

## 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, 1 December 2014.

PRESENT: Mr D L Brazier, Mr G Cooke, Mr M C Dance, Mr G K Gibbens, Mr R W Gough, Mr P M Hill, OBE, Mr P J Oakford, Mr J D Simmonds, MBE and Mrs M E Crabtree (substitute for Mr R Gough)

IN ATTENDANCE: Miss S Carey

### UNRESTRICTED ITEMS

#### **87. Apologies & Substitutions**

*(Item 2)*

Apologies were received from Mr Carter, Leader; Mr Sweetland, Cabinet Member for Commercial and Traded Services; and Mr Gough, Cabinet Member for Education and Health Reform.

Mr Simmonds, Deputy Leader took the Chair and as a result Mrs Carey was in attendance to speak to the budget item. Mrs Crabtree, Deputy Cabinet Member for Education and Health Reform, was in attendance on behalf of Mr Gough.

Andy Wood, Corporate Director of Finance and Procurement also sent apologies and was substituted by Simon Pleace, Revenue Finance Manager.

#### **88. Declarations of Interest**

*(Item 3)*

None.

#### **89. Minutes of the Meeting held on 13 October 2014**

*(Item 4)*

The minutes of the meeting held on 13 October 2014 were agreed as a correct record and signed by the Chairman accordingly.

#### **90. Care Act 2014 - Required Decisions**

*(Item 5)*

*(Item 5 – Report of Mr Gibbens, Cabinet Member for Adult Social Care and Health and Andrew Ireland, Corporate Director for Social Care Health and Wellbeing)*

Cabinet received a report containing a further update on the implications of and necessary actions resulting from the Care Act 2014, in particular the provision of information on three of the key policy decisions which would be made by the Cabinet

Member for Adult Social Care and Public Health in readiness for implementation in April 2015:

- I. To adopt the national minimum eligibility criteria as Kent's offer from April 2015.
- II. To put the current charging arrangements for residential care and non-residential services on a new statutory footing under the Care Act 2014.
- III. To agree to the broad outlines of the Deferred Payments scheme from 1 April 2015 and to the recommendation that the Temporary Financial Assistance scheme ceases from 31 March 2015.

It was intended that following consideration and 'in principle' agreement by Cabinet all three decisions would be debated in full at the Adult Social Care and Public Health Cabinet Committee scheduled for 4 December 2014 before being the subject of formal decision by Mr Gibbens, Cabinet Member for Adult Social Care and Health.

Mr Gibbens, presented the report for consideration, in particular he referred to the following:

- I. That the Care Act would have a major impact on social care in England and he supported its aims;
- II. That the Act would be introduced in two phases, firstly from April 2015 and a further tranche in April 2016, the latter being largely based on the recommendations of the Dilnott Report;
- III. That the changes to eligibility criteria, introduced by the Act, were likely to be the most important element of the current tranche of changes. Currently, eligibility criteria were set by each local authority; Kent County Council maintaining care eligibility at the 'moderate' level the Act would introduce a new national minimum, and as it was considered to be broadly similar to that already in place in Kent, it was proposed that it be adopted by Kent County Council. He stressed that all those currently receiving services would continue to do so.

Andrew Ireland, Corporate Director of Social Care, Health and Wellbeing, spoke to the item. He echoed the sentiments of the Cabinet Member and concurred that changes to the eligibility criteria were the most significant element of the current tranche of implementation. He emphasised that extensive testing of the new national minimum criteria against real life cases had produced evidence that suggested a close proximity to the moderate criteria currently employed at Kent.

He also referred to the following:

- I. That the Act would introduce a right of appeal against the eligibility decision of the council for applicants.
- II. That the proposed decision on charging related to a power already in place and utilised by KCC, becoming a duty.
- III. That the proposed decision on deferred payments would be a largely technical measure as KCC already provided a voluntary scheme, the decision reflected the statutory nature of such schemes within the Act.

