

KENT COUNTY COUNCIL

CABINET

MINUTES of a meeting of the Cabinet held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 17 September 2007.

PRESENT: Mr P B Carter (Chairman), Mr N J D Chard, Mr M C Dance, Mr K A Ferrin, MBE, Mr R W Gough, Mr A J King, MBE, Mr P M Hill, OBE and Mr K G Lynes

ALSO PRESENT: Mrs A D Allen and Mr R A Marsh

IN ATTENDANCE: Mr P Gilroy (Chief Executive), Mr G Badman (Managing Director of Children, Families and Education), Ms A Honey (Managing Director Communities), Mr O Mills (Managing Director - Adult Social Services), Ms L McMullan (Director of Finance), Mr A Wilkinson (Managing Director - Environment and Regeneration) and Ms M Peachey (Kent Director Of Public Health)

UNRESTRICTED ITEMS

1. Minutes of the Meeting held on 16 July 2007
(Item. 1)

The Minutes of the meeting held on 16 July 2007 were agreed as a true record.

2. Revenue and Capital Budgets, Key Activity and Risk Monitoring
(Item. 3 - Report by Mr Nick Chard, Cabinet Member for Finance and Ms Lynda McMullan, Director of Finance)

(1) Mr Chard said that management action on the Revenue Budget was expected to substantially reduce the current projected overspend. Directorates were currently working up actions plans and details of these would be reported next month. Some £3m of the overspend on the Revenue Budget was due to asylum costs and the County Council was still rigorously pursuing these with the Government. On the Capital Budget, the "underspend" was the result of re-phasing of projects into future years. Work was being undertaken with Directorates in order to move the Capital Programme forward as quickly as possible.

(2) With regard to asylum costs, Mr Gilroy said this was a serious matter for the Council and he reported on meetings which had taken place with Senior Civil Servants. Mr Carter said that representatives from the County Council would be meeting with other authorities to discuss ways of moving this matter forward.

(3) Cabinet agreed to:-

- (a) note the latest monitoring position on both the Revenue and Capital Budgets;
- (b) note the changes to the Capital Programme as detailed in Section 4.1 of the Cabinet report; and

- (c) the virement of £2.45m from the re-phasing of the Kent Highways Services Co-location Project to the projects listed in Section 4.2 of the Cabinet report with the corresponding reduction of £2.45m in the Kent Highways Services Co-location Budget being reinstated in the 2008-11 Medium Term Financial Plan.

3. **Autumn Budget Statement**

(Item. 4 - Report by Mr Paul Carter, Leader of the Council, Mr Nick Chard, Cabinet Member for Finance, Mr Peter Gilroy, Chief Executive and Ms Lynda McMullan, Director of Finance)

(1) This report set out the context of both national and local level within which the County Council's Medium Term Financial Plan would be framed over the next three years.

(2) Mr Chard said that it was expected the delayed Comprehensive Spending Review 2007 would now be published by the Government on 15 October 2007. The Review would inform the overall financial perimeters within which local authorities such as Kent would be able to work. Mr Chard spoke about the critical issues facing local Government including the issue of how KCC was to balance increasing demands on its services at a time of nationally and locally constrained resources.

(3) During the course of discussion, Mr Carter said that next year and beyond would be a major challenge for the County Council. Its resource in spending assumptions were based on the Government's expressed views about levels of council tax, increases in Government grant and funding for Kent schools. However, the Council faced uncertainty over funding for both next year and the following years and these had to be taken into account as the Council strove to develop and strengthen its policy-led budgeting to ensure that it optimised the allocation of constrained resources to meet local priorities.

(4) Cabinet then noted the report as follows:-

1. **National Context:**

- that the outcome of the delayed Comprehensive Spending Review 2007 will inform the overall financial parameters within which we will be able to work
- that the subsequent local government finance settlement, which will be dependent upon CSR 07, will be the first full three year settlement for local government covering the period 2008-11

2. **National Resources Position:**

- key driver of resources for local government in total will be CSR 07
- pre-announcements for many central government departments include a raft of minus 5% in real terms per annum budget reductions - the funding position will therefore be significantly constrained
- awaiting spending announcements on the NHS, defence and local government amongst others

