

## KENT COUNTY COUNCIL

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### CABINET

MINUTES of a meeting of the Cabinet held in the Council Chamber on Thursday, 21 March 2024.

PRESENT: Mr R W Gough (Chairman), Mr N Baker, Mrs C Bell, Mrs S Chandler, Mr D Jeffrey, Mr R C Love, OBE, Mr D Murphy, Mr P J Oakford, Mr D Watkins and Mr R J Thomas

### UNRESTRICTED ITEMS

#### **40. Apologies**

*(Item 1)*

No apologies were received.

#### **41. Declarations of Interest**

*(Item 2)*

No declarations of interest were received.

#### **42. Minutes of the Meeting held on 25 January 2023**

*(Item 3)*

RESOLVED that the minutes of the meeting on 25 January 2024 were a correct record and that they be signed by the Chair.

#### **43. Cabinet Member Updates**

*(Item 4)*

1. Mr Watkins, Cabinet Member for Adult Social Care and Public Health, provided an update on the following:
  - (a) The Tobacco and Vapes Bill which aimed to protect future generations across the UK from the harmful impacts of smoking and build a better future for children was introduced by Parliament on 20<sup>th</sup> March 2024. Under the new Bill, it would be an offence to sell tobacco products to those born on or after 1 January 2009, meaning that anyone who turned 15 years or younger in 2024 could not legally be sold tobacco products and it imposed certain restriction around vapes. Mr Watkins wrote to Kent MPs on 19<sup>th</sup> March, seeking support that the same measures be enforced for vapes. This would have a big impact on Public Health outcomes if achieved.
  - (b) A number of consultations had been launched, including:

- Best Start for Life - Nurturing little hearts and minds: a perinatal mental health and parent-infant relationship strategy sets – closes 3<sup>rd</sup> April
- Best start for Life - Nourishing our next generation: a 5-year infant feeding strategy – closes 3<sup>rd</sup> April
- Adult Social Care Charging Policy – closes 7<sup>th</sup> April
- The Future of Blackburn Lodge Care Home – closes 7<sup>th</sup> May

(c) The Technology Enabled Lives Service (TELS) was launched at the end of 2023 which enabled adults to stay safe and live more independently in their own home through the use of person centred, innovative technology. To showcase the equipment offered through the service, a stall would be on display at Full Council on 28<sup>th</sup> March.

2. Mrs Chandler, Cabinet Member for Integrated Children’s Services provided an update on the following:

(a) On Thursday 22<sup>nd</sup> February Mrs Chandler, alongside the Leader and Corporate Director for Children, Young People and Education, met with Michael Tomlinson, the Minister for Countering Illegal Migration, at a visit to the Kent Intake Unit in Dover. Concerns were raised in relation to the challenges that Kent faced with large numbers of Unaccompanied Asylum Seeking Children (UASC) arriving on Kent’s shores and the measures in place, including the opening of new Reception Centres, to ensure that Kent continued to meet its statutory obligations. Minister Tomlinson welcomed the progress Kent was making and welcomed the continued close cooperation between Kent County Council and the Home Office to ensure robust safeguards were in place for those children who come into the county.

Kent County Council continued to make the case for fair distribution of UASC across the other local authorities via the National Transfer Scheme (NTS) to ensure that the council could continue to meet its legal responsibilities for what was a national, not a local issue.

(b) There had been a number of UASC arrivals at the start of the year, which had been the busiest on record. Preparations were actively underway to open new Reception Centres in 9 locations around the county to help manage the continued pressures presented through the arrival of new UASC. Mrs Chandler had met with local MPs and councillors in those 9 areas to help provide reassurance to residents around the nature of the sites. Mrs Chandler confirmed that all Reception Centre placements would strictly be on a temporary basis and that there would be staff on site 24 hours a day, as well as a schedule of activities in place for residents to help them prepare and adapt to life in the UK.

