

KENT COUNTY COUNCIL

CABINET

MINUTES of a meeting of the Cabinet held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 2 February 2009.

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

ALSO PRESENT: Mr P Gilroy, Chief Executive, Mr M Austerberry, Executive Director of Environment, Highways & Waste, Dr I Craig, Interim Managing Director, Children, Families and Education, Ms L McMullan, Director of Finance, Mr O Mills, Managing Director, Kent Adult Social Services and Mr D Shipton representing Ms A Honey, Managing Director, Communities.

UNRESTRICTED ITEMS

9. Minutes of the Meeting held on 12 January 2009

(Item 2)

The Minutes of the meeting held on 12 January 2009 were agreed and signed as a true record.

10. 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) This exception report highlighted the main movements since the report to Cabinet on 12 January 2009. There had been an encouraging reduction in the pressures on the Revenue Budget, but that had been offset mainly due to increased pressure on asylum. Mr Carter said that the County Council was looking to the Home Office to keep the promises it had made regarding reimbursement of the County Council's expenditure on Asylum and discussions with Government Ministers and Senior Civil Servants were ongoing.

(2) Cabinet noted this report and agreed the actions recommended by the Cabinet Portfolio Holder.

11. Medium Term Plan 2009-12 (Incorporating the Budget and Council Tax Setting for 2009-10) - Update

(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) The Chairman declared consideration of this item to be urgent as the report had not been available at the time the agenda for this meeting was despatched. The reason for that was because the report needed to include the most up to date information and analysis of the final Local Government Settlement figures, the final

Tax Bases agreed by the Kent District Councils and the surplus or deficits announced by the District Council's Collections Funds.

(2) This report summarised changes which had been made since the Draft Medium Term Plan was published on 7 January 2009. Mr Carter said that the policy proposals were unchanged from those published on 7 January 2009 when the KCC element of the Council Tax increase for 2009/10 was calculated at 2.85%. However, the changes identified in this report has said Mr Carter, reduced the County Council's funding requirements through Council Tax by a net £2.187m. This saving would be passed onto Kent residents by way of a reduction in the proposed Council Tax which meant that this could now be reduced down to 2.44%. Mr Carter said that he was pleased that this reduction could be made when viewed against a backdrop of a volatile global and national economy and demonstrated once again, KCC's track record of delivering a budget to agreed cash limits. Mr Carter also said that the County Council would be aiming to deliver an ambitious Capital Programme and that he wanted to see its expenditure on that shared across the Kent economy.

(3) Mr Chard said that the budget had been developed following a wide ranging consultation which had helped the Council to identify service priorities and targets. The Policy Overview Committees had considered the budget proposals and they had also been reported to the Cabinet Scrutiny Committee. There had also been a meeting with business leaders and the outcome from all these meetings were set out in Appendices (b) and (c) to the Cabinet report.

(4) Cabinet RESOLVED that the following proposals be submitted to County Council at its meeting on 19 February 2009:-

- (a) the Revenue Budget proposals for 2009-10. Cabinet noted the proposed change to the capital financing and local priorities budgets, noted the changes to the council tax base and endorsed the resulting change to the council tax;
- (b) the budget requirement of £886.5m before deducting Area Based Grant;
- (c) a total requirement from Council Tax of £554.3m to be raised through precept to meet the 2009-10 budget requirement;
- (d) a Council Tax as set out below, for the listed property bands;

Council Tax Band	A	B	C	D	E	F	G	H
£	684.1 8	798.2 1	912.2 4	1,026.2 7	1,254.3 3	1,482.3 9	1,710.4 5	2,052.5 4

being a 2.44% increase over 2008-09;

- (e) the Capital Investment proposals, together with the necessary use of borrowing, revenue, grants, capital receipts, renewals and other earmarked capital funds and external subject to approval to spend arrangements;

- (f) the Prudential Indicators as set out in Appendix D of the Medium Term Plan 2009-12.
- (g) Cabinet endorsed the revenue and capital proposals for each of the ten portfolios of the County Council, as set out in the draft Budget Book and Medium Term Plan, as adjusted for the above changes, and recommend them to the County Council. A revised Budget Book and Medium Term Plan reflecting the changes in the Cabinet report would be produced for the County Council meeting on 19 February 2009.
- (h) Cabinet agreed that the final recommendations in relation to the School Budgets and the Dedicated Schools Grant be delegated to the Cabinet Member for Operations, Resources and Skills (CFE).

12. Annual Minimum Revenue Provision (MRP) Statement 2007/08 and 2008/09

(Item 5 – Report by Mr Nick Chard, Cabinet Member for Finance and Lynda McMullan, Director of Finance)

- (1) This report asked Members to approve the changes in the policy for calculating the Annual Minimum Revenue Provision for 2007/08 and 2008/09.
- (2) RESOLVED the changes in the policy to calculate Minimum Revenue Provision be approved in the light of the changes made to the regulations as detailed in the Cabinet report.

13. School Admissions Appeals

(Item 6 – Report by Mr Mark Dance, Cabinet Member for Operations, Resources and Skills and Dr Ian Craig, Interim Managing Director, Children, Families and Education)

- (1) This report advised Members of Cabinet of changes to the School Admissions Appeals Code that affect Member attendance at Panels.
- (2) Having taken advice on the proposed changes to the Appeals Code from KCC Legal Services and from officials at the Department for Children, Schools and Families, the view was that as the County Council is the Admissions Authority for Kent Community and Voluntary Controlled Schools, its Members are representatives of the Admissions Authority for these schools. As a result of that, any representation by KCC Members on behalf of parents for these schools would be unlawful.
- (3) Kent County Council Members may now appear at Admissions Appeals for Voluntary Aided, Foundation, Trust and Academy schools provided that they are not Governors at the particular school involved, or in any other way have a conflict of interest.
- (4) As a result of this, there are implications for County Council Members and the need for them to be very clear on the status of every school they are likely to be involved in before agreeing to support a parent at an appeal. There is also a conflict of interest for KCC employees who may be asked to speak on behalf of a parent, and this will need to be addressed by officers.

(5) During the course of discussion, Members of Cabinet all spoke against these proposals which is something which would effect all 84 Members of the County Council. By excluding County Council Members from being able to represent parents at appeals for Community and Voluntary Controlled Schools, the Appeals Code was not in the interests of parents, many of whom looked to the knowledge, expertise and experience which County Councillors have and which they can use to support parents at what can be a very difficult time.

(6) Following detailed discussion, Mr Carter said that taking account of the views which have been expressed by Members of the Cabinet, a letter should be drafted, to be signed if possible on a cross-party basis expressing the County Council's strong views against the changes to the School Admission Appeals Code. He also said that he believed this matter was of sufficient importance for there to be a discussion on the changes to the Appeals Code at a future meeting of the County Council. This was agreed.