



Summons to and
Agenda for a
Meeting on
Thursday 21st July 2011
At **10.00 am**



DEMOCRATIC SERVICES
SESSIONS HOUSE
MAIDSTONE

Tuesday, 12 July 2011

To: All Members of the County Council

Please attend the meeting of the County Council in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 21 July 2011 at **10.00 am** to deal with the following business. **The meeting is scheduled to end by 4.30 pm.**

Webcasting Notice

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site – at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

By entering the meeting room you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured then you should make the Clerk of the meeting aware.

A G E N D A

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the meeting held on 12 May 2011, if in order, to be approved as a correct record (1 - 8)
4. Chairman's Announcements
5. Questions (9 - 22)
6. Report by Leader of the Council (Oral)
7. Annual Report of the Standards Committee (23 - 36)
8. Progress on Locality Boards (37 - 42)
9. 'Bold Steps for Kent' Delivery Framework (43 - 58)
10. Proposed Changes to the Council's Constitution (59 - 72)
11. Honorary Freeman (73 - 76)
12. Acceptance by Kent County Council of Delegation of Fly-Tipping Enforcement Powers (77 - 78)

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| 13. Quarterly Report On Urgent Key Decisions | (79 - 80) |
| 14. Senior Management Structure of the Education, Learning & Skills Directorate | (81 - 88) |
| 15. Post-16 Transport Policy | (89 - 94) |
| 16. Petition Scheme Debate: Extend the Kent Freedom Pass to 16-20 year olds | (95 - 102) |
| 17. The alignment of PCT public health staff to KCC and associated Memorandum of Understanding | (103 - 126) |
| 18. Establishing a Shadow Health and Wellbeing Board for Kent | (127 - 140) |
| 19. Motion for Time Limited Debate
Mr T Prater will propose, Mr M Vye will second: | |
| <p>“This Council believes that the proposal to cut discretionary home-to-school transport to grammar and denominational schools from September 2012 is likely to limit the choice of school and seriously affect the wellbeing of over 5,500 children, young people and their families, and have unpredictable financial consequences to this Council. Council therefore resolves to withdraw these proposals.”</p> | |
| 20. Minutes for Approval
Governance and Audit Committee – 30 June 2011 | (141 - 146) |
| 21. Minutes for Information
Planning Applications Committee – 10 May and 14 June 2011

Regulation Committee – 17 May 2011

Superannuation Fund Committee – 20 May 2011 | (147 - 166) |



Peter Sass
Head of Democratic Services
01622 694002

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KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 12 May 2011.

PRESENT:

Mrs P A V Stockell (Chairman)

Mr R E King (Vice-Chairman)

Mrs A D Allen, Mr M J Angell, Mr A H T Bowles, Mr D L Brazier, Mr R Brookbank, Mr J R Bullock, MBE, Mr R B Burgess, Mr C J Capon, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mr A R Chell, Mr I S Chittenden, Mr L Christie, Mrs P T Cole, Mr N J Collor, Mr G Cooke, Mr B R Cope, Mr G Cowan, Mr H J Craske, Mr A D Crowther, Mr J M Cubitt, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mr J A Davies, Mr K A Ferrin, MBE, Mr T Gates, Mr G K Gibbens, Mr R W Gough, Mrs E Green, Mr M J Harrison, Mr W A Hayton, Mr C Hibberd, Mr P M Hill, OBE, Mr D A Hirst, Ms A Hohler, Mrs S V Hohler, Mr P J Homewood, Mr M J Jarvis, Mr A J King, MBE, Mr R E King, Mr J D Kirby, Mr J A Kite, Mr S J G Koowaree, Mr P W A Lake, Mrs J P Law, Mr R J Lees, Mr J F London, Mr R L H Long, TD, Mr K G Lynes, Mr S Manion, Mr R F Manning, Mr R A Marsh, Mr M J Northey, Mr J M Ozog, Mr R J Parry, Mr R A Pascoe, Mr T Prater, Mr K H Pugh, Mr L B Ridings, MBE, Mr M B Robertson, Mr A Sandhu, MBE, Mr J D Simmonds, Mr C P Smith, Mr K Smith, Mr M V Snelling, Mr B J Sweetland, Mr R Tolputt, Mrs E M Tweed, Mr M J Vye, Mrs C J Waters, Mr J N Wedgbury, Mr C T Wells, Mr M J Whiting, Mrs J Whittle, Mr M A Wickham, Mr A T Willicombe