It was RESOLVED that the proposal by the Cabinet Member for Adult Social Care and Public Health to take the decisions identified within the report, after taking into

account the views expressed by Cabinet and any recommendations or comment of the Adult Social Care and Public Health Cabinet Committee on 4 December 2014 be supported.

**91. Quarterly Performance Report - Quarter 2**  
(Item 6)

*(Item 6 – Report of the Leader & Cabinet Member for Business Strategy, Audit and Transformation, Mr P Carter and Corporate Director for Strategic and Corporate Services, David Cockburn)*

Cabinet received a report detailing key areas of performance for the authority as at quarter 2, based on data up to September 2014.

Richard Hallett, Head of Business Intelligence, was in attendance to speak to the item; he referred in particular to the following:

- I. The report was generally positive, showing a net positive direction of travel continued from the previous quarter. The report also included information on activity data and risk.
- II. Only one Key Performance Indicator (KPI) was reported as 'Red': Promoting Independence Reviews. However performance was in line with previously reported expectations with the programme expected to reach the target level in quarter three.
- III. That three KPI's had moved out of red status, namely:
  - The percentage of phone calls answered by the Contact Point had increased and satisfaction remained high as a result of the recruitment of new staff,
  - Business mileage claims had been reduced, although it should be considered a provisional result because late expenses claims might alter the position
  - Numbers of permanent qualified social worker staff had increased in line with the predicted trajectory.
- IV. That three outstanding risk actions remained, all having had significant action taken but not yet completed.

The item was opened for discussion.

The Cabinet Member for Economic Development, Mr Mark Dance, spoke to the item. He commented on the good performance of the TIGER and Escalate funds, detailed within the report. He reported that the scheme was working well for businesses and was producing new jobs. Funds would start to be recycled in the near future and loans would continue to be used to promote the Kent economy.

The Cabinet Member for Adult Social Care and Health, Mr Graham Gibbens, referred to the single 'Red' indicator; promoting independence reviews. He reported that the target had been adversely affected by staff changes and reorganisation work and that action had been taken to address this as part of the work being undertaken by Newton Europe. He believed that in the future it would be necessary to review the targets as it was not the intention, locally or nationally, to review everybody but only those people where outcomes could be improved by means of a review.

He also spoke about the non-smoking target and the downward travel to amber from green in quarter 2 explaining that since 2012 there had been a downward trend both locally and nationally in smoking. He also made members aware that the target in Kent was higher than that nationally being set at 52% as opposed to 50% elsewhere.

The Deputy Cabinet Member for Education and Health Reform, Mrs Margaret Crabtree, spoke to the item. She highlighted elements within the report relevant to the Education portfolio, in particular she welcomed news that:

- I. The percentage of schools rated as 'Good' or 'Outstanding' continued to rise;
- II. Performance at Key Stage 2 continued to improve and the gap between local and national performance continued to close;
- III. Performance at Key Stage 4 remained well ahead of national performance despite changes implemented at pace by government;
- IV. Expansion and new build work to increase primary school places continued in order to meet demand, however, she urged members to be aware that this pressure would transfer to secondary school places in the future.

The Cabinet Member for Community Services, Mr Mike Hill drew attention to the good work undertaken by the Trading Standards team at KCC to protect residents of Kent and was pleased that this was reflected in the performance indicators reported.

It was RESOLVED that the report be NOTED.

## **92. Financial Monitoring Report - Quarter 2** *(Item 7)*

*(Item 7 – Report of the Deputy Leader & Cabinet Member for Finance and Procurement, Mr John Simmonds and Corporate Director of Finance and Procurement, Andy Wood)*

Cabinet received a report providing the budget monitoring position for Quarter 2, to September 2014, for both the revenue and capital budgets and an update on key activity data.

Miss Susan Carey, was in attendance to introduce the item. She said the predicted overspend reported in quarter one had now been reduced and with management action an underspend was now predicted. This would be difficult to deliver and would depend on various factors, in particular demand for services and unforeseen circumstances such as adverse weather or flooding.

