mr R A Pascoe), Mr M Robertson, Mr C P Smith, Mr K Smith and Mr A Willicombe

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Team Leader - County Council Development), Mr R White (Transport and Development Business Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**14. Minutes - 17 February 2010**

(Item A3)

RESOLVED that the Minutes of the meeting held on 17 February 2010 are correctly recorded and that they be signed by the Chairman.

15. Site Meetings and Other Meetings

(Item A4)

The Committee agreed to hold site visits on the afternoons of the next two meetings of the Committee. A visit to a South East London waste disposal site was provisionally scheduled to take place on 11 April 2010 and an application site in Tovil, Maidstone would be visited on 13 May 2010. In the event that the visit to London could not be arranged, the Tovil visit would be brought forward to 11 April.

16. Proposal SH/09/1050 - Household Waste Recycling Centre, including a provision for the receipt of small amounts of trade waste at land at the end of Mountfield Road, New Romney - Kent Waste Management

(Item C1)

(1) Mr W L Richardson made a declaration of personal interest as he had already given his views during the consultation period. He addressed the meeting in his capacity as local member but took no part in the decision-making process.

(2) RESOLVED that subject to the satisfactory completion of a legal agreement to secure a contribution towards local highway improvements permission be granted to the application subject to conditions including conditions covering the standard three year time limit; the development being carried out in accordance with the permitted details; details of a programme for the implementation of landscaping on the site including specific details of habitat creation; a scheme for foul and surface water drainage; groundwater protection; operating hours; noise restriction; details of signage; details of construction of the bunding; ecological works (as set out in

paragraph 68 of the report); and the submission of details of a Construction Management Plan for approval prior to the commencement of work on site.

17. Proposal CA/09/1951 - Modified half core Children's Centre with associated car parking and play areas at Hersden Primary School, Shaftesbury Road, Hersden, Canterbury; KCC Children, Families and Education

(Item 10)

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the tree and hedge shown for retention being afforded protection during construction in accordance with the current British Standard; and dedicated off-street parking (as detailed within the proposals) being provided prior to first occupation of the Children's Centre, and being retained thereafter solely for that purpose whilst the Centre is in use.

18. Proposal GR/09/972 - Change of use of upstairs room (known as the Chestnut Room) for meetings, launches, wedding ceremonies, receptions and other functions at Shorne Woods Country Park, Brewers Road, Shorne, Gravesend; KCC Country Parks

(Item D2)

(1) The Head of planning Applications Group reported the views of Mr M V Snelling, the local Member in support of the proposal.

(2) Mr Mark Brett from Shorne PC addressed the Committee in opposition to the proposal. Mrs Amanda Dunk from KCC Country Parks spoke in reply.

(3) Mr R F Manning moved, seconded by Mr M B Robertson that the recommendations of the Head of Planning Applications Group be agreed.

(4) Mr C P Smith moved an amendment, seconded by Mr R J Parry that permission be granted for a temporary period of two years.

Amendment carried by 11 votes to 4

(5) On being put to the vote, the substantive motion was carried as amended by 14 votes to 1.

(6) RESOLVED that temporary planning permission be granted to the proposal for a period of two years subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the use of the Chestnut Room being solely for the uses applied for, with no other uses taking place unless otherwise agreed in writing by the County Planning Authority; and the hours of use of the Chestnut Room being limited to 08:00 to 22:00 seven days a week.

19. County matters dealt with under delegated powers

(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils and Government Departments;
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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