- Institute for Fiscal Studies suggests there may be a little as 0.4% real terms spending available for all remaining services not yet announced, after allowing for expected increases for the NHS
- currently there is a major consultation on reforms to the local government finance formula which will set the formula for the next three years
- outcome of local government finance settlement remains extremely uncertain both at national level and individual authority level

3. Kent – Local Resource Allocation

- a) the items on which KCC and partners are most concerned are:
- the local impact of the Comprehensive Spending Review 2007
 - the overall resources available to fund service pressures and inflation
 - regional disparities, in particular flowing from the Barnett formula and other regional comparisons
 - the funding of the Growth Agenda
 - the operation of the main funding formula and its inbuilt deficiencies which fail to adequately reflect Kent's unique features
 - the operation of Dedicated Schools Grant and its inbuilt deficiencies in terms of resource allocation and the total quantum of funding
 - the burdens imposed upon us by government without adequate recompense in terms of additional funding
 - a continued failure by government to assure us that it will fully reimburse asylum costs
- b) KCC has been and will continue to lobby and influence the CSR as it progresses.
- c) KCC has developed and strengthened its policy led budgeting yet further to ensure that it optimises the allocation of constrained resources to meet local priorities
- d) the financial planning risks for KCC which are set out in paragraph 98 onwards of this report
- e) the proposed Medium Term Planning key milestone dates set out in Appendix 1.

4. Informal Member Group "Going Local" - Supplementary Report following County Council

(Item. 5 - Mr R Bullock, Chairman of the Informal Member Group – Going Local was present for this item).

(1) Before the commencement of discussion, the Chairman declared consideration of the further report circulated at the meeting to be urgent on the grounds that it contained a summary of the comments expressed during the debate which took place at the County Council meeting on 6 September 2007 and placed before Cabinet conclusions and recommendations for future action.

(2) In his statement on this matter Mr Bullock said he felt it was important not to get the localism agenda and that related to the Kent Agreement to closely bound

together. He then referred to paragraph 20 in the supplementary report and said he felt that if the County Council was seeking to have District Council Scrutiny Committees augmented through co-option of KCC Members then equally KCC should consider augmenting its Scrutiny Committees with co-option of District Council Members. Mr Bullock also said that the Local Government and Public Involvement Health Bill would likely have implications for local government and he proposed that the Informal Member Group should hold at least one further meeting once the Bill had received Royal Assent in order to look at its implications and understand what it would mean for Kent and to submit a report to Cabinet. This was agreed.

(3) Following discussion, Mr Carter proposed and Mr Chard seconded that the following amendments be made to the recommendations as set out in the Supplementary Report.

(a) In No 7, the word “clear” be deleted and the words “closer and more integrated Member” be inserted; and

(b) In No 20, the word “alternatively” be deleted.

(4) Cabinet agreed:

(a) the report of the “Going Local” Informal Member Group be welcomed and noted as a sound basis for taking forward the Localism Agenda in Kent;

(b) that Members of the County Council be thanked for their contribution to the debate held on 6 September 2007;

(c) that the Conclusions and Recommendations set out in paragraph 4, and table 1 of the Supplementary Report, as amended be agreed and form the basis for agreement on the way forward as set out in paragraph 5 of the Supplementary Cabinet report;

(d) that further reports be presented to Cabinet and to the County Council as appropriate when the outcomes of the discussions referred to in paragraph 5 of the supplementary Cabinet report are known; and

(e) that it be noted that the Informal Member Group will hold one further meeting to consider and report on the implications for the County Council of the Local Government and Public Health Improvement Act.

5. Kent Children's Trust Governance Framework

(Item. 6 - Report by Mr Mark Dance, Cabinet Member for Operations, Resources and Skills, Mr Chris Wells, Cabinet Member for Children, Families and Educational Standards and Mr Graham Badman, Managing Director for Children, Families and Education)

(1) This report set out the principle underpinning the Governance Arrangements for the Kent Children’s Trust and it sought Cabinet’s approval for these principles and the continued development of the Governance Framework.

(2) Cabinet noted that the Children's Trust Arrangements in Kent would be the focus of an all party Member briefing taking place on 26 September 2007. This would be followed by an additional meeting of the Cabinet taking place on Monday 26 November 2007 when it will discuss the detail of the Kent Children's Trust (County Board) Governance Framework.

