

KENT COUNTY COUNCIL

CABINET

MINUTES of a meeting of the Cabinet held in the Darent Room, Sessions House, County Hall, Maidstone on Wednesday, 28 January 2015.

PRESENT: Mr P B Carter, CBE (Chairman), 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 Mr B J Sweetland

UNRESTRICTED ITEMS

95. Apologies & Substitutions

(Item 2)

Cabinet Member for Economic Regeneration, Mr Mark Dance had sent apologies that he would arrive slightly late. He joined the meeting at 10:15am.

Apologies were also received from Andy Wood, Corporate Director of Finance and Procurement, who was substituted by Dave Shipton, head of Financial Strategy.

96. Declaration of Interests by Member in Items on the Agenda for this meeting

(Item 3)

None were received.

97. Minutes of the Meeting held on 1 December 2014

(Item 4)

The minutes of the meeting held on 1 December 2014 were agreed as a correct record and signed by the Chairman accordingly.

98. Revenue and Capital Budget Monitoring for 2014/15 - November

(Item 5 – Report of the Deputy Leader & Cabinet Member for Finance and Procurement, Mr John Simmonds and Andy Wood, Corporate Director for Finance and Procurement)

Cabinet received a report providing the budget monitoring position as at November 2014 for both the revenue and capital budgets.

The Deputy Leader & Cabinet Member for Finance and Procurement introduced the item.

He began with the revenue budget monitoring information and made particular reference to the following matters:

- i. That an underspend of £959,000 was currently reported, before any planned management action had been taken.
- ii. That it was expected, following the implementation of that planned management action, that the underspend would increase to £4.264million but within this £210,000 was legally committed to be rolled forward leaving approximately £4million underspend. A number of rollover requests of funds

into the 2015/16 budget to meet commitments for ongoing delivery, such as those within the Youth Employment Programme where commitments existed for placement provision that would need to be delivered in 2015/16, had been identified.

- iii. It was also considered desirable to carry forward underspends to continue provision of the Troubled Families programme and the Social Fund. If all three rollovers were actioned it would total approximately £4.8million leaving a predicted overspend of £781,000. Corporate Directors were aware of the need to address this issue in time for the end of the financial year.
- iv. The combination of forecast underspend and management action was good news, and represents an improvement of £1.8m on the previously reported position. Therefore the direction of travel should be considered as positive.
- v. Details of the financial information from each Directorate were included within the report, from these, of particular note were the following:
 - Specialist Children's Services continued to experience difficulties and currently reported a £4.2million overspend, with planned management action to address £1.2million of this, leaving a net overspend of £3million still outstanding. This relates primarily to the previously reported problems in achieving savings identified in the current budget. There were also forecast overspends on supporting unaccompanied minors seeking asylum and special operations.
 - Adults Social Care had not yet delivered many of the transformation savings set out in the budget but as it had been expected that these would emerge later in the year members should be confident that they would be delivered. As a whole the directorate was reporting an underspend of £0.5million before management action which was forecast to deliver a further £2.1m. Pressures continued to exist, particularly in the area of direct payments but with the aid of the £4.4million drawdown from the 'Support for Social Care reserve' it was expected that an underspend would be achieved.
 - Education and Young People's Services continued to experience pressures within the SEN Home to School Transport spend and currently predicted an overspend of £2.4million in this area, slightly offset by the income received for out of county children. Children's Centres, Youth Employment Programme and Home to School Transport all reported an underspend further helping to offset the overspend reported.
 - Growth Environment and Transport Directorate had reported a predicted underspend of approximately £2million, however the waste tonnage figures continued to increase and investigations were underway to ascertain why and consequently whether it was likely to continue as an ongoing pressure.
 - Commercial Services had reported a shortfall of 1.4million in the dividend, largely as a consequence of reorganisation and the closure of County Print.
 - £983,000 had been received from the Belwyn Scheme to help cover the cost of emergency work undertaken as a result of the flooding experienced in 2013/14.

Mr Simmonds concluded by reminding members that currently, if all roll forwards were agreed, there was a predicted overspend of £781k forecast but was confident that Directors would be able to take necessary action to alleviate this.