IN ATTENDANCE: Katherine Kerswell, Managing Director, Geoff Wild, Director of Governance & Law and Peter Sass, Head of Democratic Services.

UNRESTRICTED ITEMS

24. Election of Chairman

(Mr W Hayton, the present Chairman, presided for this item)

(1) Mr P Carter moved, Mr L Ridings seconded:

That Mrs P A V Stockell be elected Chairman of the County Council

Carried without a vote

(2) Mrs Stockell thereupon took the Chair, made her Declaration of Acceptance of Office and returned thanks for her election.

(3) Mrs Stockell then paid tribute to Mr Hayton and thanked him for the manner in which he had carried out his duties as Chairman of the Council from May 2010 to the present day.

(4) Mr Hayton responded in suitable terms.

25. Election of Vice Chairman

(1) Mr G Gibbens moved, Mrs S Hohler seconded:

That Mr R E King be appointed Vice Chairman of the Council

Carried without a vote

(2) Mr R King thereupon made his Declaration of Acceptance of Office and returned thanks for his appointment.

26. Apologies for Absence

The Managing Director reported apologies from the following Members:

Mr Bayford
Mrs Dean
Mrs Rook
Mr Scholes
Mr Hotson

27. Declarations of Interest

(1) Mrs Whittle declared a personal interest in item 9 (Removal of Senior Officer Medical Insurance), as her husband who was an employee of the County Council was a beneficiary of the scheme.

(2) Mr Cowan declared a personal interest in item 11 (*Putting Children First – Kent's Safeguarding and Looked After Children Improvement Plan*) as he and his wife were registered foster carers.

(3) Mr Sweetland declared a personal interest in item 11 (*Putting Children First – Kent's Safeguarding and Looked After Children Improvement Plan*) as he was a non-executive director of Kent Community Health NHS Trust.

28. Minutes of the meeting held on 6 April 2011, if in order, to be approved as a correct record

Resolved: that the minutes of the meeting held on 6 April 2011 be approved as a correct record and signed by the Chairman.

29. Chairman's Announcements

(a) **QUEST – The UK Quality Scheme for the Sport and Leisure Industry**

The Chairman stated that QUEST was the UK Quality Scheme for the Sport and Leisure Industry.

The KCC Sport, Leisure and Olympics service had undergone an external assessment, which covered interviews with staff, customers and partners; documentary review and comparison with other services. QUEST looks at leadership, management, staff deployment and engagement, marketing, research and

community engagement, planning, partnerships, people management and development, customer relations and health and safety management.

The KCC Sport, Leisure and Olympics service scored 96%, which is the highest score ever achieved by a County, district or city council in the UK in the 12 years of the scheme. Currently, 1,004 organisations are involved in QUEST, covering the public, commercial, private and third sectors.

The Chairman stated that it was her great pleasure to present the QUEST certificate to the Cabinet Member for Customer and Communities, Mr Mike Hill OBE.

(b) **Today's agenda**

The Chairman stated that she intended to take item 11, on the Children's Services Improvement Plan immediately after item 8, the Leader's oral report.

30. Questions

Under Procedure Rule 1.18 (4), 2 Questions were asked and responses given.

