

KENT COUNTY COUNCIL

CABINET

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

PRESENT: Mr P B Carter (Chairman), Mr D L Brazier, Mr G Cooke, Mr G K Gibbens, Mr R W Gough, Mr P M Hill, OBE, Mr J D Simmonds, Mr B J Sweetland, Mrs J Whittle and Mr S Holden

ALSO IN ATTENDANCE: Mr P Crick, Ms A Carruthers,

UNRESTRICTED ITEMS

Apologies

Apologies were received from Cabinet Member for Economic Development Mr Mark Dance who was substituted by Deputy Cabinet Member for Economic Development, Mr Sean Holden

6. Minutes of the Meeting held on 17 June 2013 *(Item 2)*

The minutes of the meeting held on 17 June 2013 were agreed and signed by the Chairman as a true record.

7. Decisions from Cabinet Scrutiny Committee - 17 April 2013 *(Item 3 – report by Mr G Cooke, Cabinet Member for Corporate and Democratic Services and Mr P Sass, Head of Democratic Services)*

Cabinet considered a report which contained the decision and comments of the Scrutiny Committee from the meeting held on 17 April 2013 in order that a Cabinet response could be agreed.

It was agreed that the response as detailed in the report be agreed and as a result a six-monthly progress report to the Social Care and Public Health Cabinet Committee be submitted.

8. Items which the Chairman decides are relevant or urgent *(Item 4)*

The Chairman, leader of the Council, Mr Carter, reported that an urgent information item would be considered by Cabinet after item 10 on the agenda. The urgent item would provide for discussion the council's proposed response to the Government's consultation on a new Lower Thames Crossing.

9. Kent County Council Sufficiency Strategy

(Item 5 – Report of Mrs Jenny Whittle, Cabinet Member for Specialist Children’s Services and Andrew Ireland, Corporate Directorate for Families and Social Care)

Cabinet received a report seeking approval of a Sufficiency Strategy for the Council. The adoption of a Sufficiency Strategy was required to evidence that the council was taking steps to fulfil the Sufficiency Duty which came into force in April 2011 and required Local Authorities to secure, as far as reasonably practicable, sufficient accommodation for Children in Care and those children in need who are at risk of care or custody.

The Cabinet Member for Specialist Children’s Services Mrs Jenny Whittle introduced the item and in particular referred to the following:

- (i) That Kent County Council was currently responsible for 1800 young people in care. Owing to the number of children and the level of support that many of them required, the strategy would impact on a number of Council Directorates and services.
- (ii) That the sufficiency duty, outlined within the report, had come in to force in April 2011 and required Local Authorities to secure, as far as reasonably practicable, sufficient accommodation for Children in Care and those children in need who are at risk of care or custody. Statutory guidance stated that Local Authorities should make provision for children in care that allowed them to continue to live near their family home, maintain education or training in the same locality, where appropriate, and to be placed with siblings. In addition those children or young people with a disability should have their needs met. Where it was safe to do so children should remain within their original local authority area. In particular this final point of statutory guidance had been one which Kent County Council had not only made much effort to achieve but had also campaigned for other local authorities to achieve. One crucial factor in better meeting the requirements of the duty was to recruit more foster carers, but this remained a challenge in light of the competition from independent agencies recruiting on behalf of over 30 authorities.
- (iii) That it would be crucial to monitor the success of the strategy in order that objectives were achieved and changes could be made where necessary. One of the critical factors to be monitored would be the overall number of children in care as part of the work towards obtaining the right level and mix of care. This would lead not only to a reduction in the number of children in care but also to a reduction in the length of time spent by each child in care. Already, work done by the Council had resulted in an increase in the number of children being approved for adoption by the courts. The next challenge would be to secure the right number and mix of adoptive parents in order that more children could be adopted and more quickly.
- (iv) That working with other organisations and other sectors would be crucial to the successful delivery of the Strategy. Work had already begun with the Child and Adolescent Mental Health Service (CAMHS) to ensure that Kent County Council could support placement stability with appropriate therapeutic provision for children who had suffered neglect and abuse.
- (v) That, in addition, the projected spend on independent providers of care would be monitored to ensure that best value for money was achieved. The overall spend had been increased in order that, where appropriate, more children could be placed near to their family home. Kent County Council had

committed to achieving placements within 10 miles, not 20 as legislation required.

- (vi) That the number of children entering care and leaving care each month would be monitored by geographical area and age.
- (vii) That the strategy aimed to improve the experience of those leaving care at 18 by providing the right supported living placement for each young person.
- (viii) That the strategy aimed to eliminate the use of Bed & Breakfast temporary accommodation for 16 and 17 year olds presenting as homeless by working in partnership with District Councils to provide better alternatives.
- (ix) That work would continue with the young people affected by the strategy to establish what their priorities were and continued to be. In particular work to date had identified that young people:
 - Regarded placement suitability and stability as important.
 - Experienced difficulties when continuity of Social Worker provision was broken, to that end, as discussed at previous meetings, work continued to recruit permanent social workers and encourage newly qualified social workers to stay at Kent County Council.
 - Felt that more effort should be made to keep siblings together in the care system and where that was not possible that contact between siblings should be promoted and facilitated.
 - Were concerned about the transition from care to independent living. Stability at 16, or 18 depending on the child in question, was crucial to the young person settling successfully into adult life. Young people expressed a strong desire to be consulted at this time and to influence what the Council did and how it was delivered. Mrs Whittle believed it to be a positive development that many young people now chaired their own 'looked after reviews'.

