

## KENT COUNTY COUNCIL

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### CABINET

MINUTES of a meeting of the Cabinet held in the Council Chamber, Dover District Council Offices, White Cliffs Business Park, Dover on Monday, 14 September 2009.

PRESENT: Mr P B Carter (Chairman), Mr N J D Chard, Mr G K Gibbens, Mr P M Hill, OBE, Mr A J King, MBE, Mr K G Lynes, Mrs S V Hohler, Mr R W Gough, Mr J D Simmonds and Mr R A Marsh

IN ATTENDANCE: Mr M Austerberry (Executive Director, Environment, Highways and Waste), Mr M Lemon (Head of Policy), Ms L McMullan (Director of Finance), Mr D Cockburn (Executive Director, Strategy, Economic Development & ICT), Ms A Honey (Managing Director Communities), Ms R Turner (Managing Director Children, Families and Education) and Mr G Mills (Democratic Services Manager (Executive))

### UNRESTRICTED ITEMS

#### **1. Minutes of the Meeting held on 13 July 2009**

*(Item 3)*

The Minutes of the meeting held on 13 July 2009 were agreed and signed as a true record.

#### **2. Welcome to Dover - oral presentation from Paul Watkins, Leader of Dover District Council**

*(Item 1)*

(1) Mr Paul Watkins, Leader of Dover District Council gave a presentation highlighting the key elements driving forward the future growth of Dover. He highlighted the proposed expansion of Dover Harbour to include the construction of four new ferry berths and a rapid transit link. He also outlined the District Councils plans for job creation and economic growth which included plans to create some 6,000 jobs and the construction of some 10,000 to 14,000 new homes. He also said that Dover's strategic needs were linked to improving transport links between London and Dover, finding a permanent solution to Operation Stack and building the A256 'missing link'. In concluding his presentation, Mr Watkins thanked Cabinet for visiting Dover to see at first hand what is being done and what needs to be done to ensure it has in place the economic, transport and social infrastructure to both meet and take advantage of the challenges and opportunities that lay ahead.

(2) On behalf of Cabinet, Mr Carter thanked Mr Watkins for hosting this visit and said Kent County Council shared in his vision and wished to do all it could to support Dover in its ambitions plans for the future.

### **3. Revenue and Capital Budgets, Key Activity and Risk Monitoring**

*(Item 4 – report by Mr John Simmonds, Cabinet Member for Finance and Ms Lynda McMullan, Director of Finance)*

(1) This was the first full monitoring report to Cabinet for the financial year 2009/10. The budgets reflected within the report had been realigned from what had been approved at the County Council meeting in February 2009 in order to reflect the new portfolio structure and to give a new starting point for the year.

(2) Mr Simmonds said that the revenue pressures detailed within the report were being addressed by Directorates but that Cabinet needed to be mindful that many of the savings which had been identified were “one-offs” and would not therefore continue into the medium term. He highlighted pressures within the Children, Families and Education budget and in particular increased activity levels for fostering with associated increased costs and also the fact that the Directorate was still seeking to recruit a number of trained staff to work within Children’s Social Services. Mr Simmonds gave an update on the latest position with regards to the County Council’s investments in Icelandic banks and Mr Carter said, and it was agreed, that there should be a specific report on this matter to the Cabinet meeting taking place on 12 October 2009. The position as far as the County Council recovering all its asylum costs remained unclear and the County Council continued to work with Hillingdon and Croydon Councils together with the Local Government Association in robustly challenging government on this issue. Following further detailed discussion Cabinet agreed:-

- i. to note the latest monitoring position on both the revenue and capital budgets.
- ii. to the realignment of budgets within the KASS portfolio as detailed in section 1.1.1 and 1.1.2 of annex 2 of the Cabinet report
- iii. to a virement of £0.1m from the treasury savings within the Finance portfolio to the Communities portfolio as a contribution towards the construction programme at Maidstone Museum.
- iv. to the proposal to overspend the Kent Highways Services revenue budget by £2.1m. Overall the EH&W portfolio would remain within budget due to underspending on Waste Management.
- v. to note the changes to the Capital Programme, as detailed in section 4.1. of the Cabinet report.
- vi. agreed that £43.281m of re-phasing on the Capital Programme be moved from 2009-10 capital cash limits to future years as detailed in section 4.11 of the Cabinet report, and,
- vii. note the latest Financial Health Indicators and Prudential Indicators.

