

## KENT COUNTY COUNCIL

---

### CABINET

MINUTES of a meeting of the Cabinet held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 21 March 2016.

PRESENT: Mr P B Carter, CBE (Chairman), Mr M A C Balfour, Mr G Cooke, Mr M C Dance, Mr G K Gibbens, Mr R W Gough, Mr P M Hill, OBE, Mr P J Oakford and Mr J D Simmonds, MBE

### UNRESTRICTED ITEMS

#### **155. Apologies and Substitutions**

*(Item 2)*

No apologies for absence were received.

Mr Graham Gibbens, Cabinet Member for Adult Social Care and Health reported that he would leave the meeting at 11am.

#### **156. Declarations of Interest**

*(Item 3)*

No declarations of interest were received.

#### **157. Minutes of the Meeting held on 25 January 2016**

*(Item 4)*

The minutes of the previous meeting were agreed as a correct record and signed by the Chairman accordingly.

#### **158. Revenue and Capital Budget Monitoring 2015-16 - Quarter 3**

*(Item 5)*

Cabinet received a report providing the budget monitoring position for both the revenue and capital budgets as at quarter 3, including an update on key activity data.

Mr John Simmonds, Cabinet Member for Finance and Procurement introduced the item for members. He began by reporting the key themes from the revenue budget position; in particular he drew attention to the following:

- i. The he was pleased to report a quarter 3 projected underspend of £2.04million.
- ii. That this figure would be impacted by planned roll forwards, including £90k for the Kent Youth Employment programme, £150k for the Kent Safeguarding Board as well as some elements of the Kent and Medway Vulnerable Adults budget. Taking these in to account the projected underspend was reduced to £1.726million. In addition there were further roll forwards conditional on a balanced budget that would reduce the projected underspend to approximately £141k
- iii. Unaccompanied asylum seeking children budgets continued to show a pressure despite the latest grant calculations, but the figures for new entrants had been well within estimate and that was encouraging.

- iv. The Adults Social Care portfolio also continued to experience significant pressures, currently showing a pressure of just over £5million in part as a result of increased activity at the end of the 2014/15 financial year.
- v. The Education and Young People's budget continued to experience pressure on the SEN transport budget, offset in part by savings made on home to school transport and Young Persons Travel Passes.
- vi. The Growth, Environment and Transport Portfolios showed a satisfactory position; in particular increased income from registration activities was pleasing.

Mr Simmonds concluded, in relation to the revenue budget, that the overall picture was satisfactory but that the last quarter would be critical if the desired budget roll overs were to be achieved.

In relation to the Capital Budget Mr Simmonds informed members that of the £375million budget the forecast outturn was currently £259m. The £115million variance was largely a result of the normal timing and rephasing issues with only £1.8million being 'real' variance.

Following a question from the Leader My Wood, Corporate Director for Finance and Resources confirmed that he was confident that a balanced budget would be achieved.

It was RESOLVED that:

<b>Cabinet 21 March 2015</b>	
1.	That 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 3 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

### **159. Performance Monitoring 2015-16 - Quarter 3**

*(Item 6)*

Cabinet received a report containing information on the key areas of performance for the authority as at quarter 3.

Richard Fitzgerald, Business Intelligence Manager – Performance, was in attendance to present the item. He introduced the item for members and in particular referred to the following:

- i. That overall performance for the authority was good with most indicators reported as 'green'; performance on or above target and the net direction of travel was positive.
- ii. He continued by drawing members attention to the following specific areas of performance:
  - a. Customer Services had showed good performance in relation to call answering but website visitor numbers and user satisfaction remained under target.
  - b. Growth, Environment and Transport Directorate performance was good, in particular, performance for waste recycling and diversion from landfill targets had been very good.
  - c. Education and Young People's Services had shown performance ahead of target for schools rated 'good' or 'outstanding' by ofsted and although the number of NEETs aged 16-18 recorded was higher than desired, the number of young people in apprenticeships had increased and youth unemployment was at an all-time low.
  - d. Specialist Children's Services had shown improved performance in the percentage of case file audits judged to be 'good' or 'outstanding' and positive reductions in caseloads were also recorded. In addition the number of children who were subject to child protection plans was at its lowest since March 2013. The numbers of children in need were 3% lower and the local number of children in care 5% lower, than at this time last year but pressure remained from unaccompanied asylum seeking children.
  - e. In the Adult Social Care portfolio, the number of 'promoting independence' reviews undertaken had increased and an improvement in good outcomes following enablement was also recorded although the enablement throughput remained behind target. An increase in the number of older people entering residential and nursing care was reported for quarter 3 but the numbers remained within target. Pressure remained in relation to delayed transfers of care and that was a local and national trend.
  - f. Public Health had shown reduced performance in relation to the delivery of 'health checks' largely attributed to pressures in the primary care environment in which the checks were administered. A new indicator was reported, following the transfer of health visiting responsibilities to the local authority in October which showed that performance levels had been maintained during the transition period.

The Leader spoke to the item and referred to recent comments from government ministers regarding the nature of local government involvement in education and the benefits of academisation. He felt that it was therefore timely to conduct some further analysis on the performance of academies and for members to be provided with evidence as to whether academisation had led to improved educational standards. Mr Carter accepted that some of the work would be difficult to analyse, as the first academies were made up of those who were forced to change as a result of poor performance as well as those schools who voluntarily became academies. Patrick Leeson, Corporate Director of Education and Young Peoples Services commented to

remind members that the most significant improvements in Kent had taken place in Primary Schools where the vast majority were not yet academies and while this improvement had been a collaborative effort he maintained that the input of the local authority had been crucial. In relation to secondary schools, he reported that the majority of those schools that were cause for some concern were academies. Richard Fitzgerald confirmed that this work could be undertaken.

It was RESOLVED that the report be noted.

## **160. Commissioning Plan for Education Provision 2016-20**

*(Item 7)*

Cabinet received a report seeking agreement of the updated Commissioning Plan for Education 2016-20. The Leader invited Mr Roger Gough, Cabinet Member for Education and Health Reform and Patrick Leeson, Corporate Director of Education and Young People's Services to introduce the item and reported that Professor Ann Bamford, of the Arch Diocese of Southwark would be speaking to the item.

Mr Gough began by referring to the following matters:

- i. That the Commissioning plan had been in existence since 2012 and was updated annually.
- ii. He reported that the plan predicted an accelerated increase in the need for secondary school places. In recent years the focus had been on the expansion of primary schools and this was maintained in 2016-17 where 16 additional permanent forms of entry were planned compared to 6 in secondary schools. This would level out in the following year with secondary expansions taking over from 2018-19.
- iii. The Commissioning plan was designed taking in to account evidence and projections from a number of sources including birth rates, inward migration and significant actual, and planned, house building and although the increase was likely to be county wide there were likely to be pockets of acute pressure, North West Kent in particular.
- iv. The report included information on financing and it was clear that there were likely to be pressures on delivery of the plan. Work would be undertaken to ensure that the programme was delivered and alternative means of delivery investigated to ensure that this was done in the most cost effective manner while still achieving the objectives of the local authority.
- v. Other changes to the plan included strengthening of sections on Special Education Needs, Early Years and Post 16 education.
- vi. Referring to the speaker in attendance, Professor Ann Bamford, Mr Gough reported that they had met and discussed each school in detail and that he hoped it had been helpful. He liaised with District Councils about the plan as a matter of custom and felt it was sensible to also include the three diocese in Kent in these discussions