6. Future of Post Office Network and Services in Kent

(Item. 7 - Presentation by Mr Roger Gough, Cabinet Member for Regeneration and Supporting Independence and Mr Adam Wilkinson, Managing Director, Environment and Regeneration)

Present for this item were Mr Michael Fallon MP as well as Mr Gary Herbert, Martine Munby and Sally Hopkins on behalf of the Post Office. Also present was Liz Craven, Rural Regeneration Manager, KCC.

(1) In introducing this item, Mr Gough said that whilst the precise nature and scale of the proposed closures that the Post Office was planning for Kent was unknown, the County Council had a number of concerns over how the network change process may be implemented. These included concerns around the impact that the proposals would have on both rural and urban areas and the fact that the proposed six week public consultation period was too short and gave insufficient time for the communities of Kent to have their say or to develop alternative proposals. Mr Gough also said that where post offices were proposed for closure, there had to be sufficient funding made available to enable appropriate outreach facilities to be put in place and it was far from clear what the overall effect of the changes would be on the business community, particularly in rural areas. KCC was therefore undertaking a robust and proactive communication strategy aimed at raising awareness of Kent's concerns about the way that the network change process was being implemented in Kent.

(2) Liz Craven said that a major justification being put forward for the changes to the post office network was because current losses were running at some £4m per week. Post Office Limited was part of Royal Mail Plc Holdings which last year made an operating profit of £22m. However, Post Office Limited Group had made a loss of some £111m which was nonetheless 9.8% down on the previous year. Looking at the published figures, it was not clear where the losses were coming from, but what was clear was that the 3% of the current network which was directly managed by Post Office Limited, accounted for some 45% of the losses, which equated to some £50m. The official regulator Postcom had suggested that rural sub-post office losses of some £150m were being offset by Social Network payments. These figures were based on those available to March 2006. The urban network of sub-post offices had moved into profit showing a 7% margin for the year 2005/06. The question remained however as to why a £4m per week loss in being forecast which was double the loss of the predicted £2m per week. There are no audited accounts currently in the public domain to explain why that increase in losses may have occurred.

(3) Mr Carter said that the County Council was deeply concerned at the effect on rural and urban communities that the proposals being put forward would have. A key question was would these proposed closures really deliver the substantial financial savings on a scale which would make a difference to the whole operation of Post Office Limited?

(4) Mr Gary Herbert, Development Manager, said on behalf of the Post Office that the company needed to restructure the network in order to address the issue of current losses. These were running at £2m per week in 2005 and had risen to £4m per week in 2006. He said these losses had come about because of changes to the way customers were using post office services. Mr Herbert also said that the number of customers using sub-post offices had fallen from 28m per week in 2005 to 24m per week in 2007. Nationally, some 1,600 post offices were serving less than 20 people per week. Mr Herbert also spoke about the Government's networking policy under which the post office would receive some £1.76b in funding over the next five years to enable it to restructure and return to profitability. The Government had cited falling customer numbers and changes in use with resultant financial losses as the rationale for these changes.

(5) Mr Herbert said in 2006 the Government undertook a consultation which lasted 12 weeks on a range of proposals for change. The Federation of Sub-Postmasters had indicated their support for the changed agenda which is what was now being taken forward as part of the Post Office Network change process. The Government had charged Post Office Limited with making changes and these would be undertaken using a strict access criteria. This criteria, coupled with financial considerations was what would drive individual closure decisions. The Post Office was therefore following Government set criteria and this had been the subject of national consultation. The criteria stated that 99% of the population had to be within 3 miles of a post office with 90% being within one mile of a outlet. Within urban areas 95% of the total population had to be within one mile and in deprived urban areas 99% of the population had to be within one mile. In rural areas, 95% of the total population had to be within three miles and within post code districts, 95% of the population had to be within six miles. The criteria also required the post office to take into account any physical geographical constraints. In concluding his statement, Mr Herbert reiterated that the Post Office was following Government set criteria and this had been subject to national consultation. In order to take forward the network changes, the Post Office was looking forward to having constructive engagement with stakeholders and to work with these in order to bring about the proposed network changes.

