

# KENT COUNTY COUNCIL

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## CABINET

MINUTES of a meeting of the Cabinet held in the Council Chamber on Thursday, 17 August 2023.

PRESENT: Mr R W Gough (Chairman), Mrs C Bell, Miss S J Carey, Mrs S Chandler, Mr R C Love, OBE, Mr D Murphy, Mr D Watkins, Mr N Baker and Mr D Jeffrey

### UNRESTRICTED ITEMS

#### **1. Apologies**

*(Item 1)*

Mr Oakford attended virtually.

#### **2. Declarations of Interest**

*(Item )*

There were no declarations of interest.

#### **3. Minutes of the meeting held on 29 June 2023**

*(Item 3)*

RESOLVED that the minutes of the meeting on 29 June 2023 were a correct record and that they be signed by the Chair.

#### **4. Cabinet Member Updates**

*(Item 4)*

1) Mrs Chandler said KCC was involved in 3 separate judicial review claims in relation to the care of unaccompanied asylum seeking children (UASC) and their accommodation in hotels by the Secretary of State for the Home Office. An expedited preliminary issues hearing of claims took place on 20 and 21 July 2023 and the outcome of the judgement had continued to be explored in court. There were to be further hearings as other elements of the claim were considered and brought forward by the court. KCC's principal concerns related to the operation of the National Transfer Scheme (NTS) and these were to be raised substantively with a court hearing which was likely to be in October.

Social workers at the Port and across the county were paid tribute to as they had worked tirelessly to demonstrate to the court how seriously KCC took the issues relating to UASC. Thanks were given to the Corporate Director for Children's, Young People and Education; Assistant Director (Front Door Services); and the Service Manager (for Reception and Safe Care Service). The work done by KCC was unparalleled in the country and work was being done to support all vulnerable children in the county.

KCC had been required to refuse to receive some UASC into the county's care as the last resort. It had been necessary since the judgement on 27 July 2023 because of the high numbers of UASC arriving by small boats to the Kent coast. The situation for frontline children's services and UASC was very challenging and unsustainable without meaningful government intervention and leadership.

At the time of the meeting, 605 UASC were being looked after by KCC under the Children Act 1989. This was 259 more than the National Transfer Scheme's 0.1% threshold. 277 UASCs had arrived in Kent since 27 July 2023 and of this cohort, KCC had accommodated 208 located in Kent or in placements in other local authorities. A large number of arrivals were anticipated in the coming week. KCC was taking all possible steps to accommodate consistently with the duties under the Children Act 1989 and it was only as a last resort that KCC determined it could not accommodate a child. The primary consideration is whether KCC can keep the individual child safe. Safeguards were built into this process and senior management approval was required for each UASC. The 3 Section 5 reports that had been issued demonstrated the seriousness with which KCC took these matters. The primary focus was always the safe care of the children arriving and those already residing in Kent. KCC respected its statutory duties and shared the court's concern about compliance. Due to the geographic position of the county, KCC dealt with a significant proportion of arriving UASC and it was considered that the government needed to implement and enforce the NTS. In his judgment, the judge indicated that there were a range of options open to The Secretary of State for the Home Department and The Secretary of State for Education to resolve the issues of UASC being accommodated in hotels and ensure they be taken into care by local authorities. KCC was pushing for the robust arrangements of NTS protocol and enforcement.

2) The Leader said that it was possible that further Section 5 reports would need to be issued as the safety of the children in KCC's care was prioritised. Work was being undertaken at pace resulting in changes, some of which might require key decisions. Work would be undertaken with officers and there would be early and full engagement with opposition groups.

3) Mr Love said A Level results day was on 17 August, with thousands of young people across Kent having found out their grades earlier in the day. Mr Love had visited Maidstone Grammar School for Girls with Deputy Cabinet Member, Mrs Hamilton and Christine McInnes, Director of Education and SEN. Congratulations were given to all those who got the grades they had hoped for, many of whom were preparing to go to university.

Mr Love said that for those who did not get the grades they had hoped for, a university placement might still be possible via the clearing process, or alternatively there were a wealth of options such as apprenticeships which offered fantastic long-term career prospects.

GCSE results day was to follow on Thursday, 24 August.