#### **4. Strategic Risk Register**

*(Item 5 – report by Mr John Simmonds, Cabinet Member for Finance and Ms Lynda McMullan, Director of Finance)*

(1) The Strategic Risk Register records the key high level generic and specific risks that could adversely impact upon the County Council as a whole. The Register is presented to the Governance & Audit Committee annually and as part of that process Cabinet needed to be aware of the key risks and given an opportunity to identify any further risks and mitigating controls that should be included and to feel assured that all risks were being appropriately managed.

(2) Following discussion Cabinet noted the contents of the Strategic Risk Register and the intention to submit six monthly progress reports and to provide guidance on other risks to be included within the Register and mitigating controls.

#### **5. Local Act for amendment of Road Traffic Regulation Act 1984 - The Kent County Council (Filming on Highways) Bill**

*(Item 6– report by Mr Kevin Lynes, Cabinet Member for Regeneration & Economic Development, Mr Nick Chard, Cabinet Member for Environment, Highways & Waste and Ms Tanya Oliver, Director of Strategic Development & Public Access)*

(1) This report informed Cabinet of the proposal to introduce a Local Act to amend the Road Traffic Regulation Act 1984 in order to facilitate filming on Kent's highways and to seek endorsement of the Draft Bill.

(2) Mr Lynes outlined the purpose of the proposed Act which would give legal certainty to any road closures which the County Council may be asked to undertake to allow filming to take place on Kent highways. Since 2006 the Kent Film Office had been responsible for attracting over £13 million into the local economy through filming within the county and the County Council was therefore looking to do everything it could to ensure that the film industry continued to find Kent an attractive and convenient location for filming. Economically, the Bill would put Kent in a unique position as being the only UK region outside of London being able to undertake road closures for the purposes of filming through the use of dedicated legislation without having to resort to using other Acts whose legal certainty for this purpose was far from clear.

(3) During the course of discussion several Members of Cabinet spoke in support of the County Council promoting a County Council Filming on Highways Bill.

(4) Cabinet agreed to endorse and support a recommendation to the County Council that Kent County Council should pursue the introduction of a Bill that seeks an amendment to the relevant provisions of the Road Traffic Regulation Act 1984 giving the County Council powers to close roads for the purposes of filming.

#### **6. Kent International Gateway Planning Inquiry**

*(Item 7 – report by Mr Nick Chard, Cabinet Member for Environment, Highways & Waste and Mr Mike Austerberry, Executive Director, Environment, Highways & Waste)*

(1) On 30 March 2009 Cabinet considered a report on the planning application for a Strategic Rail Freight Interchange known as the Kent International Gateway, at

junction 8 of the M20 and its far reaching implications for transport and planning in Kent. At that meeting Cabinet resolved to object to the Kent International Gateway planning application and authorised the Council's appearance at the planning inquiry to oppose the proposal. Cabinet also authorised the Executive Director for Strategy, Economic Development & ICT to appoint consultants and counsel and approved the creation of a small reserve to manage expenditure fluctuations arising from the appeal process generally.

(2) Since that time the position had progressed in a number of respects and these were detailed in the Cabinet report. Maidstone Borough Council's Planning Committee had now considered the proposal and a date for the Planning Inquiry had been set with a commencement date of 13 October 2009. Also the County Council had appointed counsel to present its case at the Inquiry and had submitted a summary of its case to the Planning Inspectorate. The Kent and Medway Structure Plan had been replaced by the South East Plan and the appellant had submitted an amended scheme on which the County Council had now commented. The purpose of this report was therefore to confirm that Cabinet continued to support the County Council's objections to the Kent International Gateway proposal and its appearance at the Planning Inquiry in support of Maidstone Borough Council.

(3) Following consideration of the report Cabinet agreed:-

- (i) to note the amended Scheme, and endorse the County Council's views as agreed by the Cabinet Member for Environment, Highways and Waste;
- (ii) to note the replacement of the Kent and Medway Structure Plan by the South East Plan;
- (iii) to endorse the County Council's Rule 6 Statement and its case against the Kent International Gateway proposal;
- (iv) to the County Council's appearance at the Planning Inquiry in support of Maidstone Borough Council; and
- (v) to note that the budget reserve for planning Inquiries was likely to be exceeded this year.

## **7. Decisions from meetings of the Cabinet Scrutiny Committee held on 21 July and 5 August 2009**

*(Item 8 – report by Mr Alex King, Deputy Leader and Mr Peter Sass, Head of Democratic Services & Local Leadership)*

(1) Cabinet agreed the responses to those matters detailed in the report and noted that these would be reported back to the Cabinet Scrutiny Committee.