

## KENT COUNTY COUNCIL

---

### CABINET

MINUTES of a meeting of the Cabinet held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 13 October 2014.

PRESENT: Mr P B Carter, CBE (Chairman), Mr D L Brazier, Mr G Cooke, Mr M C Dance, Mr G K Gibbens, Mr R W Gough, Mr P M Hill, OBE, Mr P J Oakford, Mr J D Simmonds, MBE and Mr B J Sweetland

### UNRESTRICTED ITEMS

#### **79. Introduction/Webcasting**

The Leader welcomed Barbara Cooper to her first meeting of Cabinet as the newly appointed Director of Growth, Environment and Transport.

#### **80. Declarations of Interest**

None

#### **81. Apologies**

Apologies were received from David Cockburn, Corporate Director of Strategic and Corporate Services and Andrew Ireland, Corporate Director of Social Care, Health and Wellbeing who was substituted by Anne Tidmarsh, Director of Older People and Physical Disability.

#### **82. Minutes of the Meeting held on 15 September 2014**

With one small typing error noted, the minutes of the meeting held on 15 September 2014 were agreed as a correct record and signed by the Chairman.

#### **83. Education Commissioning Plan**

*(Item 5 – report of the Cabinet Member for Education and Health Reform, Mr Roger Gough, and Corporate Director for Education and Young People's Services, Patrick Leeson)*

Cabinet received a report seeking agreement to the adoption of the final draft Commissioning Plan for Education Provision 2014-19.

The Cabinet Member for Education and Health Reform, Mr Roger Gough introduced the item.

He reported that the plan was an important development in the council's response to significant demographic changes. 39 forms of entry had been added to primary schools in Kent since 2012 and although high levels of accuracy had been achieved in the commissioning plans to date, last year had seen additional pressures above those forecast. As a result of those additional pressures, such as inward migration to the county, localised pressures had emerged. Seven of the twelve districts currently had surplus capacity below the 5% target.

In addition Mr Gough reminded members that during the period between 2002 and 2012 the birth rate in Kent had risen by 25% only falling for the first time last year; it

was not clear whether the 6.6% fall in births would present a trend but the commissioning plan predicted a 15% increase in primary school places required by 2018-19.

He continued to describe the situation and predictions for Secondary school places. He reported that the 2014-2015 school year was likely to be the lowest point in a trough. Some acceleration was expected to be seen as early as 2016-17 and was expected to continue to rise sharply after that. By 2023-24 an increase in required places of more than 20% was expected.

The report also included information regarding the council's SEND and Early Years Strategies, in particular the need to establish extra capacity for 2 year olds, and post 16 education.

Mr Gough concluded that significant needs and pressures would continue to need to be addressed and that good work to date would be maintained to achieve that end; including the lobbying of government for further funding from the £300million currently unallocated from the Basic Need Fund.

Patrick Leeson, Corporate Director for Education and Young People's Services added to the comments of the Cabinet Member. He described the challenges presented by both forecasting and meeting the need for places and congratulated those involved in the delivery of the 2014 programme. He assured members that despite the volatility of the demographics in Kent the document continued to provide good assurance for the plans for the future. Finally he thanked schools in Kent for the speedy responses and ready acceptance that they had shown to requests to expand, despite the considerable challenges such expansions presented to schools.

The Leader agreed with the comments made and reiterated the difficulties that inward migration to the County had caused for planning and delivery of school places in recent years, particularly as many of those families would arrive 'in year' and needed places almost immediately. He also supported the bid to government for additional funding from the Basic Need Fund to cope with such demands. Finally he endorsed the gratitude expressed by the Corporate Director to all those who had helped to successfully deliver the programme for the last school year including the schools themselves.

Education Commissioning Plan Cabinet 13 October 2014	
1.	That the Commissioning Plan for Education Provision 2015 – 19 be agreed
Reasons	
1.	In order that the forecasts and relevant actions are agreed and future need can continue to be met.
Alternative options considered and rejected	None.
Dispensations received	None

**84. Health Needs Service Report**

*(Item 6 - report of the Cabinet Member for Education and Health Reform, Mr Roger Gough, and Corporate Director for Education and Young People’s Services, Patrick Leeson)*

Cabinet received a report updating members on the implementation of the Review of Pupil Referral Units (PRU’s) for pupils with Health Needs and seeking approval of a new draft KCC Policy on Supporting Pupils with Medical Conditions (including Mental Health Needs)

The Cabinet Member for Education and Health Reform, Mr Roger Gough, introduced the item. He reported that the proposed policy was a continuation of successful changes already implemented, following a review of PRU’s. The policy seeking approval focussed particularly on support for pupils with medical conditions. The proposed new structure under which services to those children would be delivered was set out, in detail, in the report, but briefly he described it as comprising one Executive Head Teacher of Health Needs Provision under which three strands of service would be delivered. These strands were:

- Medical needs
- Specialist ‘Tier 4’ Educational Mental Health needs
- Educational Mental Health Needs - delivered from 6 resource bases each providing 120 places.