(6) Mr Michael Fallon MP said that he understood that nationally, there would be a loss of some 2,500 sub-post offices which in terms of its effects on communities he believed would be as severe as those which resulted from the Beeching rail cuts of the 1960's. Mr Fallon said that the Post Offices' proposals equated to four closures per Parliamentary constituency which equalled 70 across the County. He said already protests were being mounted within his constituency and he spoke of petitions being presented in support of the sub-post offices at Ide Hill and Kemsing. These had been signed by one thousand and five hundred people respectively and, if that was reflected across the county, that would equate to some 75,000-100,000 people protesting at the post offices' proposals.

(7) Mr Fallon said that six weeks for consultation on these proposals was half the normal period that would normally be allowed for a public consultation exercise of this proportion. Mr Fallon also said that the criteria which was being adopted took no account of the fact that the three miles mentioned was as the crow flies and therefore did not take into account the local road infrastructure or the public transport network. Mr Fallon also said that the Post Office needed to be more transparent about the information it was providing and said whilst he understood

there were issues of confidentiality, general financial information and that regarding customer usage per week, should be published so people could judge and see which outlets were being best used. Mr Fallon concluded by saying there was so far no evidence that the Post Office was prepared to work with other bodies and agencies to find ways of mitigating the effects of its proposals. He also spoke about the broader economic effects of the post offices' proposals and the adverse effect he believe they would have on community cohesion together with increase in traffic and carbon emissions resulting from people having to travel further distances to reach post office services. He believed that the Post Office should suspend any further work on this programme and publish information relating to the financial and public service background to its proposals and work with KCC and others to look at the issues which were at the heart of the Kent economy and life.

(8) During the course of questions and answers, Mr Herbert said that the six week consultation period formed part of the agenda set by Government and so could not be changed. Having six weeks also reduced the continuing uncertainty for Post Office customers. However, the Post Office representatives agreed to feed back KCC's strength of feeling that the consultation period should be extended. Mr Herbert confirmed that the criteria against which closures would be judged would include customer usage; proximity to next available post office (by shortest road route and taking account of the availability of public transport etc); relative size and financial impact on Post Office Limited. The Post Office representatives also confirmed that the Government required that after completion of the national network change programme, 99% of the population should be within three miles of a post office branch and 90% within one mile. The accessibility requirements were further refined for urban, deprived urban and rural and post code areas. The Post Office representatives confirmed that the outreach models proposed would include a hosted service run by the Post Office and operated in a shop, village hall or public house. A partner model which would mean a basic service being provided in an existing shop alongside that shop's core business and in very rural areas, a home service, based on telephone/on-line ordering with delivery to home and a mobile post office visiting set locations at set times. It was also said that the Post Office Network was constantly changing and wherever business justified the opening of a new post office branch, for example in areas of major residential development then it would be provided. The Post Office representatives also confirmed that in defining a "deprived urban area" the Post Office used the published indices of multiple deprivation. It would also give weight to other factors, including whether the Post Office supported the last remaining shop in a particular community.

(9) The Post Office representatives agreed to pass on KCC's wish for there to be full publication of all relevant data and in answer to a question as to whether the Post Office had undertaken an Equality Impact Assessment, it was said that this was a requirement to ensure that no area or section of the community was significantly more badly affected than any other. However, the Post Office representatives said they were not aware that any formal Equality Impact Assessment had been undertaken. They said if provided with further information they would check and provide more detail.

(10) In concluding the discussion, Mr Carter thanked the representatives of the Post Office for attending the meeting. He said it was clear there needed to be more openness and transparency about the proposals being put forward, particularly relating to user numbers and financial viability. He also said that there needed to be a longer period for consultation to give all those affected by the proposals proper

time to consider the effects and to put forward a response. Mr Carter said that the real shareholders of Post Office Ltd was the public which it served and he urged the representatives present to reflect on the views which had been expressed during the course of the discussion.

7. Contract for the Connexions Service's Preferred Supplier

(Item. 8 - Report by Mr Chris Wells, Cabinet Member for Children, Families and Educational Standards, Mr Mark Dance, Cabinet Member for Operations, Resources and Skills and Mr Graham Badman, Managing Director, Children Families and Education) (Joanna Wainwright, Director, Commissioning (Specialist Services) was present for this item)

**KENT COUNTY COUNCIL
RECORD OF CABINET DECISION**



DECISION TAKEN ON

17 September 2007

DECISION NO.

