

## KENT COUNTY COUNCIL

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### CABINET

MINUTES of a meeting of the Cabinet held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 17 October 2011.

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

ALSO PRESENT: Mr A Sandhu, MBE

IN ATTENDANCE: Ms K Kerswell (Managing Director), Mrs A Beer (Corporate Director of Human Resources), Mr M Austerberry (Corporate Director, Environment, Highways and Waste), Mr D Cockburn (Corporate Director of Business and Support), Ms A Honey (Corporate Director, Customer and Communities), Mr M Newsam (Interim Corporate Director of Families and Social Care), Ms M Peachey (Kent Director Of Public Health), Mr P Leeson (Corporate Director Education, Learning and Skills Directorate), Mr A Wood (Acting Corporate Director of Finance and Procurement) and Mr G Wild (Director of Governance and Law)

### UNRESTRICTED ITEMS

#### Mr Patrick Leeson

Before the commencement of business Mr Carter welcomed to the meeting Mr Patrick Leeson, the Council's newly appointed Corporate Director for Education, Learning and Skills.

#### Unannounced Ofsted Visit

Mr Carter informed Cabinet that OfSTED had recently made an unannounced visit as a follow up to its report into Kent's Children's Social Services. Mr Carter said that whilst the full report was not yet available the indication received from the OfSTED Inspectors was very positive.

#### **66. Minutes of the Meeting held on 19 September 2011** (Item 3)

Resolved that the Minutes of the meeting held on 19 September 2011 be agreed and signed by the Chairman as a true record.

## **67. Revenue & Capital Budget Monitoring Exception Report 2011-12**

*(Item 4– Report by Mr J Simmonds, Cabinet Member for Finance & Business Support; and Mr A Wood, Acting Corporate Director of Finance & Procurement)*

(1) Mr Simmonds outlined the key elements of this report and highlighted the main pressures. He also reported that the outturn on the Capital Budget had reduced by £15.4m, which was almost entirely due to re-phasing rather than project over/under spends. Mr Wood said whilst officers were not complacent he was confident the budget would be delivered on course.

(2) Mr Carter said that significant challenges lay ahead and whilst the changes to the Capital Programme were beyond the Council's control he emphasised the importance of management actions in the overall delivery of the budget

(3) Resolved :

(i) that the initial forecast revenue and capital budget monitoring position for 2011-12 be noted together with the changes to the capital programme.

(ii) agreement be given to £16.060m of re-phasing on the capital programme being moved from 2011-12 capital cash limits to future years; and ,

(iii) agreement be given to £0.580m of funding being transferred to Older Persons Strategy – Integrated Specialist Service Centre (DLC).

## **68. Welfare Reform Bill**

*(Item 5– Report by Mr G Gibbens, Cabinet Member for Adult Social Care and Public Health; Mr J Simmonds, Cabinet Member for Finance and Business Support; and Mr M Thomas-Sam, Head of Policy and Service Standards) (Christine Grosskopf, Business Strategy Division was present for this item)*

(1) Chris Grosskopf made a presentation which provided a comprehensive overview of the important changes and implications for local authority's such as Kent County Council which will come about with the passing of the Welfare Reform Bill, which most likely would reach the statute book by April 2013.

(2) Mr Gibbens said that the Bill was very much about encouraging people back into work. There would be some changes to the way benefits are currently dispersed but overall he felt the introduction of the Universal Credit was a positive step forward in an attempt to simplify the current system and incentivise work. Mr Gibbens also proposed, and it was agreed that the following sentence should be added to the second part of paragraph 10.1 of the Cabinet report – *'However the most recent report from the Institute of Fiscal Studies states that although the impact of Universal Credit on its own could serve to reduce absolute and relative poverty, the combined effect of all benefit and tax changes was to increase both measures'*

(3) Members of Cabinet spoke about their concern that this Bill would pass to local authorities new responsibilities for which they would not have the resources to deliver. It was also said that the housing benefit reforms could reduce the foot fall to Gateways and that local authorities would need to work with the Government on how these proposals are to be taken forward and implemented. In the meantime Cabinet endorsed the proposal to establish a cross party Informal Member Group to explore the implications of the Bill for Kent across all Directorates.

Resolved:

(i) that the planned developments in Welfare Reform and the potential implications of these be noted and endorsement be given to the planned further work on the issues involved.

(ii) The second part of paragraph 10.1 of the Cabinet report be amended in accordance with the wording put forward by Mr Gibbens and set out in paragraph 67(2) above; and.

(iii) a cross party Informal Member Group be established in order to explore the implications of the Bill for Kent across all Directorates.

