

KENT COUNTY COUNCIL

CABINET

MINUTES of a meeting of the Cabinet held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 15 April 2013.

PRESENT: Mr P B Carter (Chairman), Mr G K Gibbens, Mr P M Hill, OBE, Mr A J King, MBE, Mr M C Dance, Mr R W Gough, Mr J D Simmonds, Mrs J Whittle, Mr B J Sweetland and Mr M J Whiting

ALSO PRESENT: Mr D Daley, Liberal Democrat group representative and Mr G Cowan Labour Group Leader

UNRESTRICTED ITEMS

46. Introduction/Webcasting

(Item 1)

The Leader of the Council, Mr Paul Carter, welcomed Cabinet Members and guests to the meeting of Cabinet. He reminded those present that, as was customary, the meeting would be webcast and advised that in the interest of fairness in the pre-election period a spokesperson from both of the opposition groups had been invited to sit at the table and to speak during the meeting.

Mr Dan Daley, on behalf of Trudy Dean and the Liberal Democrat Group and Mr Gordon Cowan, leader of the Labour Group were in attendance as a result.

47. Apologies

(Item 2)

Apologies were received from Corporate Director of Human Resources, Ms Amanda Beer.

48. Declarations of Interest

(Item 3)

Cabinet Member for Specialist Children's Services, Mrs Jenny Whittle, declared a non-pecuniary, non-significant interest in item 8 on the agenda by virtue of her husband, Mr David Whittle, Head of Policy Strategic Relationships having written it.

49. Minutes of the Meeting held on 18 March 2013

(Item 4)

The minutes of the meeting held on 18 March 2013 were agreed and signed by the Chairman as a true record.

50. Items which the Chairman decides are relevant or urgent

(Item 5)

None

51. Annual Business Plans 2013-14

(Item 6 – report by Mr Roger Gough, Cabinet Member for Business Strategy, Performance and Health Reform and Mr David Cockburn, Corporate Director for Business Strategy and Support)

Cabinet considered a report regarding the annual business plans for each Directorate for the next financial year (2013/14). The report detailed the process to date for information, and the final plans for approval.

The Cabinet Member for Business Strategy, Performance and Health Reform, Mr Roger Gough, introduced the report to Cabinet and in particular he referred to the following:

- (i) That the business planning process had been subject to incremental improvements over the last year and had further built on the success of 2012/13. Of particular benefit had been the stronger links with divisional business planning and earlier engagement with Cabinet Committees.
- (ii) That the Corporate Risk process had also evolved over recent months and was now linked to business plans to encourage more effective planning and risk management activities.

Head of Policy □ Strategic Relationships, Mr Whittle attended and spoke to the item, he further confirmed the cyclical nature of the business planning process by reporting to Cabinet that the review of the process for 2013/14 would begin immediately with internal audit. In addition feedback would be sought from senior managers in order that any lessons learnt could be incorporated into the 2014/15 process.

In response to a question from the Leader of the Council, Mr Whittle reported that Cabinet Committees received 6 monthly and annual update reports on the delivery of Business Plans and in order to further facilitate this in the 2013/14 plans the link between the performance indicators and Divisional Dashboards monitored regularly by Cabinet Committees had been strengthened.

The Leader opened the item for comments and questions and heard from the following Cabinet Members:

The Cabinet Member for Customer and Communities, Mr Mike Hill welcomed the further co-ordinated approach which had helped to deliver cross-cutting objectives. He was reassured that the corporate approach of streamlining and cross-cutting delivery had been mirrored within his own directorate where services had been integrated to the extent that they now numbered 12 from 21.

The Cabinet Member for Education, Learning and Skills, Mr Mike Whiting also welcomed the new approach as an improvement and reported that within the Education Directorate the Business Plan and targets were directly linked to Bold Steps for Kent and Bold Steps for Education objectives.

The Cabinet Member for Finance and Business Support, Mr John Simmonds echoed the views of the previous speakers and particularly congratulated the close work between the Finance directorate and all other directorates

It was RESOLVED:

CABINET Annual Business Plans 2013/14 15 April 2013	
1.	That the Annual Business Plans for 2013/14, as at appendix a, be approved
REASON	
1	In order that the plans and actions within them are properly authorised for delivery by officers
ALTERNATIVE OPTIONS CONSIDERED	Options for entries or omissions were considered fully in the lead in to cabinet and in particular by each Cabinet Committee. All comments were considered and the plans now reflect the alternatives put forward.
CONFLICTS OF INTEREST	None.
DISPENSATIONS GRANTED	None.

