

KENT COUNTY COUNCIL

CABINET

MINUTES of a meeting of the Cabinet held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 20 June 2011.

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

IN ATTENDANCE: Ms K Kerswell (Managing Director), Mr M Austerberry (Corporate Director, Environment, Highways and Waste), Mrs A Beer (Director of Personnel & Development), Mr D Cockburn (Corporate Director of Business and Support), Ms A Honey (Corporate Director, Customer and Communities), Mr M Newsam (Interim Corporate Director of Families and Social Care), Ms M Peachey (Kent Director Of Public Health), Mr A Roberts (Interim Corporate Director Education Learning and Skills), Mr G Wild (Director of Governance and Law) Mr A Wood (Acting Corporate Director of Finance and Procurement)

UNRESTRICTED ITEMS

37. Minutes of the Meeting held on 23 May 2011 *(Item 3)*

Resolved that subject to last sentence of paragraph 29(2) being amended to clarify that the Council was seeking to reduce the burden of costs on the Council Tax payers of Kent, the Minutes of the meeting held on 23 May 2011 be agreed and signed by the Chairman as a true record.

38. Revenue & Capital Budget Outturn 2010-11, Roll Forward and Key Activity

(Item 4 – report by Mr John Simmonds – Cabinet Member for Finance and Business Support and Mr Andy Wood, Acting Corporate Director, Finance and Procurement)
(A revised schedule relating to staffing levels was circulated at the meeting)

(1) Mr Simmonds highlighted the main areas of this report which set out the provisional revenue and capital outturn for 2010/11. The report also detailed revenue projects which had been rescheduled and where there was under or overspending. Mr Simmonds also highlighted the monitoring of key activity as detailed in appendix 4 of the report. Mr Wood referred to page 14 of the report and said that the reserves which had been identified were a one-off so therefore would not be available in future years.

(2) On behalf of Cabinet Mr Carter placed on record his thanks to the Corporate Management Team and other members of Staff for the part they had played in managing and delivering this budget.

(3) Cabinet Resolved that:

- (i) the provisional outturn position for 2010-11 be noted.
- (ii) agreement be given to £8.721m of the 2010-11 revenue under spend being rolled forward to fund existing commitments, as detailed in sections 1 to 4 of Appendix 2 to the Cabinet Report.
- (iii) agreement be given for £0.250m of the 2010-11 roll forward being used to contribute towards the Bold Steps for Health agenda, as detailed in section 6a of Appendix 2 of the Cabinet Report.
- (iv) agreement be given to £0.250m of the 2010-11 roll forward being used to contribute towards the Elections Reserve, as detailed in section 6b of Appendix 2 to the Cabinet Report.
- (v) agreement be given for the £2.128m remainder of the 2010-11 revenue under spending being set aside in the Economic Downturn reserve.
- (vi) agreement be given to the following contributions to reserves all of which were reflected in the outturn position presented in the Cabinet report.
 - (a) Kent Adult Social Services portfolio paragraph 3.2.5.6, transfer of £1.128m to the Social Care Supported Living costs reserve reflecting a delay in legal opinion regarding responsibility for a number of clients in supporting living arrangements in Kent who are currently funded by other authorities.
 - (b) Corporate Support & Performance Management portfolio paragraph 3.2.9.1, transfer of £2.270m to a new Libraries IT PFI grant reserve to reflect a change in the treatment of this grant by Government from quarterly payments until 2016-17 to a final lump sum settlement;
 - (c) Corporate Support & Performance Management portfolio paragraph 3.2.9.2, transfer of £1.042m to a new KPSN development reserve to fund the re-phased upgrades to core IT infrastructure; and,
 - (d) Finance portfolio paragraph 3.2.10.1, transfer of £6.8m to the Economic Downturn reserve for potential aborted capital costs.
- (vii) that £3.346m of capital re-phasing from 2010-11 be added into 2011-12 and later years, as detailed in Appendix 3 of the Cabinet Report and the 2011-12 Capital Programme be adjusted to reflect other 2010-11 variances as reported in the outturn.
- (viii) Note the final monitoring of the key activity indicators for 2010-11 as detailed in Appendix 4 of the Cabinet Report,

(viii) the final financial health indicators for 2010-11 be noted as detailed in Appendix 5 of the Cabinet report be noted. .

