

KENT COUNTY COUNCIL

CABINET

MINUTES of a meeting of the Cabinet held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 30 March 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

IN ATTENDANCE: Mr M Austerberry (Executive Director, Environment, Highways and Waste), Mr D Cockburn (Executive Director, Strategy, Economic Development & ICT), Mr P Gilroy (Chief Executive), Ms A Honey (Managing Director Communities), Ms L McMullan (Director of Finance), Mr G Mills (Democratic Services Manager (Executive)), Mr O Mills (Managing Director - Adult Social Services) and Ms M Peachey (Kent Director Of Public Health)

UNRESTRICTED ITEMS

1. Minutes of the Meeting held on 2 February 2009 *(Item. 2)*

The Minutes of the meeting held on 2 February 2009 were agreed and signed as a true record.

2. Revenue and Capital Budgets, Key Activity and Risk Monitoring *(Item. 3 - Report by Mr Nick Chard, Cabinet Member for Finance and Lynda McMullan, Director of Finance)*

(1) Mr Chard said that currently there was an expected under spend on the revenue budget of some £4.9m, excluding schools and asylum. Mr Chard also updated Cabinet on the position with the Council's investments in Icelandic Banks, as detailed in paragraph 2.1.3 of the Cabinet report. Of the £18 m held within the UK domiciled Heritable Bank, the County Council was anticipating a substantial recovery with the first repayments expected in July of -this year. Lynda McMullan said that it had been confirmed that monies KCC had deposited with the Dunfermline Building Society had now been transferred to the Nationwide Building Society. All previous asylum monies owed to the County Council had now been paid. Detailed negotiations with the Home Office continued over the last outstanding claim of some £3m.

(2) Cabinet:

- (i) noted the latest monitoring position on the revenue and capital budget
- (ii) noted the additional revenue grant income as identified in appendix 2 to the report
- (iii) noted the changes to the capital programme

- (iv) approved the transfer of £0.753m of additional allocation of Local Authority Business Growth Incentive scheme to the Regeneration Fund to support the delivery of the Regeneration Framework.

3. Annual Business Plans 2009-10

(Item. 4 - Report by Mr Paul Carter, Leader and Mr Peter Gilroy, Chief Executive)

(1) The presentation of the 2009/10 Business Plans have been amended to more clearly show the purpose and core objectives of each service and how the budget proposals for 2009/10 will impact on service delivery, and focus the deliverables for the year to the most important ones for the council as a whole, and not what may be deemed internal management targets. The Business Plans present the operation of the County Council services within the context of its Policy Framework and are clearly linked to its Medium Term Financial Plan and the Annual Budget as approved by the County Council on 19 February 2009. There would be reports on the Plans to the relevant Policy Overview Committees

(2) On the basis of each Cabinet Member's recommendation, Cabinet resolved to approve the Annual Directorate and Service Level Business Plans as listed in Appendix 1 to the report.

4. Community Infrastructure Provision: Review of Current and Future Service Strategies in Kent

(Item. 5 - Report by Mr Kevin Lynes, Cabinet Member for Regeneration and Mr David Cockburn, Executive Director – Strategy, Economic Development and ICT)

(Mr Paul Campion was present for this item)

(1) The "KCC Guide to Development Contributions and the Provision of Community Infrastructure was approved by Cabinet in March 2007. The Guide sets out the basis and methodology for the collection of monies from developers towards the provision of KCC infrastructure. The Guide has been instrumental in informing planning documents at district level but much greater emphasis is now being placed on negotiations underpinned by up to date policies and proposals which must be contained in new style development plans. The inclusion of policies of various kinds in Development Plan documents, including policies relating to the provision of community infrastructure, depend however on the preparation of a comprehensive evidence base which sets out and justifies the approach. The Service Provider Statements are intended to comprise the essential evidence base for the provision of Community Infrastructure and provide the link to emerging planning policies. The statements also informed the Medium Term Planning process, the Community Infrastructure levy charging schedule, the Regeneration Framework, What Price Growth 2 and lobbying documents to Central Government.