Since the new SEND staffing structure went live at the end of April, there had been a huge amount of work taking place behind the scenes to ensure that all the vacant posts were filled. It was confirmed that recruitment to permanent posts had gone very well and when the new members of staff start, the SEND service was to be up to almost full capacity. This was a stark contrast to the previous position whereby over

100 posts were vacant. Additional temporary staff were to be brought in over and above this to help tackle the backlog to ensure the service was back on track in the short-term.

As well as focusing on recruitment, a professional development programme was in place for all SEND staff to ensure they had the knowledge and skills needed to be able to undertake their roles as effectively as possible, whilst boosting staff retention.

There was no quick fix to the challenges Kent's SEND services were facing, but steps were being taken to get services to where KCC wanted them to be as soon as practically possible.

Mr Love paid tribute to Five Acre Wood School for being awarded the Inclusion Quality Mark National Champions Award 2023-24. Five Acre Wood was a school for children and young people with Profound, Severe and Complex Learning Difficulties, including Autistic Spectrum Disorder. They were just one of eight winners of this award nationwide, and it was hoped their achievements would help to inspire and support other special schools across the county.

Congratulations were given to all the staff and pupils of Five Acre Wood.

4) Mr Watkins said the government had awarded KCC supplementary Workforce funding through the Market Sustainability and Improvement Fund (MSIF). On 28 July 2023, the government had announced an additional £600 million nationwide to be provided to Adult Social Care across 2023 and 2024, which translated to £9.4 million for Kent. This meant that KCC could boost capacity within Adult Social Care.

The Kent and Medway Hope Community Arts Exhibition which aimed to raise awareness of suicide prevention and spread the message 'there is always hope', was launched at the Turner Contemporary in Margate on 18 July 2023 and went on regional tour. 11 local artists and community groups exhibited the work which had been co-produced with people who had lived experience of poor mental health. There was an impressive array of work including paintings, ceramics, creative writing and textiles. The exhibition was shown in venues in Maidstone, Chartham and Tunbridge Wells to highlight the help available to anyone living with suicidal thoughts, urges to self-harm or the loss of a loved one who had taken their own life. Mr Kennedy, who is one of KCC's Mental Health Champions spoke at the launch event in Margate and Mrs Bell visited the exhibition in Maidstone.

KCC offered mental health and wellbeing support services: Release the Pressure, which was free expert advice from trained counsellors available for every mental health concern; Live Well Kent & Medway, which was run by The Shaw Trust and Porchlight charities; and Every Mind Matters, which assisted people suffering from stress and anxiety, low mood or sleep issues.

5) Mrs Bell said thanks to Mr Hill for all of his work as Cabinet Member for Communities and Regulatory Services.

The Prime Minister visited Kent Scientific Services' (KSS) site in West Malling in May and was shown a trailblazing laboratory test developed by a KSS scientist, Punil Sanatcumar analysing the dangerous ingredient levels in vapes which were being imported and were getting into the hands and lungs of those under 18 years old. The visit was an opportunity to focus on the actions being taken to tackle the problem of

the underage sales and the Prime Minister promised to close the legal loophole which allowed retailers to give away free samples to children.

There was a 12 week consultation on the Community Warden Service. Due to the financial challenges KCC was facing, changes were being made across the authority. As was set out in the Budget, the Community Warden Service had been asked to reduce its budget by £1 million by 2025. To meet this, the proposal which included a reduction in warden numbers had been developed with information from service users, input from staff and partners to maintain the broad scope and strengths of the service.

There had been a successful bid from the Gypsy, Roma and Traveller Resident Service to the Department of Levelling Up, Housing and Communities for The Traveller Site Fund which had secured £3.8 million in a capital grant to refurbish and complete a range of improvements to the 7 sites owned by KCC. The award of this funding is a great success and provided a unique opportunity to refurbish Kent's sites which would not be possible otherwise; the project would improve the lives of residents and meant KCC would fulfil its legal responsibilities as landlord.

The work taking place in Kent Prisons by KCC Library Service was amongst the 2023 winners of The National Libraries Connected Awards. The Awards celebrated the achievements of library workers who have had an exceptional impact on their service users or communities. There were 6 categories which reflected the core services that modern library services provided and KCC's award was the 'Reading Award' category. Tracy McKenzie and Liz Gunn were nominated for their use of technology to encourage more prisoners to use the library at HMP Swaleside and were praised for their dedication to improving the lives of their customers.