(ix) the final monitoring of the prudential indicators for 2010-11 be noted as detailed in Appendix 6 of the Cabinet report.

(x) the impact of the 2010-11 provisional revenue budget outturn on reserves be noted, as detailed in section 3.6 of the Cabinet report; and,

(xi) it be noted that the schools' revenue and capital reserves had reduced by some £3.417m with the reasons for that being detailed in the Cabinet report.

39. Approval of the Annual Governance Statement

(Item 5– Report by Mr John Simmonds, Cabinet Member for Finance & Procurement; and Mr Andy Wood, Acting Corporate Director of Finance and Procurement) (Mr David Tonks, Head of Audit and Risk was present for this item)

(1) The Annual Governance Statement explains how the Council had complied with its Code of Corporate Governance and identified any gaps in control or significant weaknesses that may have arisen in year. The completed statement was included within the Council's Annual Accounts that are subject to external audit. A report on this matter would also be submitted to the Governance and Audit Committee at its meeting on 30 June.

Cabinet resolved to:

- (a) agree the overall wording of the Annual Governance Statement, including the description of the Governance Framework and the significant weaknesses disclosed; and.
- (b) Agreed that the statement can be approved by the Leader on behalf of the County Council.

40. KCC's Performance Management Framework

(Item 6 – Report by Mr Roger Gough, Cabinet Member for Business Strategy, Performance & Health Reform; and Ms Katherine Kerswell, Managing Director)

(1) Mr Gough said as part of the restructuring through 'Change to Keep Succeeding' and the launch of the Council's medium term plan, Bold Steps for Kent, the opportunity had been taken to review the current officer performance arrangements and to introduce an improved performance management framework that will enable effective briefing of Cabinet and into Scrutiny.

(2) Ms Kerswell referred to paragraph 2 of the report which set out the overall objectives of the Council's new performance management framework and spoke of the importance of developing the new framework through the involvement of staff at all levels and the links the framework would have to members through the scrutiny process.

(3) Cabinet resolved

(a) to note the key elements of the performance management framework as set out in the Cabinet report and that this would be further refined over time. In the meant time the new Corporate Management Team and Performance Assurance Team arrangements would come into effect during June and the arrangements with regard to the Delivery Assurance Team would follow in July; and.

(b) to note the framework for delivering the strategic priorities in Bold Steps would be developed further using feedback from the POSC workshops held during May and would be reported to June/July Policy Overview and Scrutiny Committees and then onto Cabinet and the County Council for approval in July. The first quarterly performance report using the single performance framework would be available for Quarter 1, 2011/12 and would go to the September meeting of Cabinet and POSCs.

41. Core Monitoring Report

(Item 7 - Report by Mr Roger Gough, Cabinet Member for Business Strategy, Performance & Health Reform; and Katherine Kerswell, Managing Director)

(1) This report provided Cabinet with information on the key areas of performance and activity across the authority. Mr Gough referred in particular to the issues raised in the report regarding the retention of young employees while the monitoring of sickness levels continues to show good progress. Mr Sweetland said the 'red' status of the Kent Freedom Pass was a reflection of its success but that in turn had resulted in a budget pressure. Mr Fitzgerald said for situations like that in the future it may be better to have some disaggregation so that service delivery and any related budget issues are rated separately. Mr Carter supported this approach and also spoke of the importance of ensuring key core monitoring information continues to be reported to members under the revised arrangements described in the previous item.

(2) Cabinet resolved to note the report.

42. Children's Services Improvement Plan

(Item 8 - Report by Mrs Jenny Whittle, Cabinet Member for Specialist Children's Services; and Mr Malcolm Newsam, Interim Corporate Director, Families & Social Care)

(1) This report provided Cabinet with the first Ministerial report from Liz Railton the independent chair of the Kent Safeguarding and Looked after Children Improvement Board.

