

## KENT COUNTY COUNCIL

---

### CABINET SCRUTINY COMMITTEE

MINUTES of A meeting of the Cabinet Scrutiny Committee held at Darent Room - Sessions House, County Hall, Maidstone on Wednesday, 23rd April, 2008.

PRESENT: Dr M R Eddy (Chairman), Mr D Smyth (Vice Chairman), Mr A H T Bowles, Miss S J Carey, Mr A R Chell, Mr C Hart, Mr G A Horne MBE, Mr E E C Hotson, Mr C J Law, Mr J E Scholes, Mrs P A V Stockell, Mr R Truelove, Mr J D Simmonds (In place of Mr A R Bassam), Mr D S Daley (In place of Mrs T Dean) and Mr M J Northey (In place of Mr P W A Lake)

ALSO IN ATTENDANCE: Mr N Chard, Cabinet Member for Finance, and Mr J Curwood.

WITNESSES: Mr J Wilkinson, Trustee of the Allington Baptist Church

OFFICERS: Mr K Harlock, Director of Commercial Services; Mrs E Walker, Head of Asset Management and Disposals; Mr P Sass, Head of Democratic Services and Local Leadership

### UNRESTRICTED ITEMS

**59. Substitutes**  
(Item. 1)

The Head of Democratic Services and Local Leadership reported that apologies had been received from Mr Lake, Mr Bassam and Mrs Dean who were substituted by Mr Northey, Mr Simmonds and Mr Daley, respectively. An apology for absence had also been received from Mrs Newell.

**60. Minutes - 26 March 2008**  
(Item. 3)

RESOLVED that the Minutes of the meeting held on 26 March 2008 are correctly recorded and that they be signed by the Chairman.

**61. Matters Arising**  
(Item. )

A21 and East Kent Access Phase 2

(1) The Head of Democratic Services advised Members that, at the last meeting of the Cabinet Scrutiny Committee, it was agreed that Dr Eddy would write a letter on behalf of the Committee to the Minister of State for Transport requesting that the existing timetables for these schemes be retained. Since the meeting Dr Eddy had been able to confirm that the two A21 schemes (Tonbridge to Pembury, and Kippings Cross to Lamberhurst) were indeed listed in the Highway Agency's Annual Plan for 2008/09 and, therefore, it appeared that the letter had been pre-empted.

(2) During a short discussion, Members agreed that Dr Eddy should still send a letter to the Minister of State for Transport urging the Government to progress these important schemes without delay.

(3) RESOLVED that, following confirmation that the two A21 schemes (Tonbridge to Pembury, and Kippings Cross to Lamberhurst) are listed for development within the 2008/09 Highways Agency Annual Plan, the Chairman be authorised to write a letter to the Minister of State for Transport, urging her to ensure that both of these schemes are implemented without any further delay.

## **62. Action Taken on Committee's Recommendations**

*(Item. 4)*

### Kent Healthwatch

(1) The Committee was pleased to note under Cabinet resolution (b) that a monitoring report would be submitted to the Cabinet Scrutiny Committee in December of this year.

(2) With regard to Cabinet resolution (c), the Committee were of the view that data collection issues and confidentiality should be being considered now rather than at some stage in the future.

(3) With regard to Cabinet resolution (f), the Committee expressed their thanks to Mr Gibbens for supplying the Committee with a timetable for implementing links.

## **63. Informal Member Group on Budgetary Issues - 10 April 2008**

*(Item. 5)*

RESOLVED that the notes of the Informal Member Group on Budgetary Issues, held on 10 April 2008, be noted.

## **64. Annual Unit Business Plans**

*(Item. 6)*

(1) The Committee was asked to decide which annual unit business plans it wished to scrutinise in further detail later in the municipal year.

(2) After a short discussion, it was RESOLVED that the following Unit business Plans be agreed for detailed scrutiny during 2008/09:-

1. Highways Services
2. Children's Services (Clusters)
3. Communication and Media Centre
4. Direct Payments (part of Adult Social Services)

## **65. Proposed Disposal of Land Fronting the A20 at Allington**

*(Item. 1)*

(1) The Committee welcomed Mr N J C Chard, Cabinet Member for Finance, Mrs E Walker, Head of Asset Management and Disposals (Property Team), and Mr J Wilkinson, Trustee of the Allington Baptist Church to the meeting.