KCC's Country Parks were celebrating after receiving 8 Green Flag Awards for Brockhill, Grove Ferry, Lullingstone, Manor Park, Pegwell Bay, Shorne Woods, Teston Bridge and Trosley.

The news that Kent Country Parks had achieved the accreditation - the international quality mark for parks and green spaces – was testament to the hard work and dedication of the staff and volunteers who cared for the green spaces.

6) Mr Murphy said KCC was proud to be able to host the latest meeting of the Straits Committee in Dover on 4 and 5 July 2023 where colleagues from Belgium, France and the Netherlands were welcomed. The meeting was to take forward themes in relation to water-related challenges and the economic impacts. The next meeting which was to be held in Rotterdam in the Netherlands was to focus on tackling the issues through small projects.

Due to the government's decision about the funding of The South East Local Enterprise Partnership (SELEP), the board was to be dismantled. However, the resources from SELEP were to be divided among the 3 counties and KCC was to continue working with colleagues in Medway. Work was to continue with the related federated bodies.

The Kent & Medway Progression Federation (KMPF) funding issue had been resolved and the government had agreed that KCC can retain these monies. The process was being relaunched to help businesses in the county.

On 17 July, Andrew Bowie, the Parliamentary Under Secretary of State (Minister for Nuclear and Networks) was welcomed to Dungeness as part of programme to promote the site for small modular reactors.

Mr Murphy made a number of visits:

- To a cricket bat manufacturer at Langley, near Maidstone. The company wished to expand and move into new premises. It was possible that KCC would be able to assist with this;
- To St Thomas's Almshouses, Gravesend, which was a Pinnock's Charity who are seeking to build 30 new almshouses;
- To Berkley Modular Homes at Gravesend, which was a £200 million facility which built 1000 units per annum;
- Several meetings had taken place with broadband providers;
- To Margate School of Arts, who were keen to expand. The School had connections with a highly respected facility in France.
  
- To Medway Council to meet with Lauren Edwards, Portfolio Holder for Economic and Social Regeneration and Inward Investment. It was a constructive meeting and moving forward, Medway Council were keen to participate in KMPF and federated bodies.
- There had been several meetings with Jim Martin, the Leader of Folkestone & Hythe District Council, particularly to discuss Otterpool Park.
- To the naming ceremony of the new P&O Ferry, the P&O Pioneer, alongside Mr Brazier. The vessel had been specifically designed for the Dover-Calais route and was a hybrid diesel and electric propulsion system.

7) Miss Carey said Plan Bee, KCC's pollinator action plan, had been named as Bees' Needs Champion by the Department for Environment, Food and Rural Affairs. The award recognised and celebrated examples of exceptional initiatives undertaken by local authorities, community groups, farmers and businesses to support pollinators.

For the third year running, KCC had successfully bid to the Local Authority Treescape Fund; and had secured the maximum funding available - £300,000. Over 2 years, this was to fund the replacement street trees, orchards, trees emerging from hedgerows and 22,000 whips.

KCC had been appointed the lead local authority for the creation of the Kent & Medway Local Nature Recovery Strategy over the next two years. With this came a £380,000 grant which ensured KCC could engage with landowners, stakeholders and the wider public so that the strategy was tailored to Kent and KCC was in the best possible place to implement it.

## **5. Securing Kent's Future - Budget Recovery Strategy & Financial Reporting**

*(Item 5)*

*Zena Cooke, Corporate Director of Finance and Joel Cook, Democratic Services Manager were in attendance for this item*

1) The Leader introduced the report which related to both the outturn and projections for the year, out of quarter 1 of the financial year. The report outlined the pressures, actions already being taken, the need for a short term plan and also longer terms measures to build a sustainable position for KCC.

2) Mr Oakford outlined the report which said the 2023-24 revenue budget was showing a forecast overspend of £43.7m before management action. The overspend from 2022-2023 was severely impacting KCC's financial resilience. The General Fund reserve level was now £37.4 million which was well below the agreed £65.8 million (5% of the net revenue budget).