Mrs Whittle concluded; the strategy, she reminded members, was extremely comprehensive with wide-ranging impacts and goals, it had been debated at the Adult Social care and Public Health Cabinet Committee and an annual statement would be considered by the Cabinet Committee and by Cabinet in 12 months time. This statement would provide the opportunity for members to consider those elements of the strategy that had produced the best results and to identify areas for improvement.

The Leader of the Council, Mr Paul Carter welcomed the strategy and the opportunity for monitoring and comment that the annual statement would provide. He also requested that core measurable components of the strategy be included in the quarterly performance monitoring reports already received by Cabinet. He further commented that for the strategy to succeed, Kent County Council would need to work closely with Housing providers in the County including the District Councils. In particular he noted the role that the Homes and Community Agency and projects such as the 'Foyers' schemes would play in the provision of suitable post 16 accommodation, and preventing young people staying in care longer than necessary owing to the lack of suitable placements. Importantly, the Sufficiency Strategy would need to link in with the Housing Strategy adopted by KCC and signed off by all twelve Districts.

The Director of Strategic Commissioning for Families and Social Care, Mark Lobban addressed Cabinet, he reminded members that although the strategy was part of a statutory requirement it was also very good commissioning practice. In essence, it

would amount to an extremely detailed needs assessment that would map current provision in order that gaps in provision could be identified and fed into the strategy further. In addition, it would allow the Council to identify areas where work with partners in the public and other sectors was needed to improve services to children and young people in care.

The Cabinet Member for Community, Mr Mike Hill welcomed the strategy, which he believed exposed the problems faced by children and young people, and those providing their care, excellently. He particularly referred to the work currently being undertaken by the Supporting People Programme related to needs assessment and put forward the possibility of creating savings and improving services by enabling joint purchasing or provision by that programme and KCC Children’s Services.

The Cabinet Member for Specialist Children’s Services, Mrs Jenny Whittle took the opportunity to respond to comments made, she spoke of the work of Foyers in Kent and the possibility that ‘crash pads’ may be rolled out across the county in order to give young people the opportunity to take time out from difficult family situations, to seek advice and to find a positive way forward, including mediation with their families where appropriate. Instrumental to the delivery of this kind of work would be the monitoring of post 16 placements. In the future the Council would report the number of young people for whom three or more placements had broken down and assess the reasons why this might have occurred.

The Leader asked a question regarding the necessity and usefulness of monitoring children and young people placed by other authorities into Kent as he had recently become aware that although the principle authority maintained responsibility for these young people the authority to which they were placed also inherited some lesser responsibilities.

In response Mrs Whittle reported that monitoring of such young people was currently difficult and that talks with Greater London authorities continued to try to achieve better information sharing. In addition in the early autumn a survey would be conducted by Kent which would incorporate those children placed here by other authorities and the additional information collected would help the council to investigate this important area of work further. However, she maintained that the most effective path to effective management of this issue was to influence the Sufficiency Strategies of other authorities.

CABINET Kent County Council Sufficiency Strategy 15 July 2013	
1.	That the Sufficiency Strategy, as attached, be approved and published on the Council’s website.
2.	That the comments and endorsement of the strategy by the Adult Social Care and Public Health Cabinet Committee be noted
3.	That annual updates to the Social Care & Public Health Cabinet Committee be received
4.	That quarterly performance reports to Cabinet be amended to now contain relevant monitoring information pertaining to the Strategy.

REASON	
1.	In order that Kent County Council can be seen to take all reasonable steps to conform to the Sufficiency Duty introduced in 2011
2.	In order that comments and views of backbench and opposition members are taken into account.
3.	In order that the Cabinet Committee is fully apprised of the implementation of the strategy.
4	In order that Cabinet remain fully informed of the implementation of the strategy.
ALTERNATIVE OPTIONS CONSIDERED	Not adopting a strategy would have presented a risk to the council, that it may not have been seen to be fulfilling its statutory duties. The content of the strategy has been fully considered and discussed during work with elected members, service users, partners and district councils to ensure that it is the most appropriate for the needs of children and young people in Kent.
CONFLICTS OF INTEREST	None.
DISPENSATIONS GRANTED	None.

10. Draft Strategy for Special Education Needs and Disabilities

(Item 6 – Report of Cabinet member for Education and Health Reform, Mr Roger Gough and Corporate Director of Education, Learning and Skills, Mr P Leeson)

Cabinet received a report seeking approval of the Council’s Strategy for Special Educational Needs and Disabilities.

The Cabinet Member for Education and Health Reform, Mr Roger Gough provided an introduction to the item, he reported:

- (i) That the strategy had been the subject of a comprehensive consultation and had been considered and endorsed by the Education Cabinet Committee.
- (ii) That the focus of the strategy was extremely comprehensive but had three overarching principles, set out in the report. These were:
 - Capacity – Over £100m had been spent over the last decade to increase capacity in Special Schools across the County and this work would continue. In addition further work was underway to increase capacity for provision of services within mainstream schools in order to ensure that provision could meet the changing emotional, social and other needs of children in Kent. As a result of this work capacity would be further increased and the number of children with special needs placed outside the county would reduce thereby providing the child in question with a better, more appropriate, service while costs were simultaneously reduced.
 - Implementation of the requirements of the Children and Families Bill. Kent County Council continued to take a lead role in the work to implement the Bill and would continue to do so.