In relation to the Capital budget, Mr Simmonds reported that the working total was currently £381million and of that £280million had been spent to date. The £101million variance was almost solely attributed to issues of timing of delivery. He referred members to the variances listed within the report for consideration and proposed the recommendations also therein for agreement.

The Leader, Mr Paul Carter, confirmed that the challenge to deliver a balanced budget would be difficult in light of the reported pressures but was hopeful that management action could achieve the desired outcome. He warned members that in the future it would become harder to balance the budget each year.

David Cockburn, Corporate Director of Strategic and Corporate Services reminded members that many of the areas in which pressures to the budget were evident were related to demand lead services and the ability of the council to influence those was limited. He offered assurances however that although £3million of savings through implementation of management action, at this stage of the year, was a significant challenge everything would be done to achieve the target.

It was RESOLVED that:

CABINET Financial Monitoring Report – Quarter 2 28 January 2015	
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 2, be AGREED.
REASON	
1.	In order that Cabinet can effectively carry out monitoring 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.

99. Budget 2015/16 and Medium Term Financial Plan 2015/16
(Item 6 – Report of the Deputy Leader & Cabinet Member for Finance and Procurement, Mr John Simmonds and Andy Wood, Corporate Director for Finance and Procurement)

Cabinet received a report setting out the proposed budget for 2015/16, including a proposed council tax increase of 1.99% and the council's Medium Term Financial Plan 2015-18 for consideration and comment before it would be considered and agreed at County Council on 12 February 2015.

The Deputy Leader & Cabinet Member for Finance and Procurement introduced the item.

He began by congratulating officers for the timely production of a clear and detailed budget. He observed that the balancing of the 2014/15 budget would be extremely difficult as reported in the last item and that the setting of the 2015/16 budget had also presented significant challenges. The squeeze on local government finances would continue to present increasing problems in the future.

He went on to refer in particular to the following:

- i. That the consultation had been able to be launched earlier this year and as a result draft budget papers were published in time for consideration at the last round of Cabinet Committees. The opportunity to have an input at that stage had been welcomed by members. However this approach had carried a reported risk that there may be some late amendments and this had indeed been the case. Proposed changes were set out in the report and related to the Kent Support and Assistance Services and the proposed allocation of contingency for pressures emerging later in the current year.
- ii. Further changes may be required before the meeting of the County Council once information on the Council Tax collection fund balance and business rate taxbase had been received from the District Councils and the final settlement from Central Government.
- iii. Some criticism of the consultation had been received but it was believed by the administration that the strategic approach continued to be the most appropriate. This year the overall strategy had been endorsed by the consultation. Work would continue to try to raise the number of respondents in future years and any suggestions from members as to how this work could be strengthened would be welcomed.
- iv. The budget was necessarily a reflection of the further reduction in government funding this year; namely a £54million reduction to the Revenue Support Grant as part of overall £50million reduction to the Settlement Funding Assessment. The anticipated reductions in the 2015/16 settlement equated to 13% compared to 2014/15 settlement and as such were very significant.
- v. In total the reduction in all un-ring fenced grants (including those outside the main settlement) was estimated to amount to £56million
- vi. Proposals included a recommendation that the council tax be raised by 1.99%, which would raise £10.7million. This was more than the 'Freeze Grant' offered by Government and did not have the adverse effect of triggering a referendum; which would be costly to arrange and run. The tax base across Kent districts had increased and work was underway with them to establish whether this was as a result of additional households liable to pay Council Tax, changes in discounts and exemptions or improved collection. The final collection fund balance during the current year was expected shortly and would be included in the final draft to be considered by County Council
- vii. In total the package of proposed savings for 2015/16 was £88million., approximately 10%, and in line with the forecast made in previous years.

- viii. To illustrate the level of cuts and the need to make savings in order to produce a balanced budget again for 2015/16 Mr Simmonds explained that to compensate for the cuts by raising Council Tax would require an increase of between 15%– 20%, which would be wholly unacceptable.