(2) Mr Wilkinson was invited by the Chairman to set out the nature of his concerns with regard to the proposed disposal of land. Mr Wilkinson began by stating that, contrary to the description of the church's premises in the County Council's planning application, the church was not in a poor state of repair and was, in fact, a timber-framed building with brick sides built on a solid base. He added that the building was in need of some repairs but that this had not been possible because their lease had not been renewed or extended and had, in fact, expired. He added that the church organised a range of activities for the community, ranging from Sunday services to parents' groups and older peoples' groups. The church even hosted examinations for a local school. Mr Wilkinson stated that the church wanted to extend its premises on the existing site and had no desire to move to new premises. He requested that the Council should either gift the land to the church or grant a long-term lease. Finally, he stated that, the County Council should withdraw its application for planning permission because of the concern being caused in the community, particularly amongst vulnerable people.

(3) Mrs Walker stated that the County Council had been in negotiations with the Allington Baptist Church for some 18 months, during which several meetings had taken place. She stated that the church had agreed in principle to leave their existing site subject to the new site being acceptable to them. She referred to the tabled plan, which showed the proposed alternative site, located in Bower Mount Road, which was approximately half a mile away from the existing site. She continued that, in the Council's negotiations with Maidstone Borough Council, as the planning authority, the County Council would enter into a Section 106 agreement, which would require the Council to provide alternative premises for the Allington Baptist Church. It was noted that this would involve the County Council gifting an appropriate piece of land on an alternative site. Referring to the tabled plan, Mrs Walker stated that negotiations were ongoing with the church with regard to the most appropriate design for their new premises and gave assurances with regard to access, parking and services.

(4) At the invitation of the Chairman, Mr Curwood addressed the Committee as a local Member. He stated that there was significant support within the local community for the church to remain in its present location. He spoke about the wide range of essential services provided by the church to the local community, which were enhanced by its prominent position on a busy road junction, with schools and residential properties nearby.

(5) Mr Chard, Cabinet Member for Finance, stated that he recognised fully the role that the Allington Baptist Church played in terms of providing essential services to the community and added that, in his opinion, the whole scheme would only work if there was a successful and mutually acceptable solution to both KCC and the Allington Baptist Church in relation to the relocation of their premises and he accepted that both parties still had some work to do.

(6) In response to a question from Mr Northey, Mr Wilkinson stated that the church's main concern about a possible move was that some local people would not travel to the new site, particularly older people; that the Allington estate was increasing in the opposite direction to the alternative site, which would mean that

the church would be some distance from the centre of Allington; and that the existing facilities would be difficult to replace elsewhere.

(7) In response to a number of questions from Mr Daley, Mrs Walker stated that community facilities had been provided on the existing site since 1972 when the buildings were occupied by the Church of the Latter Day Saints. She added that the Allington Baptist Church's current lease expired in 2001 but that the church had been allowed to remain on the site because the land was originally purchased by the County Council for highways scheme which did not ultimately proceed. Accordingly, the land was declared surplus to highways requirements in 2005. She stated that the County Council was seeking to dispose of the existing site because the authority was required by law to make the best use of its assets and that this particular site was regarded as non-operational land. With regard to the alternative location for the Allington Baptist Church, Mrs Walker stressed that discussions were ongoing with regard to the design of the new premises and that this would be key in determining the size of the site that would be gifted to the Allington Baptist Church. It was noted that this would not be a smaller site than the church currently occupies and could, indeed, be larger than their existing site.

(8) Mr Daley stated that, if the County Council was prepared to gift a piece of land to the Allington Baptist Church, then surely it would be more straightforward to gift the existing site rather than force the church to move to alternative premises. Mrs Walker and Mr Chard both confirmed that there was a differential in value between the existing site and the alternative site, which was why the County Council was seeking to relocate the church.

(9) In response to questions from Mr Daley and Mr Scholes, Mrs Walker stated that it would have been preferable for the County Council to submit two planning applications at the same time; the existing one at the Leafy Lane site and the one relating to the relocation of the Allington Baptist Church but, unfortunately, this had not been possible. She reiterated the likely terms of the Section 106 agreement with regard to the relocation of the church.

(10) A number of Members expressed the view that two separate surveys should be carried out. The first survey should assess existing usage in terms of attendance at various services, clubs and activities and the distances that individuals travelled to attend the church; and secondly, a survey to assess potential usage of the church by people living close to the proposed alternative site off Bower Mount Road. It was considered that the results of these two surveys would be essential to enable the discussions and negotiations with regard to the precise location, access, and design of the new premises so that the maximum community benefit could be realised. Mr Chard stated that he would become more involved personally in the matter to seek to resolve the various issues of concern to the Allington Baptist Church.