#### **69. Further Delegation of Funding to Schools (To follow)**

*(Item 6– report by Mr M Whiting, Cabinet Member for Education, Learning and Skills, The Interim Director of Education, Learning and Skills and Mr K Abbott, Director of School Resources.*

*(The Chairman declared consideration of this item to be urgent on the grounds the report contained relevant information arising from meetings held very recently with Kent Head Teachers. The report also contained information relevant to the preparation of the Council's 2012/13 budget and other information related to resource and staffing issues relevant to the restructuring of the Education, Learning and Skills Directorate which was due to commence in November 2011).*

(1) This report provided Cabinet with an update on the strategy to delegate funding that was currently retained centrally to schools in 2012/13. The report set out some of the rationale for delegation and the outcome of the consultation with schools which took place between 20th June and 31st July 2011 and subsequent discussion with the Schools' Funding Forum.

(2) Mr Whiting said this report presented a more light touch approach to school funding by allowing individual schools more freedom in the way they utilised their budgets and resources. The proposals were consistent with the Council's document 'Bold Steps' and would allow for more decisions to be made at a local level. In commending the report and its recommendations Mr Whiting said and it was agreed that the word 'Directorate' in paragraph 4(1) (a) of the report should be deleted.

(3) Mrs Whittle spoke about the need to make sure Family liaison Officers received proper training and were able to better support head teachers and senior staff. Mr Carter said he welcomed the report and the fact that schools following recent discussions schools now had a much better understanding of the Council's thinking on how resources can be better joined up and delivered.

Resolved that subject to word 'Directorate' being deleted from paragraph 4(1)(a) of the report:

(i) the recommendations detailed in Appendix 1 of the report be agreed which accept the views arising from the consultation with schools/ the Schools' Funding Forum except in the cases listed below. The numbering cross refers to Appendices 1 and 2.

- Lines 5 & 6 -Family Liaison Officers (£2,142 k) – retain
- Line 7 -Management Information (£222k) – retain
- Line 8 -Community Youth Tutors (£255k) – retain
- Line 9 – Skills Force (£100k) - retain
- Lines 11,21,28 & 34 – Specialist Teaching Services (STS) (£7,710k) (includes STS £5,691k and Health Needs £2,019k - devolve to specific Special Schools subject to a further report to the Cabinet Member of Education, Learning and Skills within 6 weeks setting out the detailed proposals for devolution which will include proposals in respect of monitoring and quality assurance by ELS)
- Line 15 - Schools Personnel and Recruitment (£564) – retain £100k and delegate £464k.
- Line 16 – Collective Licences (£955k) – delegate all except SIMS licence which should be retained.
- Line 17- Admissions Appeals (£350k) – retain
- Line 18 – Primary and Secondary Forum (20k) – retain
- Lines 19 & 20 - Pupil referral units and associated activities (£16,540k) – devolve to the newly established PRU's in 2012 with a view to delegation in 2013.
- Lines 13 & 14 – Maternity, public duty and related funds (£2,310) – delegate initially as a pooled scheme with a view to the future establishment of an insurance scheme.
- Line 33 – Extending Learning team (£178k) – retain £50k and delegate £128k.

#### **70. Mid Kent Joint Waste Project**

*(Item 7– Report by Mr B Sweetland, Cabinet Member for Environment, Highways and Waste; and Mr M Austerberry, Corporate Director, Enterprise and Environment) (Caroline Arnold, Head of Waste Management was present for this item)*

See Record of Decision on page 5.

#### **71. The John Wallis Church of England Academy**

*(Item 8 – Report by Mr M Whiting, Cabinet Member for Education, Learning & Skills; Mr R Gough, Cabinet Member for Business Strategy, Performance & Health Reform; Mr P Leeson, Corporate Director, Education, Learning & Skills; and Mr D Cockburn, Corporate Director of Business, Strategy & Support) (Rebecca Spore, the Director of Property and Infrastructure Support was present for this item)*

See record of Decision on page 7.

**72. St Augustine Academy**

*(Item 9 – Report by Mr M Whiting, Cabinet Member for Education, Learning & Skills; Mr R Gough, Cabinet Member for Business Strategy, Performance & Health Reform; Mr P Leeson, Corporate Director, Education, Learning & Skills; and Mr D Cockburn, Corporate Director of Business, Strategy & Support) (Rebecca Spore, the Director of Property and Infrastructure Support was present for this item)*

See Record of Decision on page 9.