31. Report by Leader of the Council (Oral)

The Leader updated the County Council on events since the last meeting in April. In particular, he spoke about the opening of the Turner Contemporary Gallery in Margate on time and on budget and that he wished the Centre every success and offered his thanks and congratulations to Mike Hill, Cabinet Member for Customer and Communities, Amanda Honey, Corporate Director of Customer and Communities and her team on delivering the project. With regard to the implementation of Change to Keep Succeeding, Mr Carter stated that good progress had been made in appointing to the new senior positions within the Authority and he paid tribute to the excellent work being done by the interim managers. Mr Carter mentioned the preliminary 2010/11 outturn report and a large underspend for the County Council and paid tribute to all concerned for managing their budgets so well. He praised the team responsible for ensuring swift and lasting progress on the implementation of the Children's Services Improvement Plan.

(At this stage, the Chairman stated that the County Council would consider item 11)

32. Putting Children First: Kent Safeguarding and Looked After Children Improvement Plan

(1) At the commencement of this item, Mr Malcolm Newsam, Interim Corporate Director, Families and Social Care, gave a wide-ranging presentation about the improvement journey and responded to a number of questions and comments from Members.

(2) Mrs Whittle moved, Mr Lake seconded the recommendation on page 24 of the agenda.

(3) After a full debate, it was:

Resolved: that (1) the Kent Safeguarding and Looked After Children Improvement Plan be endorsed and the progress on implementing the plan be noted; and (2) a further report be made to the County Council in 6 months' time, i.e. December 2011.

33. Removal of Senior Officer Medical Insurance

(1) Mr Gough moved, Mr Pugh seconded the recommendation on page 8 of the agenda. In doing so, Mr Gough also moved an amendment in relation to the announcement from the Chancellor of the Exchequer on 23 March 2011 that the amounts at which business mileage can be reimbursed without incurring a taxable benefit had increased from 40p to 45p per mile for the first 10,000 miles where employees provided their own car. He recommended that the County Council agree to apply this increase to all staff with immediate effect i.e. from 1 May 2011 and he explained the financial implications of this amendment to the County Council.

(2) In response to a question from Mr Prater, the Chairman indicated that she had decided to accept the amendment on the basis that it related to the terms and conditions of staff.

Resolved: that (1) the County Council approves the withdrawal of the Senior Officer Medical Insurance (SOMI) Scheme and agrees that it ceases operation, including ongoing commitments, by the end of this financial year; and (2) the increase in the rate at which business mileage can be reimbursed without incurring a taxable benefit from 40p to 45p per mile for the first 10,000 miles be applied to all staff with immediate effect, i.e. 1 May 2011.

34. Annual Report of the Independent Remuneration Panel

(1) The Chairman welcomed Mrs Leathers, Chairman of the Independent Remuneration Panel to the meeting.

(2) The Chairman moved, the Vice Chairman seconded, the recommendations on page 14 of the agenda, as follows:

- a. To formally adopt the Members' Allowances Scheme for 2011/12, subject to the County Council's determination of the remaining recommendations;
- b. To agree the quantum of the reduction in cost of the Members' Allowances Scheme, as part of the County Council's cost-saving exercise for 2011/12
- c. To agree to apply the increase in the Approved Mileage Allowance Payment (AMAP) from 40p to 45p per mile for the first 10,000 miles of business travel in the tax year with immediate effect;
- d. To amend the Members' Allowances Scheme to include the provision contained in Regulation 13 of the 2003 Regulations in relation to Members electing to forgo their entitlement (or any part of it) to allowances; and that the time limit for the submission of claims for dependent carers', travelling and subsistence and co-optees' allowances, in accordance with Regulation 14 of the 2003 Regulations, should be four months from the date of the relevant duty

(3) In relation to recommendation (b) above, Mr Carter moved, Mr King seconded the following amendment:

- A reduction in the cost of SRAs as a result of the reduction in the number of Deputy Cabinet Member positions from 12 to 10. In addition, two Deputy Cabinet Members will share one SRA. This delivers savings of £39.9k
 - A reduction in the number of Policy Overview and Scrutiny Committees by one, which will deliver a saving of £7.7k
 - A reduction in the basic allowance by 1.5%. This will affect all Members and deliver £16.4k
 - A reduction in the remaining SRAs by 2.66%. This will deliver £16k.
- TOTAL £80K**

(4) The Chairman put this amendment to the vote, whereupon the votes cast were as follows:

For (66)

Mrs A Allen, Mr M Angell, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Mr C Capon, Miss S Carey, Mr P Carter, Mr N Chard, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr K Ferrin, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr C Hibberd, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr M Jarvis, Mr A King, Mr R King, Mr J Kirby, Mr J Kite, Mr P Lake, Mrs J Law, Mr R Lees, Mr J London, Mr R Manning, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr R Parry, Mr R Pascoe, Mr K Pugh, Mr L Ridings, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr M Snelling, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Against (6)

Mr I Chittenden, Mr G Cowan, Mr D Daley, Mr T Prater, Mr M Robertson, Mr M Vye

Carried

(5) The Chairman stated that this had now become the substantive motion.

(6) Mr Vye moved, Mr Prater seconded the following amendment:

- In line with the Independent Remuneration Panel's feeling that the "... saving proposal agreed by the Selection and Member Services Committee emanates from a reduction in the cost of support officers rather than a reduction in the basic allowance and SRAs and feel that this emphasis would be reversed". (Para 10 (iii), p. 13.), to set and agree the quantum reduction in cost of the Members' Allowances Scheme, as part of the County Council's cost-saving exercise from 2011/12
- A reduction in the SRAs as a result of the reduction in the number of Deputy Cabinet Members positions from 12 to 10. In addition two Deputy Cabinet Members will share one SRA. This delivers savings of £39.9K
- A reduction in the number of Policy Overview and Scrutiny Committees by one, which will deliver £ 7.7K

- A reduction in the basic allowance by 8%. This will affect all Members and deliver £84K
 - A reduction in the remaining SRAs by 2.66%. This will deliver £16K
- Total £147.6K**

(7) The Chairman put this amendment to the vote, whereupon the votes cast were as follows:

For (7)

Mr I Chittenden, Mr L Christie, Mr G Cowan, Mr D Daley, Mr T Prater, Mr M Robertson, Mr M Vye

Against (66)

Mrs A Allen, Mr M Angell, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Mr C Capon, Miss S Carey, Mr P Carter, Mr N Chard, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr K Ferrin, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr C Hibberd, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr M Jarvis, Mr A King, Mr R King, Mr J Kirby, Mr J Kite, Mr P Lake, Mrs J Law, Mr R Lees, Mr J London, Mr R Manning, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr R Parry, Mr R Pascoe, Mr K Pugh, Mr L Ridings, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr M Snelling, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Lost

(8) Mr Christie moved, Mr Cowan seconded the following amendment:

- County Council agrees with the sentiment expressed by the Panel in paragraph 10(iii) of the Report and agrees that in addition to the £80,000 savings envisaged in paragraph 8 of the Report the remaining £120,000 be saved by:-
- Reducing the Member's Basic Allowance to £12,000 – thus saving a further £67,600
- Reducing the remaining Special Responsibility Allowances by a further 5% - thus saving a further £30,400
- Reducing the Members' Information Technology Budget by £20,000, and
- Reducing the Chairman's Budget by £2,000.
- In doing this it will mean no further addition is necessary to the Administration's planned 1500 job losses.