- (c) Ofsted carried out a focused visit inspection of Kent at the end of January. The Inspection was carried out under the ILACS framework and covered the Canterbury and Folkestone and Hythe districts. The inspectors focused on child in need, child protection, children's entry into care, and 16 and 17 year old young people who present as homeless.

Ofsted's findings were published on 27th February 2024 in the form of a letter, which concluded that Kent County Council continued to provide a high quality of service, with only minor areas of improvement identified, which the service would look to address.

Mrs Chandler expressed thanks to all the staff for their hard work in preparing for the visit and helping the council to achieve a positive outcome once again.

- (d) Kent County Council received confirmation in December that it had been successful in its bid to become a Children's Social Care Sector-Led Improvement Partner for 2024-25; and would be working closely with other local authorities to help them improve their children's services. The feedback as part of the process indicated that the council had met or exceeded expectations by demonstrating the quality of contextual safeguarding, commitment to ongoing improvement and quality of leadership.

- (e) World Social Work Day was on 19<sup>th</sup> March. Mrs Chandler paid thanks to Kent's Social Workers for all the hard work they do every day.

3. Mr Love, Cabinet Member for Education and Skills, provided an update on the following:

- (a) Friday 1<sup>st</sup> March was secondary school offer day. This year, 96% of applicants received an offer from one of their four preferred schools, the highest proportion of the cohort in the last five years. The proportion of Kent pupils offered a place at their first-preference school increased this year to nearly 79%. The second round of offers would be held on Thursday 25<sup>th</sup> April for any spaces that become available.

Bespoke arrangements were made for applicants to the Isle of Sheppey Academy. Mr Love advised that once a final decision had been determined by the Department for Education regarding its proposal to open two new academies on Sheppey, Kent County Council would be writing to those parents with further information about their child's school place.

- (b) Friday 15<sup>th</sup> February was the Phase Transfer deadline for those children and young people with an Education, Health and Care Plan. This year, an up-to-date EHCP was issued for nearly 92% of placements.

Bespoke arrangements were still being considered for the remaining 8%. All parents were contacted by email or post to provide them with an update

where the deadline could not be met. Work was underway to complete these as soon as possible so that pupils and parents could start to plan for September. In most cases the delays in the 8% were identified as being due to school capacity issues rather than issues with the council's internal processes, which were significantly more robust than they were in the past. However, further planned improvements to the Phase Transfer process were planned for next year.

- (c) On Friday 15<sup>th</sup> March Mr Love was invited by Kent Parents and Carers Together (PACT) to open their conference in Broadstairs for providers from across Kent who offered services of support for children with additional or special needs. Mr Love later joined a question-and-answer panel, accompanied by the Director of Education and other participants. A significant amount of work was being undertaken by PACT to map the services available to parents and carers and to identify gaps and duplication and improve signposting.
  - (d) On Wednesday 13<sup>th</sup> March Mr Love visited the Turner Free School in Folkestone and was joined by ITV Meridian News. Mr Love commented on the excellent provision that was in place to accommodate SEND pupils within their mainstream offer and was able to hear about the progress that young people were making. Mr Love reaffirmed that, where appropriate, mainstream provision offered the best outcomes for pupils with Special Needs, whether or not they had an Education Health and Care Plan (EHCP). Mr Love paid tribute to the Turner Free School Leadership, as well as all the staff at the school for a very informative visit and looked forward to visiting other schools across the county throughout the year.
4. Mr Thomas, Cabinet Member for Environment, provided an update on the following:
- (a) Mr Thomas thanked the team for the support he had received following his appointment as Cabinet Member for Environment. There was a significant amount of work underway across the service which would be presented to Cabinet Committee in due course and the bi-monthly newsletter would continue to be circulated on a bi-monthly basis to coincide with the Cabinet Committees to ensure both Members and residents of Kent were kept informed of the good work being done within the department.
5. Mr Murphy, Cabinet Member for Growth and Economic Development, provided an update on the following:
- (a) National Empty Homes Week commenced on 4<sup>th</sup> March and Mr Steve Grimshaw, KCC Strategic Programme Manager, provided interviews to the local media. Since the launch of the No Use Empty initiative in 2005, there had been 8,815 properties brought back into use and all funds that had been allocated from the KCC Treasury to support the scheme had been used and repaid within the 2023-2024 fiscal year. Consideration of new applicants for the 2024-2025 fiscal year were underway. Mr Murphy also addressed the rates generated by the scheme, having contributed an