Patrick Leeson, Corporate Director of Education and Young People's Services spoke to the item and thanked the schools of Kent for the help that they had provided to the local authority in delivering the plan to date. Approximately 25% primary schools had been expanded and that could not have been achieved without significant input and cooperation from Head teachers and governing bodies. Going forward, the plan would be even more challenging to deliver; by 2019-20 the plan projected the need for 40 additional forms of entry in primary schools and 39 in secondary schools. This

would create 4000 additional places, as reported, the balance would shift toward the need for secondary school places and they could often be more challenging to provide. In addition the capacity to expand existing schools would continue to reduce and therefore create a reliance on new schools being created. One route to achieving the creation of new schools was through sponsored arrangements for free schools and academies and KCC was working hard with the government to make sure that any new schools were located in areas of basic need. In the future decisions would need to be made about whether to continue to receive proposals from the department on an adhoc basis or whether the local authority should run a competition on the open market to deliver schools in an identified area. It was important that Members recognised the shifting landscape of education provision in Kent, and nationally; opportunities to make decisions and assert influence were reducing and a balance had to be sought between meeting the need for places, satisfying parental expectations and delivering the programme within cost, the expansion of some schools was prohibitively expensive and this had been an issue with some of the proposals made by the Arch Diocese of Southwark.

Professor Ann Bamford, Director of the Education Commission for the Arch Diocese of Southwark spoke to the item for three, as invited; in particular she referred to the following:

- i. That she was pleased to hear that KCC valued the partnership working that had taken place to date. The partnership between church and state and the excellent work to provide places for children in Kent between them, remained strong.
- ii. That the Arch diocese had made a written response to the plan and that had been included in the papers for the meeting. It was enthusiastic about the general proposals for the expansion programme and welcomed the sensible principles underpinning choices for expansion. The Commission had undertaken its own work and had identified schools that met all of the criteria for expansion. At the meeting to which the Cabinet Member had referred, each catholic school in the county had been assessed in order to identify those that could be cost effectively expanded and Prof. Bamford had been able to share with the Cabinet Member the innovative ways that the Commission work with other authorities to provide low cost and efficient expansion of our schools.
- iii. That 90% of catholic schools in Kent were rated as 'good' or 'outstanding' but the diocese was concerned that the proportion of places in these high performing catholic schools has declined steadily in Kent. In real terms there had been a decrease of just over 10% as the catholic sector has declined by 0.5% while the overall sector has increased by approximately 9%.
- iv. The proportion of Catholic children within the pupil population in Kent was approximately 10% while the provision of catholic school places currently hovered at approximately 5%. Furthermore, Prof. Bamford claimed that inward migration strongly favoured catholic families especially those from Poland and other Eastern European countries. Yet, despite this and the large number of expansions in the primary school sector, the catholic sector had not had any increase in places, funded by KCC, in the last 5 years.
- v. That the commission was pleased that three catholic schools had been identified for expansion in the coming year and hoped that this trend would continue. The Commission believed that the catholic school sector could make a valuable and positive contribution to the provision of additional places

for all children in Kent and asked Cabinet Members for their support in redressing the decline in places that had occurred over last 5 years.

The Leader thanked Professor Bamford and following a question she confirmed that currently the Catholic church could not sponsor free schools as any religious requirement for pupils was capped at 50% and this would not accord with the charity law by which catholic schools are governed. However the government was revisiting this position and if the cap were amended the diocese would be keen to open free schools.

Mr Gary Cooke, Cabinet Member for Corporate and Democratic Services welcomed the plan and the success it had brought to date in achieving its aims, not least facilitating parental choice. He also highlighted the good work of the property group in delivering the expansion programme. The Cabinet Member for Education and Health Reform responded to report that, secondary offer day had just passed and had seen an increase in the number of families achieving their first preference and a significant reduction in the those families who had not secured any of their choices.

Education Commissioning Plan Cabinet 21 March 2016	
1.	That the Commissioning Plan for Education Provision 2016 – 20 be agreed
Reasons	
1.	In order that the forecasts and relevant actions are agreed and future need can continue to be met.
Alternative options considered and rejected	None.
Dispensations received	None

**161. Lower Thames Crossing - KCC Consultation Response**  
(Item 8)

Cabinet received a report outlining the proposed response from KCC to Highways England’s (HE) consultation on the Lower Thames Crossing (LTC) route options.