The Leader, Mr Paul Carter, thanked Mr Simmonds for his comments and welcomed the proposed budget put forward for endorsement to Council. He reiterated the importance of working efficiently in order to manage the cuts in funding without the need for dramatic increases in council tax.

Dave Shipton, Head of Financial Strategy, confirmed that the budget book would be reprinted before the meeting of the County Council in order that all members were furnished with the very latest, clear and complete, information before making any decision on its adoption.

The Cabinet Member for Economic Regeneration, Mr Mark Dance spoke to the item to highlight the importance of continuing to pursue infrastructure improvements to support housing development and economic growth in the County.

The Leader agreed with the Cabinet Member and reiterated the importance of the Capital budget and of the infrastructure of the County needed to support the growth agenda.

It was RESOLVED that, taking into account proposed amendments from Cabinet Committees and any necessarily late changes to the draft budget and MTFP, the proposed budget, Council Tax precept and MTFP be endorsed to County Council for approval on 12 February 2015.

100. Elective Home Education Policy

(Item 7 – Report of the Cabinet Member for Education and Health Reform, Mr Roger Gough and Patrick Leeson, Corporate Director for Education and Young People’s Services)

Cabinet received a report presenting for approval the revised Elective Home Education (EHE) Policy and proposed process of engagement.

The Cabinet Member for Education and Young People’s Services, Mr Roger Gough, introduced the item. He reminded members that the report before them was a revised version of a report and policy previously received and deferred in July 2014. Further reflection had taken place since then including consideration by the Education and Young People’s Cabinet Committee and was presented again for consideration and endorsement.

The policy was, in part, a response to the significant increase in EHE registrations and a change in the composition of those families represented on the register. Mr Gough described the difficulties that this variety of circumstances under one umbrella could create, further complicated by the unclear nature of the legislation and guidance in the area and the disjoin between the authorities obligations and powers.

He reported that KCC had a responsibility to support those parents schooling children at home, where that help was desired or where it was apparent that a child was not getting a proper education.

The policy responded to the latter of the circumstances described in paragraphs 4.2 and 4.3, which created a range of criteria designed to identify families or children experiencing difficulties. A visit would be offered to any family identified and where that offer was declined the authority would not feel able to state that a suitable education was being provided and as a result those children would be classed as 'missing education'.

Mr Gough stressed that intervention powers would only be used in a last resort and that KCC was committed to working with parents who wished to educate their children at home to do so in the way that they desired. A process of engagement would follow any approval by Cabinet.

Patrick Leeson, Corporate Director for Education and Young People's Services was invited to speak to the item to clarify for members the changes from the draft received in July 2015. In particular he referred to the following:

- i. That the policy for consideration was a revision of the existing KCC policy which sought to encourage parents to register and following registration provide help and support and at the same time address the issue of whether the education being delivered was suitable. It attempted to balance the statutory duty of the Council to ensure children were suitably educated against a parent's right to undertake home-schooling. However it became clear from monitoring work undertaken that approximately half of the children in the county receive education at home were not being visited, as numbers on the register grew and more children joined in adolescence who had experienced problems at school, this became a cause for concern.
- ii. The revised policy, therefore sought to maintain the balance between the responsibility of the council and the rights of parents whilst ensuring that all children received a suitable education. The new policy recommended that where there was 'a reason to believe' identified by the criteria, highlighted previously by Mr Gough, that a suitable education was not being provided, the intention to meet with the parents would be stronger and if parents refused the invitation the child would be classed as 'missing school' and further action taken.

Mr Leeson concluded by assuring members that although this revised policy was necessary to protect those children at risk of receiving a poor education, the considerable majority of parents that chose to school their children at home provided a good standard of education.

The Leader asked for clarification regarding the engagement with families regarding the new policy; Mr Gough confirmed that in the weeks following the agreement of the revised policy, KCC would seek to engage as widely as possible with EHE families to receive feedback on the policy.

CABINET	
Elective Home Education	
28 January 2015	
1.	That the revised Elective Home Education Policy be

	AGREED.
2.	That a process of engagement with EHE families, be UNDERTAKEN.
REASON	
1.	In order that KCC's EHE Policy is robust and fit for purpose.
2	In order that the views of families that school their children at home are heard and concerns addressed.
ALTERNATIVE OPTIONS CONSIDERED	None.
CONFLICTS OF INTEREST	None.
DISPENSATIONS GRANTED	None.