52. Co-Ordinated Schemes for Primary and Secondary Schools In Kent and Admission Arrangements for Primary and Secondary Community and Voluntary Controlled Schools 2014 /15

(Item 7 – report of Mr Mike Whiting, Cabinet Member for Education, Learning and Skills and Patrick Leeson, Corporate Director for Education, Learning and Skills)

Cabinet received a report detailing the outcome of the consultation on the proposed admission arrangements and scheme for transfer to Primary and Secondary schools in 2014 and the proposed process for non-co-ordinated In-Year admissions. The report contained recommendations for acceptance and approval, dependant on the status of the schools concerned, for the In-Year admission process, the admission arrangements for the 2014/15 school year and the co-ordinated schemes for Primary and Secondary Admissions in Kent.

The Cabinet Member for Education Learning and Skills introduced the report and drew the attention of Cabinet to the following salient points:

- (i) That this report fulfilled an annual statutory requirement and aimed to co-ordinate school admissions for all state maintained schools in the County.
- (ii) That the environment within which school places were now planned had become more complex, however the Council was still responsible for the co-ordination of those places. The scheme had been successful to date with improved results for children and parents in Kent

The Corporate Director of Education, Learning and Skills, Patrick Leeson, at the request of the Leader, focused on the changes between the document for consideration and the previous scheme. He reported the changes below:

- (i) He confirmed that Cabinet was required to approve the admission arrangements for voluntary and controlled schools and to determine the co-ordinated scheme for the County. All schools had agreed to be part of the scheme.

- (ii) That the document this year included for the first time the creation of a link between Thurnham Infant School and Roseacre Junior School in order that those children that had attended the infant school would have priority at Roseacre, on the same site. A proposal to create a catchment area had been strongly opposed and therefore not progressed, however the Director recommended that it be kept under review and should it be necessary a statutory consultation be undertaken.

The Cabinet Member for Specialist Children's Services, Mrs Whittle, spoke to the item, she made the following comments:

- (i) In relation to Thurman Infant School; the expansion of the near-by St John's school had been welcomed by residents. However dwellings in the area continued to be subject to expansion in order to create enlarged family homes. This year four Bearstead families and two Thurnam families did not get in to local schools. This was an improvement on last year, down by two thirds.
- (ii) That consultation undertaken should be conducted again as in the previous exercise only parents of children at the schools had been included and not those parents with children at the preschool. She argued that a public meeting was needed regarding the creation of a priority area and its potential location. There was continued anxiety in Bearstead Park about such a plan but the data when investigated showed that those parents most concerned would still have been preferred.
- (iii) That the changes to the scheme which related to priority for children in care or who had been adopted was welcomed particularly in light of the work that the council had conducted to strengthen its adoption services

The Leader assured Mrs Whittle that any proposal to introduce a catchment, or priority, area would be fully consulted upon.

Mr Gordon Cowan, Leader of the Labour Group spoke to the item. He recognised that this was a difficult task and thanked officers and members for the work done to improve the situation. However he raised the issue of extra places, where need was identified, being provided by faith schools and asked Cabinet to look again at the implications of this on local communities.

The Leader recognised the importance of the comment made by the Labour Group Leader. He referred to negotiations that had been ongoing with the diocese to establish quotas on religious preference that were both sensible and fair so that religious preference could be recognised without detriment to local children, not of that faith, who wished to attend their nearest school

Mr Leeson, Corporate Director of Education, Learning and Skills reported that discussions continued with the arch diocese to achieve what the Leader had described. Currently the percentages of children practising the religion of the faith school which they attended varied greatly across the County.

The Cabinet Member for Education, Learning and Skills reminded Cabinet that where the admissions arrangements of a faith school were legal the council had no authority to insist that they were amended. Discussion being pursued relied on the use of persuasion and influence, but it was hoped that negotiations would be successful.

Dan Daley, representing the Liberal Democrat Group, spoke to the item. He agreed with comments made previously that the landscape in which education was being delivered was much changed from that which had existed, and was more complex in its nature. The delivery of education had become fractured between different types of schools with different governance arrangements. Whilst accepting the difficult nature of the task he expressed concern that there would not be sufficient places for children in primary schools in the county over the next 5-10 years. In particular he noted the need to provide infrastructure such as schools to support housing developments and the Government demand for growth. He requested that this issue be considered further.