Patrick Leeson, Corporate Director for Education and Young People’s Services added to the comments of the Cabinet Member. He reported that the policy for consideration was the culmination of a review which had taken approximately two years. Phase 1, which had taken place in 2012-13, had reviewed provision for those children with behavioural needs and had been successful in improving educational outcomes for the young people referred, and also in reducing the number of permanent exclusions from 240 in the year before the review to less than 100 in the last year. The report before Cabinet for consideration constituted phase 2 of the review and as such addressed the provision for those children with health needs. Provision for pupils with physical needs would, under the new structure, be separated from provision for pupils with mental health needs. Schools would meet the needs of pupils with physical needs, either at school or through a tutor while the PRU’s would specialise in meeting mental health needs.

He recommended the policy to members for adoption.

Following a question from the Leader about the potential requirement for capital funding to realise the new plans, Patrick Leeson confirmed that no substantial capital spends were expected. There was however potential for small capital requirements where schools needed to make adjustments to provide services for pupils with physical needs.

PRU Review - Supporting Pupils with Medical Needs Cabinet 13 October 2014	
1.	That the outcome of the review and the Supporting Pupils with Medical Needs policy be agreed
Reasons	

1.	In order that the needs of pupils with physical and mental health needs can be met efficiently and effectively.
Alternative options considered and rejected	None.
Dispensations received	None

## **85. Budget Monitoring Report**

*(Item 7 - Report of the Deputy Leader & Cabinet Member for Finance and Procurement, Mr John Simmonds and Corporate Director for Finance and Procurement, Andy Wood)*

Cabinet received a report providing the budget monitoring position for July 2014-15 for both revenue and capital budgets, including an update on key activity data.

The Deputy Leader & Cabinet Member for Finance and Procurement introduced the report for Cabinet. He referred to the concerns expressed at the first quarter report, received at the last meeting when a predicted overspend of £12million had been reported. He was pleased to announce that the overspend was now predicted at a much lower £4.58million before management action and that following that management action it was expected that this would further reduce to £895k. At this point in the financial year, those figures were welcomed but the Deputy leader urged caution and reminded members that much work would be needed to ensure that the management action was implemented and had the desired effect.

### Revenue

- i. The report set out intentions to rephrase some elements of the budget, in particular to the Kent Youth Employment Programme, KDAAT and KSAS and these were set out in detail in the recommendations.
- ii. That in the month preceding the report there had been a £6.29million reduction in the forecast overspend.
- iii. Pressures of £3.4million were reported for Social Care, largely owing to issues in domiciliary care, direct payments and supported accommodation and partially offset by underspends on commissioned services, the supporting people programme and drug and alcohol services. Further management action was planned and figures were inclusive of the drawdown of £4.3million of NHS funding from social care reserve
- iv. SEN Transport had reported an overspend of £2.1million which was partially offset by contributions from payments from other authorities, whose looked after children were attending schools in Kent and reduced demand for both home to school transport and the young person's travel card.
- v. Commercial Services had reported a shortfall of £1.3million in the expected dividend largely owing to the cost of reorganisation, premises rental and costs associated with closing County Print.
- vi. Other underspends reported were:
  - GET - just under £3million. Reasons included street lighting savings and significant savings on new waste contracts
  - Public Health - £904,000 owing to staffing vacancies. These funds if unspent would be transferred to the Public Health

## Reserve

### Capital

- i. The working budget was currently £382million; with a forecast outturn of £398million: a variance of £16 million which could be largely attributed to a lack of identifiable funding sources or reductions in external funding.
- ii. The Basic Need budget was reported as £9.9million of which £3.9million was dependent on private investor funding on which the budget was reliant.

The Cabinet Member for Economic Development, Mr Mark Dance, noted the importance of continued support for, and utilisation of technology in supporting the Council to achieve its budgetary commitments.

It was RESOLVED that

1. the latest monitoring position on both the revenue and capital budgets be noted; and
2. the changes to the capital programme as detailed in the report be agreed.

### **86. Christmas and New Year 2013-14 - Storms and Floods - Progress report**

*(Item 8 – Report of the Cabinet Member for Communities, Mr Mike Hill and Corporate Director for Growth, Environment and Transport, Barbara Cooper)*

Cabinet received a report providing an update on progress being made to deliver the 17 recommendations in the Christmas / New Year 2013-14 Storms & Floods – Lessons Learnt report that was endorsed by Cabinet on 7th July 2014. It also provided an update on new developments relating to the implementation of sustainable drainage.

The Cabinet Member for Communities, Mr Mike Hill introduced the report. He reminded members of the severity of the storms and flooding which had occurred over the Christmas and New Year of 2013/14 and described the pressure that the conditions had placed on the Council and its partners' emergency planning and resilience functions. He maintained that he was proud of the response but was keen to use the experience to find areas in which improvements could be made and as a result Cabinet had received a report in July 2014 recommending 17 areas for action. The report for consideration would provide an update for members on progress toward those recommendations endorsed in July.