- Enhancing the confidence of Parents and Carers in the system and reducing any confrontational elements that currently existed.
- (iii) That the responses to the consultation had been overwhelmingly positive, as had the endorsement of the Education Cabinet Committee and he requested that Cabinet now approve the strategy for implementation.

The Corporate Director of Education, learning and Skills, Mr Leeson added to the comments of the Cabinet Member, he reported the following:

- (i) That the changes to national policy, contained within the Children and Families Bill and reflected in the strategy currently being considered were the most significant seen in over 30 years.
- (ii) That the implementation of the strategy would require much work toward integration of services particularly relevant would be the transformation agenda and how the Council supported disabled children and their families.
- (iii) That the Cabinet Member was right to refer to the aim to increase capacity and the investments made towards this end over the last decade. Currently, a further £41m was committed to the Special Schools review and six of the nine remaining special schools were moving towards expansion. The strategy aimed to achieve 700 extra places in special schools in the county over the next three years in order to reduce out of county placements and reliance on home to school transport thereby reducing costs and delivering better services to children and families with special needs.

The Leader sought confirmation of the Capital bid to government for school expansions, the outcome of which would be crucial to delivering the aims of the strategy. Mr Leeson reported that no announcement had yet been made but that the council would have significantly more resource in the future to deliver the strategy than was currently available. He also clarified, following his earlier representations, that mainstream schools in the county had received the strategy positively and sought to deliver 100 more places for children with special needs, particularly autism related and speech development needs, within mainstream schools in Kent. It was hoped that that additional capacity would not require any capital investment, although there would be a revenue budget need in that specialist teachers could be provided. The Leader hoped that that would be the case but considered that capital spend may be needed dependent on the outcome of the bid. He reminded members of the serious consequences of the outcome of the bid not being satisfactory and the potential for the council to struggle to deliver the school expansion programme in the medium term.

The Cabinet Member for Adult Social Care and Public Health, Mr Graham Gibbens spoke to the item. He particularly referred to the following:

- (i) That the council had recently inherited additional public health funding as a result of taking on functions once owned by the health service. Some of that funding was ear marked to address the long standing disbalance in funding between west Kent and east Kent. In particular and related to the strategy at hand, was the planned review of school nursing services which would commence shortly and to which the public health budget had reserved funding to increase school nurse provision in West Kent. The Cabinet

Member hoped that this work would support the ethos of the strategy to be adopted.

- (ii) That he welcomed the explicit reference within the strategy to young people with mental health problems and the sometimes insufficient provision for those young people. He hoped that the public health funding targeted this area of work could also ensure that the aims of the strategy were delivered.
- (iii) That the time of transition between childhood and adulthood , particularly for those young people with special needs was a crucial time and that he was reassured that it featured in the strategy, specifically by aiming to ensure that all young people with additional needs were properly supported through to the age of 25.
- (iv) That he welcomed the recognition within the strategy of the difficulties that young people with special needs experienced when seeking employment and hoped that the strategy would enable the council to better support those young people to find work in both the private and public sectors. He confirmed that a further paper to Cabinet would address this issue in more detail.

The Corporate Director of Public Health, Mrs M Peachey, added to the remarks of the Cabinet member. She agreed that joint working between the Health, Social Care and Education professions would be crucial to the successful delivery of the project and would require a change in the way that some professionals currently worked. Related to this point she expressed disappointment that Kent Community Health Trust, Kent's largest provider of services to young people with special needs had not responded to the consultation and felt that this might indicate a need for further engagement work with healthcare professionals.

In addition Ms Peachey referred again to the issue of school nursing and plans for provision across the county to be standardised, in line with the aims of the strategy under consideration.

The Cabinet Member for Specialist Children's Services, Mrs Jenny Whittle responded to comments received. She reported that three new centres, all benefiting from KCC investment had recently opened to support children and young people with special needs in Kent. These Multi-Agency Hubs, which she suggested might be better named, Specialist Children's Centres in order to recognise those that they served rather than those that provided the service, had recently opened in Garlinge, Sittingbourne and Ashford. These centres provided many services for Children with additional needs and their families in one place which meant that pressures of multiple appointments on different days and in different places were alleviated. In addition they had encouraged healthcare professionals to work more closely together, helping to meet another aim of the strategy.

The Leader agreed that a change of name would be welcomed and was something that would be pursued through the correct channels.

It was RESOLVED

<p>CABINET Strategy for Special Education Needs and Disabilities 15 July 2013</p>
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1.	That the Special Educational Needs and Disabilities Strategy, as attached, be approved.
REASON	
1.	In order that Kent County Council has a coherent strategy for special educational needs and disability that is part of a co-ordinated approach being one of the key strategic plans supported by multi-agency partners who sit on the Children and Young People's Joint Commissioning Board.
ALTERNATIVE OPTIONS CONSIDERED	Not adopting a strategy would not provide a coherent pathway for children with special needs and disabilities. The content of the strategy has been widely consulted upon and reflects the best pathway of care for families in Kent.
CONFLICTS OF INTEREST	None.
DISPENSATIONS GRANTED	None.