(2) Mrs Whittle said the report from the Improvement Board showed that significant progress was being made in respect of the targets which had been set. However there was no room for complacency and the Council remained fully focused on the targets and actions which had been identified in the Improvement Plan. Mrs Whittle placed on record her thanks to all staff involved in this area for their hard work and commitment. Mr Newsam said the report showed the Council was taking the right approach and the actions taken were those which the Improvement Board were

looking for. He also said that it would take time before these actions took full effect. Mr Carter spoke of the need to recruit the right social work staff with the right competencies. He also spoke of the Council's commitment to achieving the objectives of the Improvement Plan.

(3) Resolved that the first ministerial report of the independent chair of the Improvement Board be noted.

43. Proposal for the alignment of PCT public health staff to KCC and associated Memorandum of Understanding

(Item 9– Report by Mr Graham Gibbens, Cabinet Member for Adult Social Care and Public Health; Mr Roger Gough – Cabinet Member for Business Strategy, Performance & Health Reform; and Meradin Peachey, Director of Public Health) (Mr B Sweetland made a personal declaration of interest in that he is a non executive Director of Kent Community Health NHS Trust).

(1) Mr Gibbens said that with the proposal to transfer responsibility for public health from the NHS to local authorities, a Memorandum of Understanding (MOU) had been drawn up between KCC and the Kent PCT's designed to facilitate the alignment of PCT staff to KCC management. The proposals would not see any changes to staff terms and conditions of employment or the accountabilities of the PCTs, which would remain responsible for public health until 2013. Mr Gibbens also spoke of the important role which the Health and Wellbeing Board would have in the future delivery of public health.

(2) Following further discussion Cabinet resolved to note the alignment of the PCT staff and posts to KCC management structures under the terms of the Memorandum of Understanding as detailed in the Cabinet report and noted this matter would now be reported to the County Council.

44. Proposals to Change the Discretionary Elements of Home to School Transport Provision

(Item 10– Report by Mrs Sarah Hohler, Cabinet Member for Education, Learning & Skills; and Mr Andy Roberts, Interim Corporate Director for Education, Learning & Skills) (Mr Scott Bagshaw Head of Admissions and Transport was present for this item)

(1) This report informed Cabinet on the outcomes from the consultation on proposals to remove the discretionary elements of home to school transport provision. The report included an analysis on the impact of the proposals and put forward recommendations for the future provision of home to school transport.

(2) Mrs Hohler said that this wide consultation had demonstrated there was a general acceptance there needed to be changes to the current arrangements. The changes which were needed not only reflected the need to reduce expenditure on the discretionary elements of home to school transport but also to make the system fairer as the existing arrangements perpetuated an inequality in provision which was appropriate to address. Kent was not alone in taking this stance. Some local authorities had already made changes to their pattern of provision whilst others had changes under active consideration. Mrs Hohler also said that at some point in the

future the County Council would need to undertake a further review to reflect likely changes in future transport policies and how those may impact on parental preferences for schools.

(3) Whilst the County Council was looking to stop discretionary transport subsidy for children going to selective or denominational schools from September 2012 this would not apply to those in receipt of free school meals or Looked After Children. Mr Hill raised concerns that children in some of the non selective areas would not be able to access transport to grammar schools because they do not live in selective areas. On this point Mr Carter suggested KCC should write to Mr Michael Gove to see if the selective and non selective schemes can simply be abolished and Kent have a single county wide admissions scheme of education. Mr Roberts said officers would explore this further and prepare an appropriate letter to Mr Gove.

(4) At the conclusion of discussion Mr Lynes said, and it was agreed, that for the purpose of being clear as to which group of pupils this policy would refer to, the word "current" be inserted in line four of paragraph 9 (iii) of the recommendations between the words of and statutory. .

(5) Cabinet resolved

(a) that from 1 September 2012, Kent County Council would not provide home to school transport provision on denominational or selective grounds other than where there is a statutory requirement to provide transport.