(9) The Chairman put this amendment to the vote, whereupon the votes cast were as follows:

For (7)

Mr I Chittenden, Mr L Christie, Mr G Cowan, Mr D Daley, Mr T Prater, Mr M Robertson, Mr M Vye

Against (66)

Mrs A Allen, Mr M Angell, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Mr C Capon, Miss S Carey, Mr P Carter, Mr N Chard, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr K Ferrin, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr C Hibberd, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr M Jarvis, Mr A King, Mr R King, Mr J Kirby, Mr J Kite, Mr P Lake, Mr J London, Mrs J Law, Mr R Lees, Mr R Manning, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr R Parry, Mr R Pascoe, Mr K Pugh, Mr L Ridings, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr M Snelling, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Lost

(10) There being no further amendments, the Chairman put the substantive motion to the vote, where the votes cast were as follows:

For (66)

Mrs A Allen, Mr M Angell, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Mr C Capon, Miss S Carey, Mr P Carter, Mr N Chard, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr K Ferrin, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr C Hibberd, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr M Jarvis, Mr A King, Mr R King, Mr J Kirby, Mr J Kite, Mr P Lake, Mr J London, Mrs J Law, Mr R Lees, Mr K Lynes, Mr R Manning, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr R Parry, Mr R Pascoe, Mr K Pugh, Mr L Ridings, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Against (7)

Mr I Chittenden, Mr L Christie, Mr G Cowan, Mr D Daley, Mr T Prater, Mr M Robertson, Mr M Vye

Carried

Resolved: that

- (i) the Members' Allowances Scheme for 2011/12 be formally adopted, subject to the effect of the following decisions;
- (ii) The total cost of the Members' Allowances Scheme in 2011/12 be reduced as follows:
 - A reduction in the cost of SRAs as a result of the reduction in the number of Deputy Cabinet Member positions from 12 to 10. In addition, two Deputy Cabinet Members will share one SRA. This delivers savings of £39.9k

- A reduction in the number of Policy Overview and Scrutiny Committees by one, which will deliver a saving of £7.7k
 - A reduction in the basic allowance by 1.5%. This will affect all Members and deliver £16.4k
 - A reduction in the remaining SRAs by 2.66%. This will deliver £16k.
- TOTAL £80K**

(iii) the increase in the Approved Mileage Allowance Payment (AMAP) from 40p to 45p per mile for the first 10,000 miles of business travel in the tax year be applied for Members with immediate effect, i.e. 1 May 2011; and

(iv) the Members' Allowances Scheme be amended to include the provision contained in Regulation 13 of the 2003 Regulations in relation to Members electing to forgo their entitlement (or any part of it) to allowances; and that the time limit for the submission of claims for dependent carers', travelling and subsistence and co-optees' allowances, in accordance with Regulation 14 of the 2003 Regulations, should be four months from the date of the relevant duty.

35. Quarterly Report On Urgent Key Decisions

(1) Mr Carter moved, Mr A King seconded that the report on page 85 of the agenda be noted.

Resolved: that the County Council notes the necessity to take an urgent key decision on the procurement of a managed peripatetic Children's Assessment Service in East/Mid/West Kent.

36. Minutes for Approval – Governance and Audit Committee

Resolved: that the minutes of the meeting of the Governance and Audit Committee on 16 March 2011 be noted.

37. Minutes for Information

Pursuant to Procedure Rule 1.10 and 1.23(1), the minutes of the Planning Applications Committee meeting held on 12 April 2011 were noted.

COUNTY COUNCIL MEETING**Thursday 21 July 2011****Question by Mike Harrison to****Graham Gibbens, Cabinet Member for Adult Social Care and Public Health**

We are all fully aware of the challenging and difficult position not only here in Kent but nationwide of caring for our ageing population and those physically less able. With the latest Coalition Government Initiative on the reassessment of charges etc things will only get progressively more difficult.

My question therefore to the Cabinet Member is, can he assure us the Members that every due diligence will be undertaken to ensure that the residents of Kent will be able to receive the care they so badly need. I am particularly concerned that one of the major care providers here in Kent (if the media reports are to be believed) are in some difficulty and if they were to fail what would Kent County Council's response be to this situation?