**73. Children's Services Improvement Panel - Minutes of 25 August 2011**

*(Item 10)*

Resolved that the Minutes of the meeting of the Children's Services Improvement Panel held on 25 August 2011 be noted

**Exempt Reports**

**The following are the unrestricted minutes and record of decisions of matters which were declared exempt pursuant to the provisions of the Local Government Act 1972**

**74. Records of Decision**

**KENT COUNTY COUNCIL**

<b>DECISION TAKEN BY</b> <b>Cabinet</b> <b>17 October 2011</b>	<b>DECISION NO.</b> <b>11/01717</b>
<b>Unrestricted</b>	
<b>Subject: Mid Kent Waste Project</b> <i>Item 7 on the Cabinet Agenda – Report by Mr B Sweetland, Cabinet Member for Environment, Highways and Waste; and Mr M Austerberry, Corporate Director, Enterprise and Environment) ) (Caroline Arnold, Head of Waste Management was present for this item)</i>	
(1) The Mid Kent Joint Waste Project builds on the East Kent Joint Waste Project to deliver more cost effective waste collection, processing and disposal services and improved recycling performance in the County. A business case had been prepared by the project partners (KCC, Ashford Borough Council, Maidstone Borough Council and Swale Borough Council) for the delivery of a Mid Kent Joint Waste Project which forecasts significant savings for the four authorities. Each partner authority now seeks internal approvals to commit to the project. This would take the form of the partners signing a legally binding Inter Authority Agreement.	
The financial and contractual implications related to the procurement of the waste services were set out Annexes contained in the exempt part of the agenda.	

### **Cost-effective household waste services for Mid Kent**

2. (1) The aim of this decision was to develop more cost effective waste collection, processing and disposal services to minimise exposure to escalating costs, deliver efficiencies, and increase recycling by working across the two tiers of local government. It envisages a single collection method to replace the current differing service and contractual arrangements between the three second-tier authorities. This would bring savings to each authority as well as to KCC as the waste disposal authority (WDA).

(2) The project was based upon the extensive financial modelling of the various costs and benefits to both waste collection and disposal authorities of various options, settling on an agreed method (Preferred Collection Method) for waste collection, and an agreed business case for taking this forward. This opportunity had arisen as all three Boroughs had an opportunity to let new contracts for collection in 2013.

(3) The agreed arrangements were the same as those which had been implemented by the four East Kent Waste collection authorities under the East Kent Waste Partnership. The chosen waste collection model may be amended if the proposed Competitive Dialogue process with prospective tenderers indicated variations which would bring additional benefits.

(4) Taking into account the information set out in the report and the exempt annexe Cabinet Resolved:

(i) that KCC's commitment to the Mid Kent Joint Waste Project in accordance with the Cabinet report and its exempt annexes be endorsed; and,

(ii) subject to him being satisfied as to the detailed terms and conditions, the Corporate Director – Enterprise and Environment, in consultation with the Director of Governance and Law and the Cabinet Member for Environment, Highways and Waste, be delegated authority to:

a) take all necessary steps to progress the project together with the project partners, including supporting the Borough Council procurement of Preferred Collection Method, and, separately undertaking the necessary procurement of the waste transfer and processing of recyclate, food and garden waste;

b) negotiate and agree the terms of and enter into any legal agreements as may be necessary between Kent County Council, Ashford Borough Council, Maidstone Borough Council and Swale Borough Council, and any other necessary third parties (i.e. the waste contractor).

### **Any Interest Declared when the Decision was Taken**

none

### **Reason(s) for decision, including alternatives considered and any additional information**

As set above and in the Cabinet report

**Background Documents:** none

## KENT COUNTY COUNCIL

<b>DECISION TAKEN BY</b>  <b>Cabinet 17 October 2011</b>	<b>DECISION NO.</b>  10/01483
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### **Unrestricted**

**Item 8 - The John Wallis Church of England Academy** (report by Mr Mike Whiting, Cabinet Member for Education, Learning & Skills, Mr Roger Gough, Cabinet Member for Business Strategy, Performance & Health Reform, Mr Patrick Leeson, Corporate Director, Education, Learning & Skills and Mr David Cockburn, Corporate Director of Business, Strategy & Support)

(1) The John Wallis Church of England Academy, Ashford, was formed on 1st September 2010 from the former Ashford Christ Church High School. The Academy is located on the Stanhope Campus which also houses Linden Grove Primary School, The Ray Allen Children's Centre and the former South Kent College buildings (which are mainly derelict). The site sat at the heart of a £200m PFI rebuild of the Stanhope housing estate.

(2) Following the change of Government, the development of this academy was put on hold while the funding available was reconsidered. Following site visits by the DFE and the adoption of a new approach to calculating the funding, there was a significant reduction in the funding available. The original funding would have allowed 71% new build and 29% refurbishment of the school facilities.