(11) RESOLVED that:-

- (a) Mr Chard, Mrs Walker and Mr Wilkinson be thanked for attending the meeting to answer Members' questions;
- (b) the Committee welcome the comments from Mr Chard that the proposed development scheme for the site at Leafy Lane will only work if there is a successful and mutually acceptable solution to both

KCC and the Allington Baptist Church in relation to the relocation of their premises;

- (c) the Committee welcome the commitment and willingness of both parties to continue to work together to find a suitable alternative location for the Allington Baptist Church; in particular, we are pleased to note Mr Chard's commitment to become more involved personally to resolve the various issues;
- (d) the Committee note that, should outline planning permission be granted to KCC for the site at Leafy Lane, there will be a requirement upon KCC to facilitate the relocation of the Allington Baptist Church to new premises before their existing premises are closed;
- (e) the Committee particularly welcome the commitment given by KCC to provide the Allington Baptist Church with a freehold site, which would not be smaller and could be larger than their existing site;
- (f) the Committee would support the carrying out of two surveys; one by the Allington Baptist Church to assess existing usage in terms of attendance at various services/clubs/activities etc. and the distances that individuals travel to attend the church; secondly, one to be carried out by KCC to assess potential usage of the church and its existing services by people living near to the proposed alternative site off Bower Mount Road.

**66. Outsourcing of Delivery Services Beyond the Boundaries of Kent**  
*(Item. 2)*

(1) The Committee welcomed Mr N J C Chard, Cabinet Member for Finance, and Mr K Harlock, Director of Commercial Services, to the meeting.

(2) The Chairman stated that, in addition to the briefing note that had been provided by the Director of Commercial Services, he had received and circulated documentation from the trade unions to Committee Members.

(3) In response to a question from the Chairman, Mr Harlock stated that the total number of deliveries that could be made from the West Malling Depot dropped significantly once drivers had to go beyond the boundaries of Kent and, in particular, through the Dartford Tunnel and into Essex and beyond. He stated that it was not the intention to use a third party carrier for a delivery that was just over the boundary of Kent but that the outsourcing of deliveries further afield had become necessary to enable the Council to keep to its target of making deliveries the next day.

(4) In response to a question from Mr Smyth, Mr Harlock stated that a great deal of work had gone into preparing the specification for the outsourced deliveries and he was confident that the third party provider would be able to perform well in relation to next day delivery. He added that customer satisfaction remained an essential aspect of any outsourcing and he assured the Committee that he would deal effectively with any complaints from customers about poor customer service.

(5) In relation to a further question from Mr Smyth, Mr Harlock explained that the negotiations and discussions with affected staff had been carried out in accordance with KCC procedures. He added that the new arrangements were due to commence on 1 June 2008 and that TUPE applied to the affected staff.

(6) Mr Chard stated that there were enormous practical and environmental benefits for the proposed outsourcing. He assured Members that the specification for the new arrangements was robust, a clear risk analysis had been completed, all of the relevant negotiations with affected staff had been carried out in accordance with KCC procedures, TUPE applied to affected staff and there were no compulsory redundancies.

(7) In response to a question from the Chairman, Mr Harlock confirmed that consultation with Members had been minimal as the proposal was regarded as “business as usual” in accordance with the business plan for Commercial Services. He added that he was a supporter of in-house provision, where appropriate, and that he would have retained this particular service in-house if it could be justified in value for money terms.

(8) In response to a further question from the Chairman with regard to the environmental aspects, Mr Harlock confirmed that the outsourcing of these services would result in a significant reduction in carbon emissions, possibly up to 60%, although he accepted that this calculation had been made on the basis of a number of assumptions.

(9) In response to further questions from Members about the affected staff, Mr Harlock confirmed that discussions were ongoing in the lead up to the introduction of the new arrangements in June and that staff would be offered support beyond that. The Chairman expressed his gratitude that staff were being kept fully informed.

(10) RESOLVED that:-

- (a) no comment be made on the specific decision relating to the outsourcing of delivery services beyond the boundaries of Kent;
- (b) the Corporate Policy Overview Committee and the Informal Member Group on Budgetary Issues be asked to monitor the activities of Commercial Services in relation to the objectives and targets contained within their business plan, together with issues relating to customer satisfaction and value for money;
- (c) the Director of Commercial Services be commended for achieving increased income for the Council, helping to keep the cost of Council Tax down.