(2) Cabinet resolved to:-

- (i) approve the Service Provider Statements as a policy document to inform district Development Plan documents;
- (ii) approve that the Service Provider Statements be published for the purposes of consultation pursuant to Planning Policy Statement 12 and subsequently adopted as supplementary guidance;

- (iii) grant delegated authority to the Cabinet Portfolio holder for Finance and the Cabinet Portfolio holder for Regeneration to agree any amendments following the consultation and further approval by the service units Cabinet Portfolio holders and sign off the revised statements as supplemental guidance on behalf of the County Council; and

(iv) to delegate authority to the Cabinet Portfolio for Finance and the Cabinet Portfolio holder for Regeneration to sign off the revised statements on behalf of the County Council following the annual review and approval by the service units Cabinet Portfolio holders.

5. Kent International Gateway Planning Inquiry

(Item. 6 - Report by Mr Kevin Lynes, Cabinet Member for Regeneration and Mr David Cockburn, Executive Director)

(Mr Geoff Mee was present for this item)

(1) Mr Lynes said that the Kent International Gateway planning application raised a number of important strategic issues and a proposal of this scale would change the character of the surrounding area. The County Council had assessed the proposal against the policies of the Kent and Medway Structure Plan and the South East Plan and as a result of that assessment had already submitted a strong planning objection to the application. Mr Lynes said that the County Council had a responsibility to protect the Kent countryside and he highlighted in particular the main strategic planning objections summarised in paragraph 10 of the Cabinet report. Mr Mee spoke about the strategic transport implications arising from the application and said that overall in his assessment he did not believe the business case to be sound. Although the planning application had already been called in and would now be the subject of a local enquiry, Maidstone Borough Council would nonetheless be determining its view on the application in the near future. Mr Mee said that it was believed that the planning enquiry would get underway some time in September and could last for up to six weeks.

(2) Following further discussion, Mr King proposed, and it was agreed, that the recommendations set out in the Cabinet report be agreed.

(3) **RESOLVED:-**

- (i) that KCC's objections to the Kent International Gateway planning application, and its appearance at a planning enquiry to oppose the proposal be endorsed;
- (ii) the Executive Director, Strategy, Economic Development and ICT be authorised to appoint consultants and counsel as necessary, in consultation with the Cabinet portfolio holder for Regeneration; and
- (iii) the creation of a small reserve to manage expenditure fluctuations arising from the appeal process be noted.

6. Local Authority Proposed Co-ordinated Scheme for Primary and Secondary Schools in Kent and Admission Arrangements for Primary and Secondary School Community and Voluntary Controlled Schools 2010/11

(Item. 7 - Report by Mr Mark Dance, Cabinet Member for Operations, Resources and Skills, Mr Leyland Ridings, Cabinet Member for Children, Families and Educational Achievement, Dr Ian Craig, Interim Managing Director for Children, Families and Education and Mr Keith Abbott, Interim Managing Director for Children, Families and Education)

(Mr Scott Bagshaw, Head of Admissions and Transport was present for this item)

(1) In introducing this report Mr Bagshaw highlighted the main points in the report. The County Council in its capacity as the local authority is the admissions authority for Community and Voluntary Controlled schools, and was required to consult on its proposed admissions arrangements for those schools annually, and to determine its admission arrangements by 15 April each year. In proposing these admissions arrangements there had been wide consultation including Head teachers and Chairman of Governors of all Kent primary and secondary schools; neighbouring local authorities; diocesan bodies; independent schools; parents and parental groups together with the Admissions Forum. The Forum supported the continuation of the existing schemes and agreed the need for minor changes in the primary scheme dates in order to avoid the Easter holidays clash.