07/01063

7. Contract for the Connexions Services Preferred Supplier

(Item 8 - Report by Mr Chris Wells, Cabinet Member for Children, Families and Educational Standards, Mr Mark Dance, Cabinet Member for Operations, Resources and Skills and Mr Graham Badman, Managing Director, Children Families and Education) (Joanna Wainwright, Director, Commissioning (Specialist Services) was present for this item)

- (1) This report detailed progress on the transition of Connexions funding and associated responsibility to KCC and the next steps in contracting the preferred supplier.
- (2) Following discussion, Cabinet agreed:-
 - (a) to note the progress made towards the transition of Connexions Funding and responsibilities;
 - (b) note the process for the development of the contract and service specification and the identification of key outcomes;
 - (c) note the broad schedule of Connexions Funding as detailed in the Cabinet report with 2006/7 figures and priorities for additional funding;
 - (d) note that work was proceeding to identify the resources required to monitor the contract and service specification; and
 - (e) delegated the final sign off for the contract and its specification to a senior officer in the Children, Families and Education Directorate in consultation with the Cabinet Member for Operations, Resources and Skills.

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

September 2007

date

FOR COUNCIL SECRETARIAT USE ONLY

Decision Referred to Cabinet Scrutiny				Cabinet Scrutiny Decision to Refer Back for Reconsideration				Reconsideration Record Sheet Issued				Reconsideration of Decision Published			
YES		NO		YES		NO		YES		NO					

8. Unit Review (Including Designated and Specialist Provision and Very Severe and Complex Need Support for Children and Young People with Special Educational Need at Mainstream Schools)

(Item 9 - Report by Mr Mark Dance, Cabinet Member for Operations, Resources and Skills, Mr Chris Wells, Cabinet Member for Children, Families and Educational Standards and Mr Graham Badman, Managing Director, Children, Families and Education) (Joanna Wainwright, Director, Commissioning (Specialist Services) was present for this item)

**KENT COUNTY COUNCIL
RECORD OF CABINET DECISION**



DECISION TAKEN ON

17 September 2007

DECISION NO.

07/01060

8. Unit Review (Including Designated and Specialist Provision and Very Severe and Complex Needs Support for Children and Young People with Special Educational Need at Mainstream Schools)

(Item 9 - Report by Mr Mark Dance, Cabinet Member for Operations, Resources and Skills, Mr Chris Wells, Cabinet Member for Children, Families and Educational Standards and Mr Graham Badman, Managing Director, Children, Families and Education) (Joanna Wainwright, Director, Commissioning (Specialist Services) was present for this item)

(1) This report updated Members on progress of the key strands of the Review Strategy and sought approval on the proposals for Phase 1 Clusters and the timetable for consultation on proposals for Phase 2 Clusters.

(2) The report detailed the outcomes from the consultation process which had been undertaken in respect of the proposals for the Phase 1 Clusters. The report also detailed the resource, budget and staffing implications. In considering the funding proposals, Cabinet agreed that for clarity, it should be stated in the recommendations that these are to be within the framework of the County Council's Medium Term Financial Plan.

(3) Following further discussion, Cabinet:-

- (a) noted the progress of the Review as detailed in the Cabinet report;
- (b) approved the Phase 1 proposals as detailed in Appendix 2 of the Cabinet report for implementation with a start date in September 2008; and
- (c) agreed the funding proposals within the framework of the County Council's Medium Term Financial Plan as set out in paragraph 4 of the Cabinet report consultation in the Autumn Term 2007.

Background documents: Report to Cabinet on *Unit Review* – 12 March 2007
 Report to Cabinet on *Unit Review* – 16 March 2006

September 2007

date

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Decision Referred to Cabinet Scrutiny				Cabinet Scrutiny Decision to Refer Back for Reconsideration				Reconsideration Record Sheet Issued				Reconsideration of Decision Published	
YES		NO		YES		NO		YES		NO			

9. Eastern Quarry (EQ2), Watling Street, Swanscombe, Kent

(Item 10 - Report by Mr Roger Gough, Cabinet Member for Regeneration and Supporting Independence, Mr Adam Wilkinson, Managing Director, Environment and Regeneration) (Katherine Putnam, Environment and Regeneration Directorate was present for this item)