In addition Miss Carey drew information from the report for particular attention including information on the reduction in numbers of looked after children, the continued cost of unaccompanied young people seeking asylum and the reduction in need for residential care for the elderly, as a result of successful preventative work.

Furthermore, she reported that:

- I. Transformation work continued to be undertaken in Adult Social Care to create savings and manage costs, and such savings would be crucial to the success of the budget that savings were delivered on time

- II. The Kent Support and Assistance Service had been successful and owing to the good management of the fund an underspend might be delivered which would be used to continue the scheme.
- III. Pressure remained on the SEN Home to School Transport budget and work continued to be undertaken to manage that pressure, including independent travel training to enable young people to gain the skills and confidence to use public transport where appropriate.
- IV. That waste tonnage continued to increase and remained a cause for concern with a forecast overspend of approximately £2.3m largely offset by underspending elsewhere. The increase was largely attributed to the mild autumn and the associated impact on garden waste collection.
- V. Take up of the Young Persons Travelcard had exceeded expectation, despite the reduction in subsidy, and might create continued pressure on the GET budget during the second half of the year.

In relation to the Capital Programme Miss Carey reported that pressure remained on the Basic Need programme for the provision of school places as did the special school programme, the latter of which would be met from underspend elsewhere. However most projects remained on time and to budget.

Revenue Finance Manager, Simon Pleace, spoke to confirm those messages that Miss Carey had highlighted and also reminded members of the risks to predictions reliant on management action and the hard work that would be required to deliver the desired outcomes.

The Cabinet Member for Economic Development, Mr Dance, commented on the work underway to deliver Superfast Broadband in the County and the proposed phase 2 which would be pursued in the new financial year and how this might be able to take pressure off other departments in delivery of services via the internet. A film had been made and was available for members to view.

Mr Simmonds concluded by considering the Government's autumn statement and the impact that may have on local government, he noted that the pressures on Local Government funding were likely to remain.

It was RESOLVED that:

| <b>CABINET<br/>Financial Monitoring Report – Quarter 2<br/>1 December 2014</b> |  |
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| 1.   | That the report, including the latest monitoring position on both the revenue and capital budgets, be NOTED  |
| 2.   | That the changes to the capital programme Cash limits as detailed in the actions column in table 2 of the annex reports and summarised in Appendix 4, be AGREED. |
| <b>REASON</b>  |  |
| 1.   | In order that Cabinet can effectively carry out monitoring   |

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|                                | requirements.  |
| 2                              | In order that the budget accurately reflects the real time position and is fit for purpose enabling necessary actions to be taken. |
| ALTERNATIVE OPTIONS CONSIDERED | None.  |
| CONFLICTS OF INTEREST          | None.  |
| DISPENSATIONS GRANTED          | None.  |

**93. Corporate Risk Register - Annual refresh**  
(Item 8)

*(Item 8 – Report of the Leader and Cabinet Member for Business Strategy, Audit and Transformation, Mr Paul Carter and Corporate Director for Strategic and Business Services, David Cockburn)*

Cabinet received a report containing for consideration the refreshed Corporate Risk Register. The register was refreshed to reflect key themes which had arisen from meetings with Corporate and Directorate Management Teams and Cabinet Members during the autumn held for that purpose.

Richard Hallett, Head of Business Intelligence returned to the table. He thanked Directors and Cabinet Members for their involvement in the process; in addition the draft refresh document had been subject to consideration by Cabinet Committees which had been helpful.