11. Revenue and Capital Budget Outturn Report 2012-13

(Item 7 – Report of Deputy Leader and Cabinet Member for Finance and Procurement and Mr A. Wood Corporate Director of Finance and Procurement)

Cabinet received a report detailing the latest position of the Revenue and Capital budgets, over and under-spending to date and future commitments for those underspends. In addition it contained various monitoring information for consideration.

The Deputy Leader and Cabinet Member for Finance and Procurement introduced the item. In particular he brought to the attention of members the following information:

- (i) That this was the thirteenth year that the administration had delivered a balanced budget and although doing so continued to present challenges he was confident that this trend would be continued.
- (ii) That the report detailed an underspend of £16m. £5m of this had been previously agreed to be moved to the 2013-14 budget to relieve pressures identified and that £3.8m be set aside for the completion of projects already underway. Further to these previously agreed arrangements Cabinet was asked to consider the allocation of £800,000 of the £7.2m uncommitted reserves to cover pressures on the freedom pass budget which continued to be extremely popular with parents in Kent and £1.5m for Specialist Children's Services to reflect the previously discussed pressures experienced on that particular budget. He also requested that Cabinet agreed that the remaining £4.9m was earmarked for the economic downturn reserve to insure against further difficult financial times.
- (iii) That each directorate had contributed to the balanced budget and for this the council was grateful. The Education, Learning and Skills Directorate had delivered an underspend of £5.7m, Children's Services had an overspend of £6.6m principally accountable to staffing costs and the costs of fostering

children and young people, which had not reduced as had been hoped. In addition the costs of supporting young people seeking asylum had been well documented and remained high, producing an overspend of £2.8m. Adult Services had reported an underspend of £2.5m and the Environment, Highways and Waste directorate £2.9m largely accounted for by lower tonnage rates but offset by the pressures of the Freedom Pass budget as previously detailed. The Communities directorate had reported an underspend of £4m and Finance £9.3m the latter being largely delivered by management of cash flow and underspend on the insurance and modernisation budgets.

- (iv) He reminded members that the unallocated reserves stood at £31.7m, only 3.3% of the Council net revenue budget and therefore, he argued, wholly justifiable against Mr Pickles MP stand against 'hidden reserves' any other monies were allocated as detailed previously.

Capital Budget

- (v) That an outturn of 161m was reported with an underspend variation of 41m most of which was committed. He expressed regret that in some cases the time between approval and delivery was so long that reallocation of funds was required and hoped that this timing of planning and delivery was something that could be improved. The projects to which he referred were spread across the directorates, £15m in Education, Learning and Skills, some in Highways and some in regeneration but in most cases the financing was required as a result of this rephasing.

Revenue Budget

- (vi) That the figures for 'non-schools' had reduced by 311 children and the pressures that had occurred in relation to special needs transport had been offset slightly by the increase in assisted mainstream transport to school
- (vii) He directed members to figures within the appendices that helped to illustrate the pressures faced by directorates, for example in the provision of foster care and the long term debt maturity profile which helped to illustrate the council's capital situation.
- (viii) Mr Simmonds referred members to the recommendations in the report.

Corporate Director of Finance and Procurement, Mr A Wood, added to the comments of the Cabinet Member to announce that the audit process to which the report referred would conclude tomorrow and the outcome would be reported to the Governance and Audit Committee at its next meeting. The work conducted as part of the audit was a testament to the good work of officers at KCC and at Grant Thornton. More importantly he was pleased to announce that the audit gave the council's accounts a clean bill of health and a very clean judgement on 'value for money'. Finally he reported that in relation to the asylum pressures to which Mr Simmonds had referred a bill had been sent to the Home Office and payment was awaited.

Finally he added to Mr Simmonds comments regarding the levels of reserves and the perceived increase of £22m. He reported that this was largely accounted for by a the decision to save half of the council tax freeze grant (£7.5m) to alleviate pressure at such a time as that grant was no longer available and changes to accounting treatment of a particular sum (£10m) which meant that the money would appear only briefly in the reserves before being reallocated.

He reiterated Mr Simmonds thanks to everyone who had played a role in delivering a good and well managed underspend for the year a sentiment endorsed by the Leader.

It was RESOLVED:

CABINET Revenue and Capital Budget Outturn Report 2012-13 15 July 2013	
1.	That £5m of the 2012-13 revenue underspending be rolled forward to 2013/14
2.	That £3.857m of the 2012-13 revenue underspending be rolled forward to 2013/14
3.	That 0.8m of the 2012-13 revenue underspending is rolled forward
4.	That £1.5m of the 2012-13 revenue underspending is rolled forward
5.	That £4.924m remainder of the 2012-13 revenue underspending is set aside in the Economic Downturn reserve
6.	<p>In addition Cabinet was asked to have particular regard to the following information and it was noted:</p> <ul style="list-style-type: none"> • That the provisional outturn position for 2012-13 was as detailed in the report. • That £43.871 of capital re-phasing from 2012-13 would be added to 2013-14 and later years as detailed in Appendix 3 and the 2013-14 capital programme would also be adjusted to reflect other 2012/13 variances, as reported in the outturn • That the financial monitoring of the key activity indicators for 2012/13 were as detailed at appendix 4 • That the final financial health indicators for 2012/13 were as detailed in appendix 5 • That the final monitoring of the prudential indicators for 2012/13 were as detailed in appendix 6 • That the impact of the 2012/13 provisional revenue budget outturn on reserves was as detailed in section 3.6 of the report. • That the schools' revenue and capital reserves have reduced by some £12.264m.
REASON	
1.	In order to support the 2013-14 budget, as reflected in the 2013-14 budget approved by County Council on 14 February 2013.
2.	In order to fund existing commitments as detailed in section 3 of appendix 2.