101. 14/00127 KCC Community Wardens Service - Public Consultation Response
(Item 8 – Report of the Cabinet Member for Community Services, Mr Mike Hill and Barbara Cooper, Corporate Director for Growth, Environment and Transport)

Cabinet received a report seeking agreement of a redesign proposal for the Community Warden Service.

The Cabinet Member for Community Services introduced the item and in particular referred to the following:

- i. That the 2014/15 budget as approved by County Council had included within it a 50% reduction in the Community Warden Service budget to be implemented before April 1 2015.
- ii. A redesign proposal was considered and endorsed for the purposes of consultation by the relevant Cabinet Committee on 17 September 2014. The proposal was designed to achieve community warden cover for all areas of the county and to make the savings required by the budget.
- iii. A consultation was launched and the council received 9 petitions and 1200 individual responses; including many from parish councils. The headlines included:
 - Community Wardens were greatly valued as a service, and as individuals.
 - The link between the Community Warden and the wider community was strong.
 - There was support for the concept of volunteer wardens and for the possibility that local communities could purchase parts of the service.
- iv. As a result of the responses to the consultation, he had been concerned that the original proposal did not meet the needs of the local communities and his colleagues in the Cabinet had supported a new proposal which would meet the needs of the communities whilst also still delivering substantial, if reduced, savings.

The revised proposals had been considered and endorsed by the relevant Cabinet Committee and were recommended to Cabinet for approval.

Stuart Beaumont, Head of Community Safety and Emergency Planning, spoke to the item, he informed Cabinet Members that it would be possible under the new proposals to maintain the current level of wardens.

He also reported to members that a meeting between Kent Association of Local Councils, Kent Police and Kent County Council had discussed the possibility of having volunteer wardens. The proposal had been very well received by all parties present and a working group established to steer the project. Financial support would be requested toward uniforms and training from all three parties involved. It was hoped that a pilot project would be launched in 2015.

That payment by parishes for additional local community wardens had been suggested but the £25,000 cost was considered prohibitive at the present time. The possibility would continue to be explored, as would other innovative ideas, by the new working group.

The Cabinet Member for Corporate and Democratic Services spoke to the item to recommend that the working group look to reduce the cost of training volunteers by working alongside the police special constable programme.

It was RESOLVED that

CABINET KCC Community Wardens Service 28 January 2015	
1.	That the preferred option for future delivery of the Community Warden Service, as set out in 8.2 of the report, be AGREED
REASON	
1.	In order that KCC can continue to provide a service that meets the needs of local communities whilst also making essential savings.
ALTERNATIVE OPTIONS CONSIDERED	None.
CONFLICTS OF INTEREST	None.
DISPENSATIONS GRANTED	None.

Cabinet thanked Stuart Beaumont, who would retire at the end of March 2015, for his hard work, dedication and success in the field of community safety and emergency response.

102. Development of the Wilderness Site in Sevenoaks to construct 2 new secondary school buildings - Sevenoaks Grammar Annexe and Trinity School

Open minute

(Item 9 – Report of the Cabinet Member for Corporate and Democratic Services, Mr Gary Cooke and the Cabinet Member for Education and Health Reform, Mr Roger Gough)

Cabinet received a report in two parts, one being open to the public and the other containing information exempt from publication under paragraph 3 of schedule 12a of the Local Government Act 1972.

The Leader introduced the item in public session. He explained to members that the decision was in two parts and related to the building of Trinity Free School and to the application to build a Grammar School annexe, both at the Wilderness Site in Sevenoaks.

It had been hoped, he reported, that a decision would have been forthcoming from the Secretary of State for Education on the legality of the Grammar school annexe by the time of the meeting, but that had not been the case and therefore various options for progression would be considered following the exclusion of the press and public owing to the commercial sensitivity, and financial nature, of the information to be discussed.

Motion to Exclude the Press and Public

It was RESOLVED that:

Under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.