

## 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, 12 January 2009.

PRESENT: Mr P B Carter (Chairman), Mr N J D Chard, Mr M C Dance, Mr K A Ferrin, Mr G K Gibbens, Mr P M Hill, Mr R A Marsh and Mr L B Ridings

ALSO PRESENT: Mr R L H Long and Mr R J Parry

IN ATTENDANCE: Mr P Gilroy (Chief Executive), Ms A Honey (Managing Director Communities), Ms L McMullan (Director of Finance), Mr O Mills (Managing Director - Adult Social Services), Mr M Austerberry (Interim Executive Director, Environment, Highways and Waste) and Mr K Abbott (Director, Finance & Corporate Services)

### UNRESTRICTED ITEMS

**1. Minutes of the Meeting held on 1 December 2008**  
*(Item. 2)*

The Minutes of the meeting held on 1 December 2008 were agreed and signed as a true record.

**2. Revenue & Capital Budget Monitoring Exception Report**  
*(Item. 3 - Report by Mr Nick Chard, Cabinet Member for Finance and Ms Lynda McMullan, Director of Finance)*

(1) Mr Chard said that by the end of this financial year the revenue budget was expected to show an underspend of some £5m, excluding asylum and also assuming the implementation of management action. Lynda McMullan said that within the Capital Programme there had been some further reviews undertaken of a number of projects and Directorate's were now bringing forward several schemes from within their portfolios.

(2) Cabinet noted the latest forecast Revenue and Capital Budget Monitoring position for 2008/09 as detailed in the Cabinet report.

**3. Local Government Provisional Finance Settlement**  
*(Item. 4 - Report by Mr Paul Carter, Leader, Mr Nick Chard, Cabinet Member for Finance, Mr Peter Gilroy, Chief Executive and Lynda McMullan, Director of Finance)*

(1) This report informed Cabinet of the Local Government Provisional Finance Settlement for the years 2009 to 2011, which was announced on 26 November 2008. Mr Chard said that the Council's funding was a cash increase of some £5.1m which equated to 2% over the 2008/09 settlement on a "like for like" basis. If retail price inflation was taken into account, then the figure was effectively a cut of 1%. Lynda McMullan said the Provisional Grant Settlement for 2009/10 and 210/11

was exactly as announced in the three year settlement and therefore there were no changes expected to the Council's financial planning assumptions as a result of this announcement. Mr Carter said that although the level of Council Tax for 2009/10 was currently proposed at 2.85%, nonetheless, Cabinet would be looking to see if that could be reduced further.

(2) Cabinet then noted the contents of the report.

#### **4. Operation of Household Waste Recycling Centres - Service Review**

*(Item. 5 - Report by Mr Keith Ferrin, Cabinet Member for Environment, Highways and Waste and Mr Mike Austerberry, Executive Director for Environment, Highways and Waste).*

(1) Mr Ferrin said that the Council had undertaken an in-depth review into the way it operated its network of waste recycling centres and the recommendations now put forward for policy changes were considered to be necessary and appropriate. Among some of the more significant changes, was to retain barriers but to increase their clearance height to two metres in order to take account the fact that since the last review in 2001 many more people owned taller MPVs and 4x4 vehicles. In addition, pick-ups would also be allowed as well as single axle trailers but there would continue to be a limit on the access of twin axle trailers at selected sites. Mr Ferrin said that overall he believed the proposals now being put forward would enhance the services offered by the County Council and would be welcomed by local residents.

(3) During discussion, Members of Cabinet said that they welcomed the changes proposed in the report, particularly those in respect of raising the height barriers and the changes to opening hours.

(2) Cabinet resolved to adopt the changes to the Household Waste Recycling Centres operating policies as set out in Appendix A to the Cabinet report; and agreed to monitor the effectiveness and impact of these changes with a further report being submitted to Cabinet after 12 months of operation.