The Leader introduced the item and set out briefly the reasons for executive support for option C. Although he empathised with residents who may be affected by the route, he and the executive believed it to be the best option subject to two crucial matters being resolved; firstly that the ‘WSL’ route be used to link the A2/M2 to the option C solution and secondly that the proposed links to the A226 should not be undertaken objection.

Mr Mathew Balfour, Cabinet Member for Environment and Transport introduced the item, in particular he referred to the following:

- i. That KCC was responding to a consultation and not making any decision on the proposals. He expressed sympathy with anyone who might be affected by the proposals for a new crossing but also regarded relief of issues for residents of Dartford and elsewhere as a priority.

- ii. That the channel tunnel was crucial to trade and delivery in Britain and, as it could not be moved, Kent must facilitate HGV traffic in a way that was as efficient as possible and that impacted upon local roads as little as possible. This was the basic principle behind the support for option C.
- iii. KCC supported the inclusion of a tunnel that was as long as possible in order to protect the environment and reduce the impact of emissions.
- iv. That the WSL was crucial to the support of KCC for option C and for the success of an option C Thames Crossing.

Katie Stewart, Director of Environment, Planning and Enforcement reported that the response for consideration was the product of consultation with both the Growth, Economic Development & Communities Cabinet Committee and the Environment and Transport Cabinet Committee and with local councils potentially affected by the proposals.

The Leader expressed concern regarding the lack of long term strategic vision displayed by HE and felt that it was crucial to achieving satisfactory outcomes for the strategic highways network in Kent, in particular the links between the option C solution and the M2 corridor and M20 corridor.

Mr Mark Dance, Cabinet Member for Economic Development reported from the last meeting of SELEP: Medway Unitary Council would also be supporting the WSL option; and a debate took place about the length of time that the development would take to deliver and how to ensure that plans made now would be fit for purpose once realised.

Joe Ratcliffe, Transport Strategy Manager, spoke to the item to further confirm the need for a strategic overview to any proposals, including the link between the M2 and the M20; the A249 connection and all the other improvements and other considerations contained within the proposed response and on which KCC support was dependent.

It was RESOLVED that the proposed response be endorsed.

## **162. Legal Services - Procurement Project**

*(Item 9)*

[This is a public minute of an 'exempt' item].

Cabinet received a report providing details of the conclusions drawn from the Facing the Challenge market engagement for Legal Services and putting forward recommendations for approval on the outcome of the procurement process, the implementation of the council's commissioning strategy and a new service delivery model for Kent Legal Services.

Geoff Wild, Director of Governance and Law introduced the report for members and highlighted the key findings of the work undertaken and the recommendations for consideration by members.

Ben Watts, Head of Law – Litigation and Social Welfare and Guy Record, Strategic and Corporate Services, Finance and Procurement were also in attendance to provide information for members. Guy Record gave a presentation which set out the

approach taken to assessing value for money and a comparison of the two options considered.

Cabinet welcomed the report and the information provided by officers present. Cabinet considered carefully the information received, put forward views and asked questions of officers who in turn provided responses.

It was RESOLVED that

<b>Cabinet 21 March 2015</b>	
1.	That the Council does not enter into a joint venture and officers be instructed to advise the remaining bidder that their bid has been unsuccessful be agreed
2.	That the creation of a wholly-owned company and seeking of Solicitors Regulation Authority approval for it to operate as an Alternative Business Structure for the delivery of legal services to the Council and the wider market be agreed
3.	That the conclusion of the procurement process by awarding the contract for legal services to the wholly-owned company be agreed.
<b>Reason</b>	
1, 2 & 3	In order that the core objectives of the review; to create a service which is better, cheaper and more profitable can be achieved in the most effective manner.
Alternative options considered	Alternative options were fully considered during a lengthy process that is fully documented in update reports to the Policy and Resources Cabinet Committee.
Conflicts of interest	None
Dispensations granted	None