3.	In order to address the continued anticipated impact on the Freedom Pass budget of 2012-13 changes in education transport policy and the continued popularity of the scheme
4.	In order to address the continued demand for Specialist Children's Services since the 2013-14 budget was set.
5.	In order that the Council may endure further financially austere times, if necessary.
6.	In order that Cabinet have properly had regard for the other crucial matters contained within the report
ALTERNATIVE OPTIONS CONSIDERED	To not agree the changes to the budget would not provide security, project completion or necessary service provision in certain areas.
CONFLICTS OF INTEREST	None.
DISPENSATIONS GRANTED	None.

12. Revenue and Capital Budget Monitoring Exception Report 2013-14

(Item 8 – Report of Deputy Leader and Cabinet Member for Finance and Procurement and Mr A. Wood Corporate Director of Finance and Procurement)

Cabinet received the first exception report of 2013/14 the purpose of which was to provide information on issues arising from the 2012/13 outturn as discussed at the previous item. In addition the report provided initial forecasts for the 2013/14 revenue and capital budgets.

The Cabinet Member for Finance and Procurement introduced the report and in particular referred to the following:

- (i) That this report was key to monitoring the success of the 2013/14 budget and showed some progress toward the 95m savings allocated to next years budget by recording a small underspend of £348,000. He urged caution at this stage; the results were satisfactory but required careful monitoring and attention.
- (ii) That pressures had already been identified in the areas of home to school special needs transport and the Environment, Highways and Waste Directorate, in the latter case owing to the additional £2.5m costs of find and fix works required after a particularly prolonged winter. It was hoped that these costs would be at least partially offset by the continued reduction in waste tonnage.
- (iii) That the Finance Directorate showed an early underspend of 3.7m but that this was largely attributable to an unpredicted additional government funding of £3.2m
- (iv) In relation to the capital budget the total was currently £602m but was likely to increase to £641m in light of the rephasing agreed as part of the outturn report considered under the previous item.

The Corporate Director for Finance and Procurement reported that the papers contained a reference on page 183 to the Education, Libraries and Skills Directorate which should have read Education, Learning and Skills.

It was RESOLVED:

CABINET Revenue and Capital Budget Monitoring Exception Report 2013/14 15 July 2013	
1.	That at the appropriate time, as set out in the report, additional one-off government funding, as detailed in 4.7.1 to 4.7.4 be transferred to reserves and until then be held centrally.
2.	That within the Enterprise and Environment Capital Programme £300,000 from Non-TSG Land and Part 1 claims be vired to major scheme preliminary design as per paragraph 5.4 of the report.
3.	In addition Cabinet was asked to have particular regard to the following information and it was noted: <ul style="list-style-type: none"> • That the initial forecast revenue and capital budget monitoring position for 2013/14 was as detailed in the report.
REASON	
1.	In order to make up a potential shortfall in the savings required in 2013/14 or should this not be necessary to help offset potential funding cuts in 2014/15
2.	In order to utilise underspend in the Non-TSG Land and Part 1 claims budget to reduce pressures, created by significant feasibility requirements, on Major Schemes Preliminary Design
3.	In order that Cabinet have properly had regard for the other crucial matters contained within the report
ALTERNATIVE OPTIONS CONSIDERED	To not agree the changes to the budget would not constitute good budget management.
CONFLICTS OF INTEREST	None.
DISPENSATIONS GRANTED	None.

13. The Review of the Pupil Referral Units and Alternative Curriculum Provision

(Item 9 – Report of Mr Roger Gough, Cabinet Member for Education and Health Reform and Patrick Leeson, Corporate Director of Education learning and Skills)

Cabinet received a report, the purpose of which was to provide an update on the review of Pupil Referral Unit (PRU) and Alternative Curriculum (AC) Provision and a summary of the consultation with stakeholders on the proposal to establish 8 new delivery hubs across the County for PRU and AC Provision. The report sought recognition of the changes to provision required by changes to national policy and approval of the changes to provision delivery described.