additional £200k to the KCC treasury fund, and would continue to contribute a further £200k for 2024-2025, which included all administration costs.

- (b) The relaunch of the Kent and Medway Business Fund (KMBF) was underway. Since its inception ten years ago, it had created 5289 jobs. The fund was split into three main areas of operation; small business fund loans (primarily aimed at small and medium sized enterprises), large business fund loans and debt recovery (with rates below the national figures for banks as a whole). Mr Murphy paid tribute to Mr Ron Rossiter, a long serving member of the KMBF Board who had stepped down. Recruitment was underway to find suitable Board members.
  - (c) Mr Murphy, in conjunction with Mr Avtar Sandhu (*Chairman of the Growth, Economic Development and Communities Cabinet Committee*), visited Bexley Council to discuss issues of common interest within the economic field and subsequent meetings would take place in due course.
  - (d) Mr Murphy recently attended the 13<sup>th</sup> meeting of the Straits Committee held in Lille; a voluntary partnership supported by the British Embassy in Paris which sought to advance Kent's common interests with neighbouring areas of the channel. The meeting was attended by diplomats of the British Embassy in Paris, representatives of the French state and members of the Flemish government. Mr Murphy reported that Kent's partners from the British Embassy had agreed to add their voices to the campaign for cross-channel rail services in Calais, Ashford and Ebbsfleet. Furthermore, Mr Murphy, on behalf of Kent, also agreed to promote the Horizon Europe Programme which facilitated research, and which helped to optimise investment and collaboration in achieving common cross channel projects. It was also agreed that further events would be organised through the Straits Committee for young people to meet and share both their experience and ideology on culture, the environment and the economy. And finally, it was agreed that a new cross-channel exchange programme for primary schools to raise the awareness of climate change would be established, and this would be led by the Kent Downs AONB and its French partner, Regional Parc de Calais. Mr Murphy expressed his thanks to the department of Nord and to the British Embassy in Paris for their invaluable support and participation.
6. Mrs Bell, Cabinet Member for Community and Regulatory Services, provided an update on the following:
- (a) The funding received from the National Arts Grant Programme had enabled Kent County Council to launch virtual tours across 31 of its libraries. The introduction of virtual tours would help showcase the facilities on offer and also support visitors, particularly those with impairments, mental health conditions and those who were neurodivergent, to view the locations before their visit.

(b) In September 2022, the Government appointed Baroness Sanderson to conduct an independent national library review. A report on the initial findings was launched in February which identified:

- a lack of recognition from both national and local government on the work that libraries do
- a lack of awareness among the general public of what the modern day library offered
- a lack of comprehensive data on libraries; and
- a better sense needed as to what the Government wanted to see from libraries

The paper did not detail the finance or delivery model; however, it was anticipated that this would be included in the full strategy which was due to be published in the autumn. The key recommendations included the establishment of a national data hub, a national branding campaign to raise awareness, closer involvement of the British Library, expanded library membership, a stronger volunteer network and the creation of a Libraries Minister.

(c) The national Trading Standards led project, Operation Joseph, had granted £120k to Kent County Council over a 15-month period to help tackle illicit vapes at the ports. Those that were intercepted were linked to organised crime with one consignment containing 30kg of cocaine. Investigations were underway by the National Crime Agency, supported by Kent County Council.