(2) During the course of discussion, Mr Carter spoke about the admissions and the appeals processes and said many of the difficulties which arose was because of the removal of powers from elected Members to quangos. Mr Dance spoke about the measures which the County Council was taking and also the discussions which it was having with neighbouring authorities such as Medway and Bexley in order to facilitate more grammar school places in West Kent.

(3) Cabinet agreed:-

- (a) the proposed scheme to co-ordinate admissions to primary schools in September 2010 be determined as set out in Appendix A to the Cabinet report;
- (b) the proposed scheme to co-ordinate admissions to secondary schools in September 2010 be determined as set out in Appendix B of the Cabinet report;
- (c) the over-subscription criteria detailed in Appendix A and Appendix B relating to Community and Voluntary Controlled primary and secondary schools are determined for 2010;
- (d) that the Published Admission Numbers for Community and Voluntary Primary and Secondary schools are determined as set out in Appendix A and Appendix B of the Cabinet report;
- (e) Cabinet also noted:-
 - (i) the comments made during the course of the consultation as outlined in Appendix C of the Cabinet report; and

- (ii) that from September 2010, the County Council would be required to administer all Casual Admissions (a process currently devolved to schools and academies) – a further consultation would take place later in the year to develop a “casual admissions schemes” which must be determined by no later than January 2010.

7. Review of Specialist Unit and Designated Provision in Mainstream Schools - Lead School Implementation

(Item. 8 - Report by Mr Mark Dance, Cabinet Member for Operations, Resources and Skills, Mr Leyland Ridings, Cabinet Member for Children, Families and Educational Achievement, Dr Ian Craig, Interim Managing Director for Children, Families and Education and Mr Keith Abbott, Interim Managing Director for Children, Families and Education)

(Joanna Wainwright of CFE was present for this item)

(1) This report sought agreement on a model of delivery to be evaluated as part of the pilot phase of the Unit Review and provided a general update on the progress of the implementation of Lead School provision. Mr Dance spoke about the importance of the County Council working with its partners in order to take this work forward. He spoke about the work which had already been undertaken during the pilot phase and a working group had now been established to manage the evaluation of the pilot and focus on testing out the key elements of the Review Strategy. Joanna Wainwright spoke about the successes which the review had brought about and the fact that children now had more ready access to facilities local to their home. She also spoke about the role of the lead school in helping to provide advice and support to other schools in their area. The timetable now was that following the evaluation of the pilot phase, a report would be submitted to Cabinet in Autumn 2010 and at the same time, proposals would be presented in respect of Phase 2.

(2) Cabinet resolved that progress on the Unit Review be noted together with the timetable detailed in paragraph 6 of the Cabinet report. Cabinet also noted the funding arrangements for the pilot phase and agreed the draft Policy Statement as a working document to be evaluated during the pilot period as detailed in Appendix A to the Cabinet report

8. Kent's Policy Framework for Later Life

(Item. 9 - Report by Mr Graham Gibbens, Cabinet Member for Adult Social Services, Mr Mike Angell, Older People's Champion and Debra Exall, Head of Strategic Policy)

(1) This report sought endorsement of Kent's Policy Framework for Later Life 'Living Later Life to the Full' and agreement that each of the Policy Overview Committees should be asked to consider the document and identify the strategic actions to be taken to deliver its aspirations after which it would be submitted to the County Council.

(2) During the course of discussion, Mr Angell spoke about the importance of older people having access to services and the consequences that can occur should there be any delays in receiving those services. He said that the issues highlighted in the report demonstrated the fact that this was a matter which cut across all areas

of KCC activity and therefore its importance needed to be recognised within that context. Debra Exall said that producing this report had identified and raised the profile of this important area and the Policy Overview Committees should now be invited to look at the report in detail and identify the aspirations and actions they would wish to see. Following that exercise there would be a further report to Cabinet and then it would be submitted to the County Council. Mr Marsh said that he was supportive of this work as it identified a number of important issues, such as providing older people with the opportunity to work longer and to use their skills. There was wide-ranging collaboration with other bodies in taking these matters forward, including the NHS.