The Cabinet Member for Education and Health Reform, Mr Gough, introduced the report. He referred, in particular to the following:

- (i) That the report had been subject to considerable consultation including consideration by the Education Cabinet Committee in June where the proposed decision was endorsed.
- (ii) That, while changes to policy had occurred at a national level, Kent County Council had been looking locally for ways in which improvements could be made for the group of vulnerable young people that access these services.
- (iii) That the changes would involve considerable devolution of both budgets and staffing but that KCC would retain oversight and responsibility for the outcomes of the service.
- (iv) That two models had emerged from the review and consultation which would each be used in the appropriate areas, namely:
 - Full delegation to a Lead PRU with a management committee with full delegated powers
 - or
 - Devolution of Funding to groups of school within a locality and no Management or PRU provision

Patrick Leeson, Corporate Director of Education, Learning and Skills, spoke to the item. He added that:

- (i) Some of the changes made locally, as a result of the changes to national policy might appear technocratic, for example delegating resources to a Management Committee, but that the scale of the transformation process in Kent should not be underestimated by Members. The project had involved every school in order to provide a new approach to pupil exclusion and pupils at risk of exclusion.
- (ii) All new management committees now had Secondary Headteacher representation.
- (iii) There had been a clear commitment received from schools not to permanently exclude unless it was absolutely unavoidable
- (iv) A complete re-commissioning of the curriculum available had been undertaken in order to address the shortcomings that which had been available previously.
- (v) Kent was committed to providing support for young people until the age of 18 in order that they did not become NEET at 16 as had previously been the case.
- (vi) In addition he assured Cabinet that the Kent Integrated Adolescence Support service would continue in order that all of the often complex needs that the young people presented could be addressed.
- (vii) This new model would enable services for vulnerable, high risk young people to be delivered in a joined-up and integrated way in order that better outcomes were provided.
- (viii) In the future he expected that the service size would reduce as more schools began to take on work of this kind within the school and the number of expulsions began to reduce.

The Leader of the Council, Mr Paul Carter, referred to the current disparity between levels of service within different areas of the County and sought assurance from Mr Leeson that the changes he had described would enable a more uniform, consistently good, service to be provided to all of the county's young people.

Mr Leeson, believed that the review process had helped to shape attitudes within the teaching profession and had encouraged a genuine acceptance of further responsibility for the prevention of expulsions. Changes to national policy had helped to compound the work undertaken at local level, for example schools would now remain responsible for the exam results of a young person even when they had been permanently excluded. The result would be a better pathway for young people than had previously been the case.

The Leader of the Council requested that progress toward a 'go live' date for this strategy be monitored by the Education Cabinet Committee and that this monitoring continue post implementation to include details of the number of permanent exclusions in the County and the success of the hubs. He welcomed the report and expressed satisfaction that the work would also help to strengthen the work of the governments 'Troubled Families' programme, many of whom would have children also accessing these services.

CABINET Review of Pupil Referral Units and Alternative Curriculum Provision 15 July 2013	
1.	That the local choice changes identified by the review be approved.
2.	That monitoring reports as requested by the Leader, (see minute) be considered by the Education Cabinet Committee as necessary.
3.	In addition Cabinet was asked to have particular regard to the following information and it was noted: <ul style="list-style-type: none"> • That the changes to national policy had in turn brought changes to Kent County Council policy as detailed in the report.
REASON	
1.	In order to improve provision and outcomes for learners.
2.	In order to ensure that the desired outcomes of the review are achieved
3.	In order that Cabinet have properly had regard for the changes occurring as a result of national policy changes.
ALTERNATIVE OPTIONS CONSIDERED	Various alternatives were considered as part of the consultation. The options contained within the report are the result of detailed discussions with stakeholders and the council and represent the best option.
CONFLICTS OF INTEREST	None.
DISPENSATIONS GRANTED	None.

INFORMATION ITEM

14. Kent County Council's submission to the Airports Commission on proposals for providing additional airport capacity in the longer term in line with 'Bold Steps for Aviation'

(Item 10 – Information report of Mr David Brazier, Cabinet Member for Transport and Environment and Mike Austerberry, Corporate Director of Enterprise and Environment)

Cabinet received a report for information detailing the Council's response to the Airports Commission on proposals for providing additional airport capacity in the longer term.

The Leader of the County Council spoke to the item, he reported that he had met with the Commission and its Chairman Howard Davies and had been able to give evidence on behalf of Kent County Council regarding the potential impact for Kent of the various options. He hoped that the issues which he had articulated, in particular in relation to the Thames Estuary proposal, were well received by the Commission.

The submission from Kent County Council to the proposals would also dispute the need for an airport in the Thames Estuary instead suggesting maximisation and expansion of current airport capacity

He concluded that both short term measures and longer term solutions were needed to improve the competitiveness of UK airports in Europe and both of these factors were addressed within the Council's full response.

No further comments were received.

INFORMATION ITEM

15. Lower Thames Crossing – Consultation Response

(Item 11 – Information report of Mr David Brazier, Cabinet Member for Transport and Environment and Mike Austerberry, Corporate Director of Enterprise and Environment)

Cabinet received an urgent report for information detailing the Council's response to the Department for Transport (DfT) proposals for a new Lower Thames crossing.

The Leader of the County Council introduced the item; in particular he referred to the following:

- (i) That the report was taken under procedures for urgency. It had not been possible to defer the decision until the next meeting of Cabinet as the response had to be submitted the day after it was considered here [16th July 2013] and it had not been possible to publish the report sooner as officers had been conducting work to gather views and incorporate them into the response, now published on the Council's website and distributed to those present.
- (ii) Mr Carter acknowledged, and asked that the response be further updated to acknowledge, that there had been substantive opposition from those people

living or working within close proximity to any of the options put forward by the Department for Transport , particularly options B and C.