(b) For children of low income families where the child is defined as an "eligible child" by schedule 35B of the Education Act 1996 (e.g. entitled to Free School Meals) and is resident in a selective area of education and aged between 11 and 16 years; Kent County Council would fund transport to the nearest grammar school provided that the child had met the entry requirements of the school and had been offered a place and it was the nearest school of that type to the child's home at a distance between 2-15 miles. This discretionary provision would align an element of selective transport policy with the statutory provision afforded to children from low income families who wish to attend a denominational school."

(c) Any pupil in receipt of transport assistance on denominational or selective grounds prior to September 2012 would continue to retain that entitlement until they leave their current school, are no longer of current statutory school age or had moved house and, following a transport assessment, were found not to be eligible under the revised policy.

(d) In light of the many variable outcomes resulting from the changes in transport policy and how this may or may not impact on parental preferences for schools, a further review of transport will be needed in the future.

(e) it be noted that a letter will be sent to the Secretary of State on the issues raised during the course of discussion as set out in paragraph 32 (3) above.

45. Draft Apprenticeships Strategy and Action Plan 2011-2014

(Item 11– Report by Mr M Hill, Cabinet Member for Communities; and Amanda Honey, Managing Director Communities) (Wayne Gough, Interim SIP Manager and Lucy-Ann Bett, Project Manager SIP and Anna Davis, who is on the KCC Apprenticeship Programme were present for this item.

(1) Mr Hill said the primary objective of the Apprenticeship Strategy was to increase the number of Apprenticeships that are undertaken by young people in Kent during what is a challenging time. Whilst the programme had made significant progress over the past 4 years more needed to be done and the Strategy and Action Plan identified ways in which that would be achieved. Ms Bett said the Council was working in partnership with a number of organisations both internal and external to KCC, promoting the benefits of Apprenticeships but also filling gaps in delivery such as helping employers, particularly small employers overcome the hurdles of recruiting Apprentices. Anna Davies a KCC Apprentice spoke about how this scheme was helping her to gain valuable training leading to a recognised qualification and work place experience.

(2) Mr Sweetland said that through the newly let Highways Term Contract KCC had insisted the contractor took an active part in providing apprenticeship places. Mr Carter said the Council should be active in promoting the scheme in innovative ways such as using the Looked after Children Improvement Plan as a way of highlighting apprenticeship opportunities. It was also said links could be made through the Public Service Board and by linking with other sectors such as the NHS.

(3) Cabinet Resolved to agree the draft Apprenticeship Strategy and Action Plan 2011-2014.

46. Follow up Items and Decisions from Cabinet Scrutiny Committee - 1 June 2011 (To follow)

(Item 12– report by Mr Alex King – Deputy Leader and Mr Peter Sass - Head of Democratic Services)

The Chairman declared consideration of this item to be urgent as it was not available at the time of the despatch of the main agenda because there was insufficient time following the last meeting of the Cabinet Scrutiny Committee for the Cabinet Member responses to be formulated and agreed.

(1) Mrs Whittle referred to paragraph 3 of the item on Putting Children First and said the Council was being very open in its reporting and the Improvement Plan had been made available to members of the Council at the earliest opportunity. The Improvement Plan had also been widely discussed at meetings of the Specialist Children Services POSC, Cabinet and the Council.

(2) Resolved that the comments and actions detailed in the report be noted.

Exempt Reports

The following are the unrestricted minutes and records of decisions of matters which were declared exempt pursuant to the provisions of the Local Government Act 1972