The forecast revenue overspend from 2022-23 was taken into account when determining the 2023-24 budget and future medium term plans, with significant additional spending growth of £182.3m allocated in the 2023-24 budget.

Despite the additional spending growth allocated in the 2023-24 budget, the revenue forecast outturn position for 2023-24 was an overspend of £43.7m (excluding schools) before management action. Initial management action was expected to reduce this forecast overspend to £26.7 million. Significantly more action was needed to reduce this further. Work was being prioritised throughout the council to develop further management action that can be taken immediately in the current year, and over the medium term and this was to be reported back to the Cabinet meeting of 5 October.

Within the overall outturn position there were significant forecast overspends (before management action) in Children's, Young People and Education totalling £28.4 million, and in Adult Social Care & Health totalling £25.8 million. Detailed analysis of the main areas of overspend was being undertaken to help understand the underlying causes, the degree of common features and pressures being experienced by other councils and how these were to be mitigated. The council would need to limit its actions to focus on essential activities and priorities until the financial position was brought under control. The results of the analysis and resulting actions were to be reported back at the October meeting of Cabinet.

The forecast overspend presented serious and significant risk to the council's financial sustainability, if it was not addressed as a matter of urgency. The risk reserve set aside to deal with any overspend in 2023-2024 was only £12 million, so further action was needed to ensure the budget was brought back to as close to balance as possible by the end of the financial year. The action taken, building on the initial management action detailed in the report, would need to focus on recurring cost reductions and savings to ensure the 2024-25 budget and medium-term financial plan were not impacted.

3) Ms Cooke said the report which was to be brought to the meeting of Cabinet on 5 October was key in demonstrating that KCC was reducing the overspend, in order to demonstrate that KCC was still financially viable and financially resilient.

4) The Leader said that further actions would be taken following the meeting of Cabinet on 5 October and that it was a 3 stage process. There was an initial estimate of the projected overspend of £43.7 million and there were actions that were already committed to in 2 areas of work which would reduce the overspend but there was still

a significant amount to be done. The focus would continue to be in the areas of the biggest overspend as that was where the pressures were. However, the strong message from Cabinet was that KCC was committed to take the actions to ensure that there was a balanced position. The pressures were set out in detail in the report but they came from a number of areas in Adult Social Care, home-to-school transport (particularly but not solely in SEN and Disability school transport) and placement costs within Children's Social Services. The pressures were well known not to be limited to Kent.

Longer term work was critical for securing Kent's future. The whole path for local government was not in a sustainable position and this was the message of the letter that the Leader and the Leader of Hampshire County Council wrote to government ministers in 2022. It was vital that KCC did everything within its power to ensure that it was in position to continue providing vital services to residents in the county.

5) Further to comments and questions, the following points were noted:

- The Adult Social Care and Health directorate was committed to bringing their part of budget into balance. However, it was noted that KCC was invariably at the mercy of forces beyond its control. Key elements moving forward would be close working with NHS, changing the way services were commissioned, financial assessments conducted at an earlier point in the user timeline. A fundamental staff restructure had already been undertaken.
- Management actions in Children's, Young People and Education would contribute to the savings. The work ongoing with NHS to look at expenditure was showing positive outcomes. By October, significant quantifiable information on progress would be able to be brought.
- There was work going on regarding support for Looked After Children (LAC), looking at individual placements and looking at the suitability of the placements. Every appropriate member of staff was part of that forensic work into LAC placements. Work was also ongoing regarding care cooperatives in the medium term and progressing special guardianship orders.
- The numbers of children in care was a significant factor. The targeted preventative work was significant in preventing children from coming into local authority care. KCC's preventative work was funded in a number of ways, some funding was ringfenced with specific requirements around it.
- In education, there were no sustainable 'quick fixes' and in the short term, there was a higher level of expenditure on staffing levels but it was essential to deliver the services. There were a number of temporary staff being retained to get through the backlog of EHCP assessments.

6) Mr Cook advised Members that in considering the recommendations outlined in the report, attention should be paid to the sections relating to legal and equalities implications. Members were reminded that in developing any activities listed in the report that the council's statutory duties need to be met.

7) RESOLVED to agree the recommendations as outlined in the report.