- (iii) He stressed that it had always been the intention of the administration to include a report for information, on the agenda at this meeting, but also that they had been committed to ensuring that as full an engagement with the public and elected members as possible had been conducted.
- (iv) He requested that a further comment under each set of responses be added to the response, to request that they be read in conjunction with the covering report which would further clarify for the DfT the reasons why the County Council had put forward a view that a crossing was needed and that option 'C' was the preferred corridor by which it be achieved.
- (v) That the response to be submitted on behalf of KCC was in line with that of both Essex County Council and South East Local Enterprise Partnership but he added, not in line with the views of either Thurrock or Gravesham local Councils.
- (vi) He reported that he would take debate on the matter and that Colin Caller had requested and been granted permission to address the meeting.

Mr Caller, Local Member for Gravesham East came to the table and spoke to the item. He made the following points:

- (i) He referred to the late publication of the full proposed response and that as a consequence he would not be able to respond to the specific details within it but, although this was unfortunate, he would instead make a general response
- (ii) He argued that the Governments desire to make a decision on this matter at the present time was premature. The Government had failed to consider in it's consultation:
 - Significant developments planned but not yet implemented that could have a dramatic impact on traffic flows, such as free flow tolling and the London gateway port
 - Methods by which the congestion at the current crossings might be improved such as reducing the number of junctions on particular stretches of road and the separation of traffic flows joining the M25
 - The negative impact on the environment and the health of local people of the continued growth of road freight
- (iii) That the argument that moving the tolls at Dartford by a small distance would improve their functionality was not sound and that even if it were to improve briefly, the acknowledgement by the government that both Options B and C would create growth would mean that in the long term the tolls would not perform any better
- (iv) That he believed that option B was unlikely to be chosen by the Government as it would put at risk the Paramount development and associated job creation.
- (v) That, of Option A and C he was most vehemently opposed to option C and particularly the variant that would go through the North Downs. This area was Green belt land, a site of natural beauty, a site of specific scientific interest, ancient woodland, and a floodplain. It would be unacceptable to build a major crossing through it.

- (vi) That the area that would be most affected by the adoption of option C already suffered poor air quality from its proximity to the A2. To further compound that with another road to the east would be unacceptable.
- (vii) That Cabinet be requested to hold the submission of any response until the points raised had received responses from Government
- (viii) Finally Mr Caller expressed his disappointment that members had not had sufficient opportunity to input into the submission and in particular that a draft had not been submitted to the Environment, Highways and Waste committee on 19th June

The Leader and Cabinet Member for Business Strategy, Audit and Transformation sought to clarify for those present, that, although not unanimous, the general consensus of the Cabinet and therefore the response from KCC was support for Option C. This support was dependent on the crossing being made by tunnel and not by bridge. He reported that the administration had serious reservations about the creation of a link road from the A2 to the option C location and saw no circumstances where the desecration of Shorne Wood would be acceptable; indeed there were other viable options for a link road in the area that could avoid the woodland.

The Leader urged the government not to view the crossing in isolation from the wider transport requirements in Kent, as a reflection of this view the response sought assurances that the Government would fund the bifurcation required at Dover Docks, the country largest roll on roll off dock and significant link to Northern European trade as well as improvements, to include dualling, at Lydden, work to resolve congestion at Brenley Corner and a new, fit for purpose link between the M2 and the M20 that did not utilise Bluebell Hill but which, by undertaking significant improvements, sought to employ the A249 to provide a more effective route between Dover and a new crossing at the option C location.

Option C was, he argued, in the best interests of both the Kent and the national economies.

The Leader continued, huge economic growth was planned and predicted for the south of England and this would certainly translate into a significant increase in road freight. As a result the council's response asked that the project be progressed as rapidly as possible. He was pleased that work done to date, sensible tolling and potential charges to the road haulage industry would mean that the wider improvements discussed could be built without recourse to public funds. The report accompanying the responses to the government questions articulated all of these points and to that end, as already discussed, a note would be included on each page of the response that drew the attention of the reader to it.

The Cabinet Member for Transport and Environment, Mr David Brazier spoke to the item. He particularly wished to respond to the comments made by Mr Caller and in doing so made the following points:

- (i) That the DfT questions and a proposed response were considered by the last meeting of the Environment Highways and Waste Cabinet Committee and that the Enterprise and Environment Directorate had also provided for members a briefing on the matter both of which Mr Caller had attended. The consultation and response had been discussed at

several local meetings and on the Radio Kent debate in addition to a meeting held especially for Gravesham local members and several public meetings. Finally he stressed that any member of the public may visit the DfT website to respond to the consultation.

- (ii) That the argument that the decision should not be made until the impact of the changes to tolling at Dartford were known was one which he heard often but remained unconvinced by. He believed that the lifting of tolls would certainly ease congestion in the short term but with vehicle numbers likely to increase so significantly before the new crossing was opened in 2025 any improvement would have long since been mitigated.
- (iii) That action needed to be taken and that option C was the only option that would create the desired benefits. Option A would compound the difficulties already experienced on the A2 and A13 and option B would not alleviate pressure on the Essex side of the crossing. Meanwhile Option C would achieve those aims. Furthermore, being a stand alone crossing, the option C proposal would provide contingency for times in the future when the Dartford crossing may be temporarily out of use.