47. Knole Academy
(Item 14)

KENT COUNTY COUNCIL

DECISION TAKEN BY Cabinet 20 June 2011	DECISION NO. 10/01478
Unrestricted	
<p>Subject: Knole Academy, Sevenoaks</p> <p>Item 14 on the Cabinet Agenda - report by Mrs Sarah Hohler, Cabinet Member for Education, Learning & Skills, Mr Roger Gough, Cabinet Member for Business Strategy, Performance & Health Reform, Mr Andy Roberts, Interim Corporate Director, Education, Learning & Skills and Mr David Cockburn, Corporate Director of Business, Strategy & Support</p> <p>(1) This report sought approval to submit the Feasibility study for Knole Academy to Partnership for Schools to progress to the next stage and to issue a Future School Notice to the preferred bidder for Batch 2 Academies to develop a proposal for the Academy.</p> <p>(2) The Knole Academy was formed following the amalgamation of Bradbourne School (Girls) and Wildernesse School (Boys) in September 2010. The Academy is currently located on the sites of the two former Schools but it is the intention that capital funding would be used to allow the Academy to consolidate on to one site. The development of this academy was put on hold while the funding available was reconsidered and following visits by the Department for Education (DfE) and the adoption of a new approach to calculating the funding, there was a significant reduction in the funding available. The original funding would have allowed a complete new build of the school facilities but there is now a reduced budget and therefore revised plans have been developed and the proposal was therefore being taken forward on that basis.</p> <p>(2) Cabinet resolved to:</p> <ul style="list-style-type: none">(i) authorise the submission of the Feasibility study for Knole Academy to Partnership for Schools and the DfE.(ii) authorise the issuing of a Future School Notice to the preferred bidder for Batch 2 Academies to develop a proposal for the	

Academy within the affordability parameters and to progress through to the next stage of the process the development of detailed designs, progress the planning application and to finalise contracts: and, .

(iii) to note that the BSF, PFI and Academies Board will be updated on progress and final approval to enter into contracts will be sought from Cabinet

Any Interest Declared when the Decision was Taken:
None

Reason(s) for decision, including alternatives considered and any additional information

As set above and in the Cabinet report

Background Documents: none

48. Wilmington Academy
(Item 15)

KENT COUNTY COUNCIL

DECISION TAKEN BY Cabinet 20 June 2011	DECISION NO. 11/01716
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Unrestricted

Subject: Wilmington Academy

Item 15 on the Cabinet agenda – report by Mrs Sarah Hohler, Cabinet Member for Education, Learning & Skills, Mr Roger Gough, Cabinet Member for Business Strategy, Performance & Health Reform, Andy Roberts, Interim Corporate Director, Education, Learning & Skills and David Cockburn, Corporate Director of Business, Strategy & Support

1. This report sought approval to submit the Feasibility study for Wilmington Academy to Partnership for Schools to progress to the next stage and to issue a Future School Notice to the preferred bidder for Batch 2 Academies to develop a proposal for the Academy.

2. The Wilmington Academy was formed on 1st September 2010 from the former Wilmington Enterprise Academy. The lead Academy sponsor is the Leigh Academies Trust, with the trust's two university sponsors, Universities of Kent and Greenwich. The Academy is part of a hard federation with Leigh Academy and Longfield Academy. The development of this academy was put on hold while the funding available was reconsidered and following visits by the Department for Education

(DfE) and the adoption of a new approach to calculating the funding, there was a significant reduction in the funding available. The original funding would have allowed a complete new build of the school facilities but there is now a reduced budget. However revised plans have been developed and the proposal was therefore being taken forward on that basis.

3. Before KCC can enter into a contract with the preferred bidder a final Business Case will be submitted to Partnership for Schools to confirm that will be funding the scheme. It is estimated that it will take at least six months for the preferred bidder to develop the scheme to the level required to enter into the contract. However that could take longer if the planning process should become complicated. However the current target is to sign contracts in early 2012 so that construction can be completed in late summer 2013.

4. Cabinet Resolved to

(i) authorise the submission of the Feasibility study for Wilmington Academy to Partnerships for Schools and the DFE.

(ii) authorise the issuing of a Future School Notice to the preferred bidder for Batch 2 Academies to develop a proposal for the Academy within the affordability parameters and to progress through the next stage of the process to develop detailed designs, progress the planning application and finalise contracts.

(iii) to note that the BSF, PFI and Academies Board will be updated on progress and final approval to enter into contracts will be sought from Cabinet

Any Interest Declared when the Decision was Taken

None

Reason(s) for decision, including alternatives considered and any additional information

The reasons for this decision are set out in this notice and also in the Cabinet Report.

Background Documents:

None