(d) The annual Kent Community Safety Partnership Conference was held on 19<sup>th</sup> March 2024 at the Detling showground. The event was well attended by all key partners, including Matthew Scott, Kent Police and Crime Commissioner and focussed on anti-social behaviour and the range of activity in place across Kent to address the issue.

The Leader thanked the Cabinet Members for their updates.

#### **44. Late changes to the 2024-25 budget and 2024-27 Medium Term Financial Plan (MTFP)** *(Item 5)*

Dave Shipton (Head of Finance, Policy, Strategy and Planning) was in attendance for this item.

1. Peter Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services introduced the report which detailed the late changes to the approved 2024-2025 revenue budget. The changes to the 2024-25 share of Retained Business Rates growth (+£1.9m), Business Rates collection fund (+£2.7m) and estimated 2024-25 share of Business Rate pool (+£1.0m) and other specific grants (+£0.3m) increased the net revenue budget requirement from £1,423.6m to £1,429.5m, an increase of £5.9m in 2024-25. The paper also included a recommendation that the

collection fund was added to the local taxation equalisation reserve in accordance with existing policy and that the remainder was set aside in resilience reserves. This paper also updated Cabinet on other late changes since the County Council Budget meeting held on 19<sup>th</sup> February which did not impact on the net revenue budget requirement.

2. RESOLVED to agree to the recommendations as outlined in the report.

**45. 24/00021 - Revenue and Capital Budget Monitoring Report - December 2023-2024 (Q3)**

*(Item 6)*

*Dave Shipton (Head of Finance, Policy, Strategy and Planning) was in attendance for this item.*

1. Mr Oakford (Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services) introduced the December 2023-2024 budget monitoring report. The overall forecast position as at 31 December 2023-2024 was a revenue overspend of £30.0m before management action and capital underspend of £143.4m. The forecast overspend represented 2.3% of the revenue budget and continued to present a serious and significant risk to the Council's financial sustainability. Within the overall outturn position there were still significant forecast overspends in Adult Social Care & Health totalling £31.3m, and in Children's, Young People and Education totalling £28.3m. Application of the risk reserve contribution of £12.0m would considerably reduce the in year overspend; however, it was anticipated that a further substantial drawdown of reserves would be required. Further management action had been identified to help bring the forecast outturn to within budget and the results of that management action would be delivered in due course. The Capital underspend of £143.4m comprised £15.14m underspend on projects that had been rephased and £10.7m overspend where projects had run over cost.
2. Further to comments and questions from Members it was noted:
  - That whilst the reduction in overspend had been reduced to £30m, there remained a significant upward pressure, reinforcing the need to continue to deliver savings for 2024-2025
  - Members expressed their thanks to staff across the organisation for delivering on the management action which had resulted in a considerable reduction of overspend
3. RESOLVED to agree the recommendations as outline in the report.

#### **46. Quarterly Performance Report, Quarter 3, 2023/24**

*(Item 7)*

*Matthew Wagner (Chief Analyst, Strategy, Policy, Relationships & Corporate Assurance) was in attendance for this item.*

1. Mr Wagner outlined the report for Quarter 3 (Q3) which set out the performance data up to the end of December 2023. Mr Wagner said that out of the 38 KPIs contained within the Quarterly Performance Report (QPR), 17 achieved or exceeded target (rated Green), 12 achieved or exceeded the floor standard but did not meet the target (rated Amber), and 9 did not meet floor standard (rated Red). The direction of travel analysis indicated 7 with a positive trend; 20 were stable or with no clear trend (one more than the previous Quarter), and 11 were showing a negative trend (one fewer than the previous Quarter). Mr Wagner addressed the KPIs assessed as Red and the projected direction of travel, along with those that had seen an improvement in their performance levels.
2. Further to comments and questions from Members it was noted:
  - That whilst the number of Education Health and Care Plans (EHCPs) completed within a 20 week timescale was expected to remain below target, there had been a steady month-on-month improvement. These were as a result of new training, staff development, service restructuring and additional funding.
  - The KPIs for the Environment and Transport directorate were largely impacted by weather conditions and whilst they were essential to evidence trends, it was key to recognise that there was a lag in the figures reported and therefore did not reflect the current condition of the roads. However, real-time data was available, and this was reported on a weekly basis within the Highways and Transport team. Local and national resources had started to be utilised to improve the conditions of Kent's roads; however, this work would again only become evident in future quarterly reports. Reassurance was provided that whilst demand remained high, a significant amount of work continued to be delivered to ensure Kent's roads operated as efficiently as possible.
  - A paper would be presented to a future Cabinet by Mr Watts in his capacity as Monitoring Officer with a focus on statutory compliance issues, including Freedom of Information requests (FOIs) and Subject Access Requests (SARs), which required attention from Cabinet in respect of the current challenging operating environment.
3. RESOLVED to agree the recommendations as outline in the report.