(3) The BSF and Academies team, with Gleeds as technical advisors and Studio E as Architects, have been working with the Academy to develop initial options for redeveloping the site. That had taken into consideration the state of the existing buildings to determine what facilities could be re-furbished and which need to be replaced. Initial options had been costed to demonstrate which would be affordable using the results of a number of initial surveys. The new build rate used to cost the options was based on a rate advised by the DFE as part of the cost saving exercise carried out by the DFE when determining the funding allocated. The rate for refurbishment was based on the conditions survey. It was unlikely that that rate would be able to achieve the same standard as was achieved under the Building Schools for the Future programme. Work had also been carried out to look at how the redevelopment could be phased to reduce the need for temporary accommodation during the build period. The options had been discussed with the relevant planning authorities, Kent Highways and Sport England and that had allowed the Council to determine the deliverability of the schemes, as well as affordability. Before KCC could enter into a contract with Willmott Dixon, a Final Business Case would be submitted to PfS to confirm that they would be funding the scheme. At that point cabinet would be asked to authorise the submission of the business case and to authorise the signing of the contract with Willmott Dixon. It was estimated that it would take at least six months for Willmott Dixon to develop the scheme to the level required to enter into the contract. That however could take significantly longer if the planning process became complicated. The current target was to sign contracts in

summer 2012 so that the construction works could be completed in early 2014.

(4) Taking into account the information set out in the Cabinet report and the exempt annexe Cabinet Resolved

(i) to authorise the submission of the Feasibility study for The John Wallis Church of England Academy to Partnership for Schools and the DFE.

(ii) authorise the issue of a Future School Notice to Willmott Dixon (preferred bidder for Batch 2 Academies) to develop a proposal for the Academy within the affordability parameters set by Cabinet and to progress through the next stage of the process to develop detailed designs, progress the planning application and finalise contracts.

(iii) it be noted that the BSF, PFI and Academies Board would be updated on progress and final approval to enter into contracts would be sought from Cabinet.

**Any Interest Declared when the Decision was Taken**

None

**Reason(s) for decision, including alternatives considered and any additional information**

The reasons for this decision are set out above and also in the Cabinet Report.

**Background Documents:**

None



## KENT COUNTY COUNCIL

<b>DECISION TAKEN BY</b>  <b>Cabinet 17 October 2011</b>	<b>DECISION NO.</b>  11/01793
<b>Unrestricted</b>  <b>Item 9 - St Augustine Academy</b> - report by Mr Mike Whiting, Cabinet Member for Education, Learning & Skills, Mr Roger Gough, Cabinet Member for Business Strategy, Performance & Health Reform, Patrick Leeson, Corporate Director, Education, Learning & Skills and Mr David Cockburn, Corporate Director of Business, Strategy & Support	

(1) This report sought approval to submit the Feasibility Study (Outline Business Case) for St Augustine Academy to Partnership for Schools and the DfE to progress to the next stage and to issue a Future School Notice to Willmott Dixon (preferred bidder for Batch 2 Academies) to develop a proposal for the Academy.

(2) The Academy is located on Oakwood Road, Maidstone, and is part of the Oakwood Campus which comprises eight educational institutions ranging from primary schools to University Colleges. KCC's conferencing facility, Oakwood House, is situated at the heart of the campus. St Augustine Academy occupied a narrow site at the south eastern corner of the campus. Following the change of Government, in May 2010, the development of this academy was put on hold while the funding available was reconsidered. Following site visits by the DfE and the adoption of a new approach to calculating the funding, there was a significant reduction in the funding available.

(3) The original funding would have allowed a complete new build of the school facilities. However that was no longer possible within the reduced budget. The BSF and Academies team, with Gleeds as technical advisors, and KSS as Architects, had been working with the Sponsor and Academy to develop initial options for redeveloping the site. That had taken into consideration the state of the existing buildings to determine what facilities could be re-furbished and which needed to be replaced. Before KCC could enter into a contract with Willmott Dixon, a Final Business Case would be submitted to Partnership for Schools to confirm that they would be funding the scheme. At that point Cabinet would be asked to authorise the submission of the business case and to authorise the signing of the contract with Willmott Dixon. It was estimated that it would take at least six months for Willmott Dixon to develop the scheme to the level required to enter into the contract. That however could take significantly longer if the planning process became complicated. The current target was to sign contracts in June 2012 so that construction could be completed in April 2014.

(4) Taking into account the information set out in the Cabinet report and the exempt annexe Cabinet.

Resolved:

(i) to authorise the submission of the Feasibility study for St Augustine Academy to Partnerships for Schools and the DfE.

(ii) authorise the issuing of a Future School Notice to Willmott Dixon (preferred bidder for Batch 2 Academies) to develop a proposal for the Academy within the affordability parameters set by Cabinet and to progress through the next stage of the process to develop detailed designs, progress the planning application and finalise contracts.

(iii) note that the BSF, PFI and Academies Board would be updated on progress and final approval to enter into contracts would be sought from Cabinet.

**Any Interest Declared when the Decision was Taken**

None

**Reason(s) for decision, including alternatives considered and any additional information**

The reasons for this decision are set out above and also in the Cabinet Report.

**Background Documents:**

None