The Leader concurred that planning and development were relevant issues and while infrastructure planning for large scale developments was more obvious small scale 'windfall' developments had in some areas increased the housing population by between 12 and 14%. These types of development were more difficult to predict and the cumulative impact more difficult to identify and therefore remained a challenge for the council in terms of strategic planning.

Mr Whiting agreed and reported that this message had been conveyed, and would continue to be conveyed, to Locality Boards and District Councils. In addition to this work the council was preparing a bid for monies set aside by central government for the basic need programme. These and the various methods described during the discussion would, he argued, position the council for successful provision planning for the future.

At the request of the Leader, Mr Bagshaw, Head of Admissions and Transport reported that the figures for both Primary and Secondary admissions of parents securing their 1st and 2nd choices had improved year on year for the last 3 years. Mr Leeson reported that approximately 88% of parents secured their 1st choice and approx 92% either their first or second

It was RESOLVED:

<p>CABINET Co-ordinated Schemes for Primary and Secondary Schools In Kent and Admission Arrangements for Primary and Secondary Community and Voluntary Controlled Schools 2014 /15 15 April 2013</p>	
1.	That the Coordinated Primary Admissions Scheme 2014/15 incorporating the In Year admissions process as detailed in Appendix A be agreed
2.	That the Co-ordinated Secondary Admissions Scheme 2014/15 incorporating the In Year admissions process as detailed in Appendix B be agreed
3.	That the oversubscription criteria relating to Community and Voluntary Controlled Infant, Junior and Primary schools in Kent 2014/15 as detailed in Appendix C (1) be accepted
4.	That the oversubscription criteria relating to Community and

	Voluntary controlled Secondary schools in Kent 2014/15 as detailed in Appendix D (1) be accepted
5.	That the Published Admissions Number for Community and Voluntary Controlled Infant, Junior and Primary Schools 2014/15 as set out in Appendix C (2) be accepted
6.	That the Published Admissions Number for Community and Voluntary Controlled Secondary Schools 2014/15 as set out in Appendix D (2) be accepted
7.	That the relevant statutory consultation areas for Kent Primary Schools 2014/15 as detailed in Appendix C (3) and the relevant statutory consultation areas for Kent Secondary Schools 2014/15 as set out in Appendix D (3) be agreed.
REASON	
1	In order that recognised and lawful criteria are in place in all Kent schools.
ALTERNATIVE OPTIONS CONSIDERED	No alternative options were considered as all the resolutions and strategy form legal requirements. Options relating to details within the strategy were considered as part of the consultation process and at the Education Cabinet Committee. The strategy as contained was deemed to be the best option considering these various factors.
CONFLICTS OF INTEREST	None.
DISPENSATIONS GRANTED	None.

53. Ending of transitional restrictions on Bulgarian & Romanian nationals: Understanding Potential Impact on Kent
(Item 8 – report of the Leader of the County Council)

The Cabinet received a report of the Leader of the Council seeking approval to commission a report researching the likelihood of Bulgarian and Romanian nationals settling in Kent when transitional restrictions on the free movement of labour, currently in place for these nations, was lifted on 1st January 2014. In addition should the report find that this was likely, it would consider the potential impacts on Kent County Council and any strategic planning that may be necessary.

Mr Carter introduced the report for Cabinet, he explained:

- That he had requested that this issue be brought to Cabinet for consideration as, alongside other changes currently in progress, such as those affecting the benefit system and the potential impact on the affordability of homes in London or the placement of vulnerable young people in Kent by London Boroughs, there was increasing potential for the demographics of Kent to shift dramatically.

- That the debate regarding immigration from A2 nations had largely focused on the potential impact to the South East of England and London. Kent had featured particularly as a gateway county and the opportunity for Bulgarians or Romanians to arrive via the county and then settle here was real. Predictions were not available but information contained within the report regarding the A8 states could provide a guide.
- The combination of all factors mentioned must be monitored in order that the county took only its fair share of challenging families and communities, or received additional support from the government. Kent County Council would continue to campaign for additional resources. To this end the council had already pursued two actions; firstly written correspondence had been entered into with the Prime Minister to highlight current concerns and suggested solutions and secondly officers had been instructed to monitor the impact of the changes already in place. This report would further the strategic planning in place by seeking to commission further research.
- In addition to the County level approach, the Prime Minister had spoken of creating limiting access to healthcare and benefits on arrival for those immigrants arriving from the A2 nations and this may help to further manage the numbers of people who arrive.