#### **47. European Union Entry Exit System**

*(Item 8)*

*Simon Jones (Corporate Director Growth, Environment and Transport) and Rebecca Spore (Director of Infrastructure) were in attendance for this item.*



1. The Leader introduced the report which set out the new European Union Entry Exit System (EES) which would bring in new border controls for tourists and freight, and highlighted both the operational risks to Kent and the Council's response to date, including proposed solutions and future actions in preparation for the implementation of the EES.

The EES was due to come into effect on 6<sup>th</sup> October 2024 and was expected to have a significant impact on businesses, residents and non-EU nationals. To mitigate the potential risks inherent to the implementation of the EES and ensure appropriate plans were in place, KCC had worked with the Department for Transport (DfT) to set up a number of task and finish groups which reported into Central Government. KCC were also in close communication with government officials, the British Embassy in Paris and the European Union to ensure Kent's issues were heard and where funding was required, seek assurance this would be available to mitigate the damaging effects should they arise. The Leader emphasised the impact that the EES would have across the entire Council and the degree of work that needed to be undertaken to ensure KCC services remained resilient amongst potential pressures.

2. Further to comments and questions from Members it was noted:
  - That the British Embassy had provided assurance that the risks to Kent were being raised at a national level between the UK and EU government and agreed to provide regular updates to ensure that KCC could effectively communicate local issues with its residents. Mr Murphy (Cabinet Member for Economic Development) was due to meet with colleagues in Calais regarding the use of existing stations at Ashford and Ebbsfleet International to ease the pressure of delays at St. Pancras. The Leader assured Members that all possible mitigating proposals, including pre-registration, had been evidenced to the Parliamentary European Scrutiny Committee.
  - Members commented on the need for a communication strategy to ensure residents and businesses were aware of the possible local and national impact.
  - That whilst the EES was not within KCCs control, it would have a significant impact on the assets which were within the Council's control and would require financial recompense for the mitigation mechanisms required to ensure as minimal disruption as possible to Kent residents, businesses and tourists. To seek recompense from Kent taxpayers on a cross-border issue would be unreasonable.
  - Senior officers within KCC were putting structures and processes in place based on worst-case scenario, but a clearer picture was needed to plan effectively. A report would be presented to Cabinet at a future

date which would demonstrate the mitigations in place in advance of the EES implementation date of 6<sup>th</sup> October 2024.

- The UK had developed a new 'Borders Target Operating Model' (BTOM) which aimed to standardise controls in relation to the safety and security of incoming goods from all trading partners, including the EU. Members noted the level of concern in Kent amongst businesses around the efficiency of the proposed arrangements and as outlined in the report, there were many potential risks which needed to be addressed.
  - Members noted the disruption on the road network that would be caused through Operation Brock as a result of managing the delays caused through the EES and that a permanent solution was required.
3. The Leader confirmed that a number of reports had been presented to the appropriate Cabinet Committees to keep Members and the public apprised of the ongoing preparatory work ahead of the EES implementation; however, the Council awaited further information to understand the impact of the EES in greater detail.
  4. RESOLVED to agree the recommendations as outline in the report.