**KENT COUNTY COUNCIL
 RECORD OF CABINET DECISION**



DECISION TAKEN ON 17 September 2007

DECISION NO.
07/01061

9. Eastern Quarry, Watling Street, Swanscombe, Kent

(Item 10 - Report by Mr Roger Gough, Cabinet Member for Regeneration and Supporting Independence, Mr Adam Wilkinson, Managing Director, Environment and Regeneration) (Katherine Putnam, Environment and Regeneration Directorate was present for this item)

- (1) The Eastern Quarry outline planning application is one of the largest in the UK and is the culmination of several years of co-operation between the applicant (Land Securities) and the local authorities. Through a combination of a Section 106 Agreement, Delivery Strategies, Action Plans and Planning Conditions, KCC has secured an unparalleled range of community and transport infrastructure.
- (2) During the course of discussion, Mr Carter congratulated the County Council's officers who had been involved in the detailed negotiations which had secured for the County Council, a range

of community and transport projects. These included three new primary schools and a one form entry secondary school in addition to a co-located lifelong learning centre and a commuted sum towards the rent for space within the Health and Social Care Building which would be used by Kent Adult Social Services. There would also be a on-site transport package for Fastrak together with substantial contributions for traffic management and public transport.

(3) Cabinet:-

- (a) endorsed and agreed to the County Council's continuing support and involvement and development of Eastern Quarry and in particular the continued development of the Community and Transport Infrastructure proposals as detailed in the Cabinet report;
- (b) confirmed the general authority granted by Cabinet on 21 October 2002 for the Managing Director of Environment and Regeneration (formerly Strategic Planning Director) to negotiate terms and the Director of Law and Governance (formerly County Secretary) to conclude any necessary legal agreements in respect of the development contribution function;
- (c) to grant authority to the Managing Director for Environment and Regeneration to enter into such agreements as are necessary in respect of Eastern Quarry to give effect to the Community and Transport Infrastructure schemes in consultation with the Director of Law and Governance, the Managing Director for Children, Families and Education, the Managing Director for Communities, the Managing Director of Adult Social Services, the Head of Property and any other relevant Managing Directors and Cabinet Members, subject to the Director of Finance and Cabinet Member for Finance being satisfied with all the financial arrangements, both revenue and capital; and
- (d) support the principle of a tariff on dwellings to contribute to the Strategic Transport Programme.

Background documents:

Copy of the Dartford Borough Council's Development Control Board main report and updated report circulated on the 7 July 2007; Kent Planning Officers Group (KPOG) Good Practice Guide on Development contributions 1999 and its Addendum 2001; Cabinet Report 21 October 2002 "The Development Contribution Function"; Cabinet Report 18 September 2006 "The Development Contribution Function"; Cabinet Report 12 March 2007 "The Development Contribution Function" and The Kent Partnership Community Strategy "Vision for Kent".

September 2007

date

FOR COUNCIL SECRETARIAT USE ONLY

Decision Referred to Cabinet Scrutiny			
YES		NO	

Cabinet Scrutiny Decision to Refer Back for Reconsideration			
YES		NO	

Reconsideration Record Sheet Issued			
YES		NO	

Reconsideration of Decision Published			

10. Allocation of Capital Funding: Kent Empty Property Initiative

(Item. 11 - Report by Mr Roger Gough, Cabinet Member for Regeneration and Supporting Independence and Mr Adam Wilkinson, Managing Director, Environment and Regeneration)

(1) The County Council's Towards 2010 document, incorporates a target (No 39) to bring back into use the large number of empty homes in Kent. In order to achieve this, it is proposed that the current project – the East Kent Empty Property Initiative be rolled out to Kent District Councils.

(2) During the course of the discussion, Mr Carter said that the success of this initiative had been based on the good collaborative work between the County Council and its district partners. However, Mr Carter said and it was agreed, that the County Council should not commit at this stage to any further capital expenditure on the initiative until a wider review of the County Council's Medium Term Capital Programme had been undertaken.

11. Cabinet Scrutiny and Policy Overview

(Item. 12 - Report by Mr Peter Gilroy, Chief Executive)

This report provided a summary of the outcomes and progress on matters arising from the most recent meeting of the Cabinet Scrutiny Committee. The report also set out the work programme for Select Committee Topic Reviews as agreed by the Policy Overview Co-ordinating Committee and provided an update on the current status of each Topic Review.