Mr David Whittle, Head of Policy and Strategic Relations was in attendance to speak to the report, having authored it, and brought the following points to the attention of Cabinet:

- That the work conducted to date had been conducted against a very low evidence base. Access to information held nationally was restricted and that lack of evidence presented challenges.
- That the reason that debate to date had focused largely on the impact of the movement of A2 nationals on the South East of England and London was owing to the expected economic nature of the migration and the relative economic success of those areas in comparison to the rest of the country. In addition it was predicted immigrants would seek to join established communities and these were already located in these areas. This differs from the effects of immigration from A8 countries which was spread more evenly across the country.
- The report suggested that research be undertaken and monitoring arrangements be established. Officers would investigate research already commissioned at the University of Reading by South East Councils in order to ascertain its relevance to Kent. If the report commissioned was not relevant independent research would be commissioned or conducted by Kent.
- That monitoring arrangements to begin after the transitional arrangements were lifted were likely to initially focus on national insurance numbers and labour market surveys, but as had been raised previously, gaining access to national information was difficult owing to issues such as data protection legislation. Therefore important work would be needed at a local level to monitor demand for housing and other services. He also reported that an information sharing protocol between the London Borough Councils and those in the South East would enable proper checks on movement and need pertaining to welfare changes and this could be extended to included information on A2 migrants.

Following a statement and question from the Leader about housing pressures and the additional needs of immigrants for social housing, Brian Horton, Strategic Housing Advisor for KCC, joined the table and spoke to the item.

He reported that strong relationships with the 13 housing authorities (including Medway) had been established and a commitment to shared approaches had been formed. He suggested that in writing to the prime minister the leader may consider adding to the issues already raised a request that information sharing with the DWP be created and formalised, perhaps in statute. He reiterated the concerns expressed already about the lack of evidence available and the unknowns that made strategic planning difficult.

The issue was opened for further discussion.

The Cabinet Member for Specialist Children's Services, Mrs Jenny Whittle, agreed with comments previously made and further commented:

- That the transient nature of some immigrant communities made strategic planning difficult and new ways of working and monitoring should be sought.
- That an information sharing protocol was welcomed but that work was still needed in the area of information sharing with social services information and placements. It would need to be strengthened by inclusion in legislation.
- That in addition to the pressures discussed previously the Council had recently, at the request of the Government, signed the Care Leavers Charter which would further increase budgetary pressures at KCC. She suggested that continued representations to government for funding in relation to these additional pressures be made.

The Leader referred to a report on Planning Policy in Nottingham where social housing was barred until owner occupation in those areas had reached certain levels. He speculated that this kind of approach would be needed by the planning authorities in Kent should projects like LIVE Margate succeed

Gordon Cowan, Leader of the Labour group, spoke to the item. He agreed that the potential impact of immigration from A2 nations, after transitional arrangements had been lifted was real and could be profound, therefore early planning was essential. He believed that the government should release the predicted figures of migration from those countries to Britain that were currently available, even if they were speculative. He regarded close and joined up working between central and local government and between different local authorities to be essential, to the protection of the interest of residents of Kent whilst meeting the legal requirements of the EU. He felt that it was important to note the figures on employment of those migrants who had settled in Britain from the A8 countries, in 2004 there were estimated 125,000 A8 nationals residing in Britain and of those 52,000 were working, a percentage of 41.6%. By 2011 this figure had risen to one million with the percentage working now at 63.3%, proof that migrants in this country were contributing to the economy.

Dan Daley, representing the Liberal Democrat group praised the report and the forward thinking nature of the proposed research. He was in agreement about the potential impacts identified but urged Cabinet and officers to research further the potential positive impact of A2 immigration. He gave as an example the potential boost of skilled workers in the horticultural field, an area in which Kent was suffering

a shortage of skilled workers. He acknowledged, as had previous speakers, that the unknowns in the equation made planning more difficult both in order to protect Kent from any negative impact and to exploit positive impacts.

Mr Mike Whiting welcomed the recommendation to commission the research described. He was disappointed that the Government would not provide any forecasts regarding the numbers of people from A2 nations that may take residence in Britain and in particular, Kent. He argued that even if the numbers were low a disproportionate settlement in Kent would still create high demand for services that must be met. In conclusion, and in response to Mr Daley, he reported that Hadlow College continued to work towards the upskilling of Kent residents in the field of horticulture and that this work alongside any skilled workers arriving from the A2 nations would hopefully enable the industry to thrive again.

The Leader confirmed to Cabinet and guests that he would write to the Prime Minister about the issue, and that this letter would include particular emphasis on the reduction of incentives for immigration which may negatively impact on the country or the county, such as early access to benefits and health care.