(3) Cabinet resolved to endorse Kent's Policy Framework for Later Life and recommended that the report be considered as appropriate by the Policy Overview Committees and then by the County Council.

9. The Transfer of People with Learning Disabilities from the NHS to Social Care

(Item. 10 - Report by Mr Graham Gibbens, Cabinet Member for Adult Social Services and Mr Oliver Mills, Managing Director, Kent Adult Social Services)

(Miss Caroline Highwood, Director, Resources was present for this item)

(1) Mr Gibbens said that since this matter was reported to Cabinet in December 2008 a considerable amount of work had been undertaken to ensure that the County Council's interests are protected as far as possible. Real progress had been made and the previously outstanding risks had been substantially mitigated, although there were still some issues outstanding and work was continuing. It would be appropriate for the transfers to take place when the individuals and services were ready to transfer. Mr Gibbens said the risks of doing nothing far outweighed the risks of undertaking the transfer and believed that this agenda now needed to be moved forward. He placed on record his thanks to officers for their work on this matter and commended the report and its recommendations to Cabinet

(2) Mr Lynes said that his initial concerns around this matter, especially regarding the financial implications have now been addressed and he was confident that the level of risk would be robustly managed. Miss Highwood said that Lancaster University had been commissioned to produce an actuarial report on the likely rate of growth in numbers of service users (people with learning disabilities). Miss Highwood said that the Council would not be taking over any care contracts or services until there was complete confidence that they met regulatory requirements. Mr Mills spoke about the need to have in place the proper resources and safeguards and the report provided helpful intelligence which would enable the County Council to continue planning services for this group. However it should be enhanced by a full national study commissioned by the Department of Health to inform the future funding regime for all local authorities. The County Council, together with others, was therefore lobbying for such a study to be undertaken which would be critical to ensure the long-term security of this group of people. Ms McMullan said that the actuarial review would be important not just from the point of view of identifying the amount of money in the system, but also to validate the methodology about how it will be distributed. Peter Gilroy said that this matter raised some broader issues and it was therefore essential that there was some strategic national assessment of its impact. Mr Carter said he believed this transfer would be in the interest of those with

learning difficulties but given the complexity of the financing implications it was also important to make sure that this transfer was effectively managed to ensure the interests of the County Council were properly protected.

(3) Cabinet then:

- (a) agreed the transfer of people with Learning Difficulties from the NHS to Social Care, as detailed in the Cabinet report.
- (b) agreed that a rigorous campaign should be instigated to influence government for the appropriate distribution of funds, and for future growth in this service user group to be adequately provided for, and directly hypothecated.
- (c) agreed to continue lobbying on the issue of the obligation to repay the value of the capital assets.

10. Select Committee: Autistic Spectrum Disorder (ASD)

(Item. 11)

(Mr J Simmonds and Mr G Cowan were present for this item)

(1) In presenting this report as Chairman of the Select Committee, Mr Simmonds paid thanks to the officers who had supported it in its work and also to the Members who had served on the Committee. Mr Simmonds said autistic spectrum disorders were complex, and people with autism were amongst the most vulnerable and excluded in society. He said early diagnosis can lead to more successful outcomes but there was a shortage of specialists particularly amongst those working with adults. It was estimated that there was some 10-11,000 adults living in Kent who suffered in one way or another from a form of autism. Of those some 600 were receiving some level of support through Kent Adult Social Services. Mr Simmonds also spoke about the need to make available resources for research, training, advocacy and providing information material. It was estimated that the set up costs for this would be some £300,000. Mr Simmonds also said that recommendations 2, 5, 7 and 9 could only be achieved through working in partnership with other agencies and in particular the NHS. Mr Cowan said that the recommendations of the Select Committee relied on other partners playing their part in dealing with a condition for which there was no known cure. He said he did not want to see the outcome of the report as being seen as aspirational but rather as something which would be actively taken forward and implemented.