#### **5. Policy & Protocol on Surveillance**

*(Item. 6- Report by Mr Mike Hill, Cabinet Member for Communities and Mr Clive Bainbridge, Director of Community Safety and Regulatory Services)*

(1) This report described the background to the establishment of a protocol on Surveillance taking into account the requirements of the Acquisition of Communication Data regulations as defined in the Regulation of Investigatory Powers Act 2000

(2) Mr Bainbridge said that this matter had caused significant media interest over the past year, based around the wholly unfounded belief that the County Council was using anti-terrorism legislation inappropriately or even illegally. The Regulation of Investigatory Powers Act 2000 allowed the use of certain investigatory techniques by a public body that could otherwise be seen as being contrary to the principles of the Human Rights Act and hence actionable by an aggrieved party. To ensure that the reputation of KCC was properly upheld, the Director of Community Safety and Regulatory Services had undertaken a comprehensive exercise to update the original approved protocol for consideration

and approval. The updated document covered all the activities of the County Council although the only parts of the Council regularly using surveillance techniques, within the scope of the Act was Trading Standards and to a lesser extent, Environmental Crime Officers. Mr Hill said that the new protocol provided additional transparency and clarity to the County Council's powers and he was confident that it provided the right balance in the way the County Council used those powers. He also said that there would be annual report to the Council's Governance and Audit Committee which would give further transparency as to the way the County Council used these powers in relation to its responsibilities as a Trading Standards Authority and in respect of tackling issues such as fly-tipping.

(3) Following discussion:-

- (i) Cabinet approved the County Council's revised Policy and Protocol on Surveillance, including the Acquisition of Communications Data as set out in the document attached to the Cabinet report; and
- (ii) noted that there would be an annual report on the operation of the Policy and Protocol to the County Council's Governance and Audit Committee.

**6. Commission for Social Care Inspection - Annual Performance Review Report for Adult Social Care**

*(Item 7 - Report by Mr Graham Gibbens, Cabinet Member for Adult Social Services and Mr Oliver Mills, Managing Director, Kent Adult Social Services)*

(1) This report presented the outcome from the Annual Performance Assessment undertaken by the Commission for Social Care Inspection into the County Council's provision of Social Care Services for Adult Services.

(2) Mr Mills said that the standards on which authorities were assessed by the Commission had been raised each year since the current inspection regime had been put in place some seven year ago. It was therefore a significant achievement that the Directorate had once again been given a three star rating for the services which it provided. Mr Mills said this achievement was a tribute to the professionalism and continuing commitment shown by members of staff. Mr Mills also referred to the partnership arrangements which the County Council had developed with Swindon Council in relation to the provision of its Adult Social Care Services. Last year, Swindon Council had achieved a two star rating and this had been sustained thus providing further evidence of the success of the partnership between the County Council and Swindon which finished in September 2008. Mr Gibbens said that the report by the Commission confirmed that the County Council's capacity for improvement remained excellent although it had to be recognised that the service was having to deal with some very real pressures. This was therefore, a very encouraging report and on behalf of Cabinet he placed on record his thanks to the staff within the Kent Adult Social Services Directorate for their continuing hard work and commitment.

(3) Cabinet then noted the report and the findings of the Commission for Social Care Inspection and placed on record its thanks and congratulations to the staff of the Kent Adult Social Services Directorate on this achieving such an excellent result.

**7. Annual Performance Assessment of Services for Children and Young People in Kent County Council 2008**

*(Item. 8 - Report by Mr Leyland Ridings, Cabinet Member for Children Families and Educational Achievements, Mr Mark Dance, Cabinet Member for Operations, Resources and Skills, Dr Ian Craig and Mr Keith Abbott, Interim Managing Directors for Children, Families and Education)*

(1) This report presented the outcome of the Annual Performance Assessment undertaken by Ofsted into the services for children and young people provided by Kent County Council. The assessment consisted of six judgements, five of which were classified as “good” and one, the capacity to improve, including the management of services for children and young people was judged to be “outstanding/excellent”. The overall judgement for the effectiveness of Children’s Services was “good”.

(2) Both Mr Ridings and Mr Dance congratulated the CFE Directorate on receiving such an excellent Annual Performance Assessment of its services for children and young people and placed on record their thanks and congratulations to staff on this excellent result.

(3) Cabinet noted the outcome of the 2008 Annual Performance Assessment of Services for Children and Young People in Kent County Council and placed on record its thanks and congratulations to staff within the CFE Directorate on achieving such an excellent result.

**8. Decisions from Cabinet Scrutiny Committee - 10 December 2008**

*(Item. 9 - Report by Mr Alex King, Deputy Leader and Mr Peter Sass, Head of Democratic Services and Local Leadership)*

(1) Cabinet noted this report and agreed the actions recommended by the Cabinet Portfolio Holders.