Paul Crick, Director of Environment, Planning and Enforcement was in attendance to speak to the item he reminded members that the first 12 recommendations endorsed by Cabinet in July had related to KCC and partner responses and recommendations, 13-17 had related to flood risk management and flood defences.

In relation to recommendations 1-12 he reported some of the work that had been undertaken, in particular:

- i. A KCC director led group had been established to review staff training needs and availability arrangements and 76 training sessions had already been completed by staff. To complement the training activity a review of emergency response roles within KCC had been undertaken to ensure that there were sufficient reservists at times of emergency.

- ii. Kent Resilience Forum had established a multi-agency, Kent-wide group chaired by the Environment Agency to facilitate improved communication between organisations across the County.
- iii. The Strategic Recovery Co-ordination Group, of which he was Chair, continued to facilitate the sharing of best practice and assurance of KCC and partner organisation plans for winter readiness and with the same aims, the annual seminar would be held on 14 November 2014.
- iv. A review of all KCC winter plans and those of partner agencies had been undertaken and revised versions published online.
- v. Community engagement activity had been undertaken to strengthen resilience within 'at risk' localities and 15,000 copies of the leaflet 'What should I do in an emergency?' had been distributed to appropriate areas of the county.
- vi. Work continued with the Environment Agency to secure partnership funding to deliver priority flood protection schemes.
- vii. Sustainable drainage powers, to ensure that new developments absorbed their own water usage, had not yet been devolved to local government and negotiations continued to guarantee that, should that delegation occur, the cost of long term maintenance would not be unrecognised in the agreement.

Mark Douch of the Environment Agency was in attendance to speak to the item, he reported the following:

- i. That the construction programme currently underway in Kent would cost in excess of £30million and would cover 35 schemes in total. As a result of these improvements it was hoped that by the end of 2014 3286 properties would be reclassified out of the 'high' flood risk category to much lower risk categories.
- ii. That 2600 people had signed up to 'flood warnings direct'; the communication scheme to alert residents to potential and actual flooding and within the communities effected last Christmas, coverage was approximately 90%, compared to an average of 66% nationally.
- iii. A new flood warning service for Medway areas would 'go live' in October 2014, the system would now work on the basis of 12 flood warning zones as opposed to the previous 7 and as a result would be more precise and target residents more effectively. In addition there would be a new service for Hildenborough where 42 flood wardens were now in place.
- iv. An additional 15 sites had been surveyed to identify where additional activity could be undertaken in the event of a flood.
- v. All 11,000 flood risk assets had been inspected and as a result 29 urgent repairs had been undertaken. All assets would receive 'good' status by the end of October 2014 with the exception of Bewley's Weir in Tonbridge and Sandwich Town Centre Sea Defences which would be completed in December 2014 and January 2015 respectively. Until that time mitigating actions had been undertaken and the same level of protection would be achieved by these temporary methods until work was complete.

In response to questions from the Leader, officers reported the following:

#### Capital Programme

Mr Douch reported that a 6 year Capital Programme had been created and submitted to DEFRA for approval, the programme had a current estimated value of

£123million. Full details of the programme would be announced shortly following an announcement from the Government Minister. The funding allocation model was bid for and awarded on a needs based formula.

#### Non-return valves and failed drainage

A 'Kent Flood group' made up of all partners, including the utility companies had been established and an action plan created. This issue featured on the plan and would be part of the work undertaken by the group.

#### Dredging of rivers

That dredging was only one solution to flood risk, its natural consequence was improved conveyance and it was only appropriate in circumstances where it was not likely to cause flooding elsewhere. A regular maintenance programme of dredging was agreed and would take place between October and January when river levels would be seasonally lower. The Environment Agency was responsible for the dredging of main rivers and the Internal Drainage Boards for IDB watercourses; for all other 'ordinary' water courses the dredging responsibility lay with the land owner. The powers of enforcement relating to dredging on certain watercourses were split between the EA, IDB and KCC and each had powers to serve notice in different circumstances.

Max Tant, Flood Risk Manager, KCC, reported that KCC did exercise those powers and also encouraged the IDB to do so, where it was appropriate. Work was undertaken regularly with landowners to ensure responsible practice.

Following further comments made and questions raised by members, officers confirmed the following:

- i. Mr Douch reported that loud hailers had been considered as a means to further improving flood warnings, and had potential to cover some smaller areas. However the deployment time for the vehicle was often slow and accessibility difficult resulting in low coverage compared to the flood warning system which accessed landlines, mobile phones and e-mails.
- ii. Stuart Beaumont reported that community wardens, flood wardens and many other volunteers would be utilised to communicate post flooding messages regarding power availability to residents in affected areas.
- iii. All houses at risk had been identified and, in advance of severe weather, would be visited by volunteers and staff to offer practical advice regarding preparation.
- iv. That at the Kent resilience Form and the Kent wide flood group described by Mr Douch, assurance had been sought and received from utility companies that communication would be improved in the future.

It was RESOLVED that the report be NOTED