The Leader reminded members that some years ago work was jointly commissioned with Essex County Council to assess potential crossing points more easterly than the one in option C. Advice had been received at that time that costs escalated prohibitively further east as the width of the river Thames increased as it approached the estuary. In difficult economic times the government must, he argued, consider options that were affordable and deliverable. He considered it a further potential benefit of option C that this work had identified an opportunity to link a crossing in the Gravesham area, not only with the M25 as the government was now consulting upon, but also with the M11. The idea had not been well received at the time but was nonetheless an option for the future should the preferred location in option C be agreed.

Mr Caller sought and received permission to respond to a point made by Mr Brazier. He clarified that his concern expressed earlier had been in relation to the full response not having been available to members before today, rather than a comment on the sufficiency of engagement as a whole.

The Leader apologised again that the full response was not available sooner but reiterated that it was delayed by the attempt to engage as fully as possible and to fully consider and reflect where appropriate all of the concerns raised.

The Director of Planning and Environment, Mr Paul Crick spoke to the item and specifically addressed the issue of the removal of tolls at Dartford already discussed. He referred members to the figures contained in the report which described the actual and predicted use of the current crossing at Dartford. He reported that the crossing was designed for a capacity usage of 135,000 vehicles per day and currently exceeded that number on five out of seven days. The tolls would currently be discouraging some vehicles from using the crossing and once lifted, vehicle numbers were predicted to rise to 180,000 vehicles a day. Taken in conjunction with the growth predicted from developments in progress these figures were the motivation for the council's request that the project be progressed urgently.

The Leader remarked that some years ago a survey was conducted by the regional assembly that identified the Dartford crossing as one of the main inhibitors to inward

investment to Kent, the notion that it was gridlocked by the M25 and that many of those problems were caused by the inadequacy of the current crossings. He, like others, welcomed the removal of the need to stop toll booths but regarded it as a short term easement as opposed to a long term solution to the wider issue at hand.

Transport Strategy Delivery Manager, Ms Ann Carruthers was asked to speak to the item and did so to expand on a point made by Mr Caller in his earlier representation. She reminded members that although the government acknowledged in the consultation papers that all three of the options would create growth of between 3% and 10% depending on the particular option, in comparison to the background growth predicted the effects would be minimal.

Mr Holden reported on behalf of Mr Dance that following discussions with Essex County Council it was clear that it too was minded to support option C in its response to Government. Mr Carter added that the business community through various forums had also expressed support for option C.

The Cabinet Member for Commercial and Traded Services, Mr Sweetland spoke to the item. He particularly referred to the following:

- (i) That he was a local member in the Gravesham area most affected by the option C proposals.
- (ii) That he had not had an opportunity to read the response in full but was content that the information within it would be already in the public domain.
- (iii) He confirmed that he and Mr Caller had been offered and had accepted the opportunity to address the Environment Highways and Waste Cabinet Committee when it had considered the matter. He thanked Mr Brazier for the work which had been done for the local Gravesham members in particular, referring to the meeting for local members which had been arranged. In addition there had been a large public meeting in the local area, at which Mr Brazier was present. Further to these activities Mr Sweetland reported that he had attended 3 or 4 meetings organised by others and as a result he had heard the opinions of thousands of local people
- (iv) He asked members to consider the immensity of the proposal for residents living in the vicinity of the proposed crossing. The scheme did not propose to expand or enlarge an existing road but instead to build a new four lane motorway which would necessarily require destruction of local countryside. As a result those living in Shorne and Higham had already reported effects on house prices.
- (v) That free flow tolling whilst welcomed was overdue and he expressed a desire to see it finally implemented next year as promised. Not only would this ease the traffic flow in the short term but would also begin to improve air quality for residents of Dartford, where it had been particularly poor.
- (vi) That residents to the east of Gravesham were anxious that the air quality in their locality would suffer as a result of the proposal under option C and had noted the impact on the health of residents in Dartford as evidence. They expressed concern that although the government had conducted financial and environmental impact assessments they had not, for option B or C, conducted an assessment of the potential health impact for residents in the locality, a concern confirmed by the Roads Minister when responding to a parliamentary question to that effect by the Rt Hon Mr Holloway MP

- (vii) That the environmental impacts were well documented and high with many of the sites affected being subject to protections of some form.
- (viii) Further to comments made earlier that Essex County Council were also minded to support option C, Mr Sweetland reported that there was a divergence of views with the regard to the tolls which Essex County Council would request were removed immediately.
- (ix) That the matter had been well debated and public involvement had been high. He reiterated that he had heard many concerns from residents within his division and surrounding areas and had represented those views as fully as possible at meetings and debates to date. As a result, he wished to record his dissent on this issue.

The Leader closed the debate. He expressed concern that it would be difficult to convince the government not to choose Option A at Dartford and believed that C was appropriate for what was a unique opportunity for the Government to pursue the best interest of Kent, the south of England and the nation's economy.

He suggested that should it become appropriate work would be conducted to assess the options for a link road that would ameliorate damage to Shorne woods and establish fully how far it was necessary for any tunnel to impact on and around the Gravesham area.

He reported that a decision would be announced by the DfT in the autumn 2013 as to which option further work would be conducted on.

The Leader noted the dissent of Bryan Sweetland on the matter and expressed concern for the views of those affected but noted that the formal response was to support option C and would be submitted the next day.