It was RESOLVED:

CABINET	
Ending of transitional restrictions on Bulgarian & Romanian nationals: Understanding Potential Impact on Kent	
15 April 2013	
1.	That a research report estimating the potential migration of Romanian and Bulgarian nationals into Kent, and the risk of additional demand for KCC services be commissioned.
2.	That the report agreed at 1. also assess the potential for increased demand on services from families moving out of London as a response to the benefit cuts to be introduced.
3.	That a letter outlining the views and concerns expressed by Cabinet be sent to the prime Minister and Home Secretary for consideration.
REASON	
1 & 2	In order that KCC be as prepared as possible for potential changes to its population and demand on services.
3.	In order that Central Government is aware of concerns at local level and may act accordingly to relieve those concerns.
ALTERNATIVE OPTIONS CONSIDERED	Not commissioning research, instead waiting until after the transitional arrangements have been lifted and benefit changes introduced to assess need and respond to demand, would not provide the most efficient or well-planned response for residents of Kent.
CONFLICTS OF INTEREST	None.
DISPENSATIONS GRANTED	None.

54. Revenue and Capital Budget Monitoring Exception report 2012-13

(Item 9 – report of Mr John Simmonds, Cabinet Member for Finance and Business Support and Mr A Wood, Corporate Director of Finance and Procurement)

Cabinet received an exception report, which detailed the main movements in the financial position of Kent County Council since cabinet last received a full quarterly monitoring report in March 2013.

Mr Simmonds, Cabinet Member for Finance and Business Support introduced the report to Cabinet and in particular drew attention to the following information pertaining to the Revenue budget:

- That there had been an increase in the underspend of £750,000 and it now totalled £9.25 million excluding schools. He reminded members that £5 million was already committed in the recently approved budget for 2013/14 and that £2 million had been rolled forward to re-phased projects. There remained a small underspend to carry forward into difficult economic times and he thanked the Directorates for the careful way in which they had conducted spending and managed efficiency savings.
- That there were no signs that the picture would be significantly different in the following month, not reported here and it was likely that the underspend report at the end of the year would be as predicted.
- Education, Learning and Skills Directorate, largely owing to the popularity of the Freedom Pass, continued to see a reduction in the Home to School transport costs but this was largely negated by the increase in demand for SEN home to school transport
- Specialist Children's Services spending remained constant, with no indication that numbers would reduce in the future.

He continued to describe changes to the Capital programme as follows:

- The Capital Budget over three years remained healthy at £6.68 million an achievement of which he was proud in the current economic climate. He further reported a variation of £1.325 million.
- That there had been significant re-phasing of projects after the 2013/14 budget had been announced. This level of re-phasing was normal and the result of issues such as delays to being in a position to apply for planning permission for example.
- A potential issue that cabinet members should be aware of was negotiations to determine final contract costs for the Cyclopark project and whether an overspend would be required. This would be reported once final costs were known.

The Leader reiterated the gratitude expressed by Mr Simmonds to each Directorate for their hard work and in particular Mr Wood and the Finance Directorate for helping to create a healthy budget in difficult circumstances.

Mr Daley, representing the Liberal Democrat group commented that the new session may bring a chance to debate how some of the underspend could be spent in the future.

Mr Cowan, Leader of the Labour group sought clarification of the number of children in care and Mr Wood confirmed that the numbers were relatively static. A small increase could be identified but was not significant in financial terms.

Mr Ireland confirmed that although the numbers fluctuated slightly from week to week but over a longer period it was static as confirmed by Mr Wood.

In response to questions from Mr Carter, Mr Simmonds and Mr Wood reported the following:

- That a further, approximately £4 million was secured and awaited from Icelandic Bank repayments and once received the total would be at £42 million. Furthermore he was confident that 100% of the funds would be recovered and that there would also be paid an element of interest, although this figure was not yet confirmed
- That the target for capital receipts had been met and exceeded. The excess would be carried over to help meet the ambitious target for next 2014/15.

It was RESOLVED:

CABINET Revenue and Capital Budget Monitoring Exception report 2012-13 15 April 2013	
1.	That forecast revenue and capital budget monitoring position for 2012-13 be noted.
2.	That the changes to the capital programme be noted.
REASON	
1 & 2	In order that Cabinet conduct its financial monitoring activities effectively
ALTERNATIVE OPTIONS CONSIDERED	None
CONFLICTS OF INTEREST	None.
DISPENSATIONS GRANTED	None.