He reported the main changes as set out in the report:

- I. CRR 14 relating to procurement risk had been broadened to reflect key considerations relating to the development of KCC as a Strategic Commissioning Authority. The risk now also incorporated elements of the Governance & Internal Control risk (CRR 7) particularly the importance of ensuring governance arrangements kept pace with any changes to operating models. As a result CRR7 had been closed.
- II. CRR17 relating to the future operating environment for local government now explicitly referenced the scale of the financial challenge, with the 2015 – 2018 medium term financial picture included.
- III. The level of risk for CRR9 relating to the Better Care Fund (previously known as Integration Transformation Fund) had been raised from ‘Amber’ to ‘Red’ following the announcement of changes to funding arrangements, which had the potential to impact on the level of funding available for social care initiatives that promote independence. This risk was now considered to have once again reduced and was therefore returned to ‘Amber’
- IV. CRR 10 relating to the management of social care demand had been separated into adults and children’s services risks, to reflect the different drivers of demand and consequent differences in required controls.
- V. CRR 18; a medium level risk relating to the Public Sector Network Code of Compliance (CoCo) information security standards was added early in 2014,

as the government took a 'zero tolerance' approach to compliance. KCC had since achieved compliance with the code, although there were still potential effects on KCC objectives that would need to be monitored and managed.

- VI. CRR 19 relating to the introduction of the Care Act, discussed previously, presented a number of opportunities and risks, believed to be significant enough to warrant a new individual entry. A programme plan had been devised and was being undertaken ahead of the implementation of the Act.
- VII. A new risk had been added as a result of the Banking Reform Act, and this would be reflected shortly in the Treasury Management Strategy.

Mr Gibbens, Cabinet Member for Adult Social Care and Health, welcomed the inclusion of safeguarding as a high risk on the register. He reported that the number of alerts relating to safeguarding had increased and that this showed a greater level of awareness and understanding at KCC.

Mr Dance, Cabinet Member for Economic Development commented on CRR3 relating to access to resource to aid economic growth and enable infrastructure. He talked of the difficulties in encouraging building in the east of the county and the related need for infrastructure improvements.

It was RESOLVED that the report be NOTED.

#### **94. Policy on Gatwick Airport**

*(Item 9)*

*(Item 9 – Report of the Cabinet Member for Environment and Transport, Mr David Brazier and Corporate Director for Growth, Environment and Transport, Barbara Cooper)*

Cabinet received a report seeking agreement to the adoption of a position of opposition to a second runway at Gatwick Airport and to any increase in flights over West Kent as a result of airspace changes, and in addition, of support for a reduction in the number of current night flights.

The Cabinet Member for Environment and Transport, Mr David Brazier, introduced the item. He explained that Kent County Council had a policy document describing its aviation position, Facing the Aviation Challenge but that it needed to be refreshed in the light of residents' concerns to include a position of opposition to a second runway at Gatwick as the government continued to consider how, and where, best to meet increased demand and business need.

In addition, and separately from the issue of a potential second runway, there were issues relating to the number of night flights and trials relating to airspace, both of which caused great concern for residents in West Kent and which Kent County Council wished to recognise in its aviation position, even though it had no statutory powers or duties related to aviation it would respond to government consultations on the matter.

It was important that the aviation position of the Council continued to reflect current issues and the views of residents and therefore the proposed update for agreement at Cabinet would be amalgamated with the current document if agreed.

Joe Ratcliffe, Principal Transport Planner – Strategy, was in attendance to give a presentation on the topic of a potential expansion at Gatwick and on current use. *[The presentation is published on line as an appendix to these minutes].*

The Cabinet Member for Corporate and Democratic Services, Mr Gary Cooke, spoke to the item. He considered that questions of capacity were no longer concentrated on airspace issues, because technology had advanced, but now related to managing the disturbance created for some residents. The noise from flights had the potential to severely adversely affect the quality of life of an individual and any solutions to issues of capacity and business need should also seek to disperse the inconvenience to residents, he therefore supported the adoption of the position as proposed.

It was RESOLVED that

- I. The creation of a second runway at Gatwick Airport, be opposed
- II. Any increase in overflights across West Kent as a result of airspace changes, be opposed
- III. A reduction in the number of night flights be supported.