(2) Following further discussion Mr Gibbens said that he welcomed the report and he thanked the Select Committee for producing a relevant and well balanced document. Mr Carter said that the findings of this good report needed to be considered very carefully and it would now be discussed at a future meeting of the County Council.

11. Select Committee: Provision of Activities for Young People - Somewhere to go, someone to be

(Item. 12)

(Mr Alan Chell and Mr Geoff Rowe at present for this item)

(1) As Chairman of the Select Committee Mr Chell placed on record his thanks to his fellow Members and also to the officers who had supported it during its work. Mr Chell said that the Select Committee report contained some 17 recommendations some of which were new ideas whilst others were about how existing areas can be improved. Mr Rowe said that there was some diverse and yet at the same time patchy provision and that was something which the recommendations sought to address. He also spoke about the importance which public transport played in allowing young people to access youth services. The Freedom Pass had gone some way to address that issue but the Pass was only effective where there was good existing public transport. Also its effectiveness would be increased if it could be integrated with the rail network. However it was understood that currently the rail operators were not interested in being part of this scheme. Mr Rowe also spoke about the effectiveness of the links which the youth service had with Charlton Athletic Football Club and he also spoke about the need for youth services to recognise what was important in young People's lives and to respond accordingly.

(2) Mr Hill said he welcomed the report and said that the County Council was already doing some of the things which the Select Committee commented on in its report. For example working with schools to see if their facilities could be made available for community and youth services outside of normal school hours and working with district colleagues in developing integrated youth services. Mr Hill said he also welcomed the Select Committee's comments about working with the voluntary sector.

(3) Following further discussion Mr Carter thanked the Select Committee for its report which would now be discussed at a future meeting of the County Council.

12. National Year of Reading (NYR): A Legacy Beyond 2008

(Item. 13 - Report by Mr Mike Hill, Cabinet Member for Communities and Amanda Honey, Managing Director, Communities)

(Gill Bromley, Strategic Manager, Libraries and Archives and NYR Coordinator was present for this item)

(1) In presenting this report Gill Bromley highlighted the achievements of the National Year of Reading and spoke about plans to develop a Strategy for Reading and Literacy for Kent recognising that Reading is fundamental to Kent's economy and community health and well-being.

(2) Cabinet agreed:

- (a) to support the development of a Strategy for Reading and Literacy for Kent; as detailed in the Cabinet report; and ,
- (b) seek the support of all KCC members but as ambassadors was literacy and reading in their communities.

13. Decisions from Cabinet Scrutiny Committee - 10 February 2009

(Item. 14 - Report by Mr Alex King, Deputy Leader and Mr P Sass, Head of Democratic Services and Local Leadership)

RESOLVED that the report be noted.

14. Other items which the Chairman decides are relevant or urgent
(Item. 15 - Report by Peter Gilroy, Chief Executive)

(1) The Chairman declared consideration of this item to be urgent so that Cabinet and Members could be advised of the response by the County Council into report published by the Audit Commission into deposits by a number of local authorities and other bodies in Icelandic banks.

(2) All Council Members had received a letter from the Leader notifying them of the Audit Commission's extraordinary report into local authority deposits in Icelandic Banks. The County Council had already written to the Audit Commission expressing astonishment at the way it had handled its review of trapped deposits in Iceland and its arbitrary approach to labelling 7 Councils negligent. This was now the subject of a formal complaint made by the County Council to the Audit Commission. The Audit Commission had failed to take a strategic lead role in what is an international financial crisis and had also completely failed to acknowledge the ongoing risks that council's face in these unprecedented times. The County Council was now calling on the Commission to join forces with local government in partnership with central government to protect taxpayers' money in these turbulent times.

(3) Cabinet noted this report and supported the approach to the Audit Commission and Central Government.