Answer

Thank you for the question. It is a good thing that people are living longer and I am pleased that the impact of this is being discussed nationally following the Dilnot Report on The Funding of Care and Support. The County Council is contributing to these discussions and I will keep Members fully informed.

Referring to the specific case of Southern Cross Healthcare, this provider has had well publicised financial problems, and has recently announced plans seeking to transfer the running of their homes to other providers in a phased way. This will affect the 5 Southern Cross nursing homes in Kent and has understandably caused significant concern to the residents and their families.

I place the highest priority on the Council's safeguarding responsibility to vulnerable people. Detailed contingency planning has been done to ensure the welfare of all the residents, including both those who fund their own care and those supported by KCC.

KCC officers have been, and will continue, to work closely with the homes and Southern Cross directors, along with colleagues in the NHS in Kent and the regulator, the Care Quality Commission. We will ensure that any disruption is kept to a minimum and to offer practical help and reassurance to residents and families wherever possible. We expect clear plans for the 5 homes in Kent to be shared by the end of July.

Finally, without seeking to minimise the impact of Southern Cross's difficulties on those people affected, it is worth noting the company's difficulties stem from their decision to sell and then rent back their own property portfolio. This is not a typical arrangement and the homes affected form only 5% of Kent's nursing care capacity. Officers continue to monitor and engage with the sector and remain confident of its

wider stability, as is shown by the opening in the next few months of 2 new nursing homes operated by private companies.

COUNTY COUNCIL MEETING

Thursday 21 July 2011

Question by Martin Vye to

Sarah Hohler, Cabinet Member for Education, Learning & Skills

Given the recent finding by the Local Ombudsman of maladministration on the part of Kent County Council will the Cabinet Member for Education, Learning and Skills inform the Council of action being taken, first, to establish procedures to rectify any errors or incidents which may affect selective testing at the time of testing; and second, to ensure that clerks, and chairs and members of Appeal Panels provided by the authority have sufficient capability and training to conduct hearings properly, and to make reasonable judgments on the complex issues presented to them in those hearings?

Answer

This question refers to an independent appeals panel which took place over a year ago, in May 2010. Six parents who were appealing for their daughters to get a place at a grammar school raised concerns related to the Panel's decision-making, time-keeping and record-keeping, as well as certain remarks made by the Chairman of the Panel. The Ombudsman found against the County Council on the grounds that the training for the Panels, which are made up of volunteers, needed to be more robust and also that the letters sent to parents should have been signed in person rather than using a facsimile signature. In this case, the letters were sent out in this form because the Clerk was anxious that the parents learn the satisfactory outcome of the appeal at the earliest opportunity.

We take the training of Clerks and Panel Members very seriously because we appreciate how complex school admissions can be and how important they are. Representatives of the Ombudsman have attended and contributed to training sessions and, from time to time, we hold meetings with the Ombudsman's office to review current practice. In fact, in the report, the grammar school in question states that their previous experience of using Panels trained by the Council had been, and I quote, 'positive and professional'. In the report the Ombudsman praises the quick re-hearing of the six cases, but he makes no mention that the grammar school appointed a clerk and two Panel Members who have acted for the Council for several years, and still do.

One of these parents also complained to the Ombudsman that her daughter's test had been poorly invigilated. Invigilators are given careful instructions but, with approximately 15,000 selective tests each year, occasional mistakes are made. The Ombudsman would like us to re-test candidates who complain that they were disadvantaged on the day of the test but I cannot see how this could be done in a fair way. We would either have to use a different test (which would arguably not be fair) or re-test all candidates and this could be an endless process. In fact, our legal department has confirmed this is not a necessity under law.

To deal with cases where a pupil's test performance is below expectations, we run head teacher assessment panels. Prior to the parents being told their child's test results, each primary head teacher is asked if they would like to refer any case to the head teacher assessment panels. The head teacher panels then determine whether a pupil's test score is in line with the pupil's school work over the past year. It is then possible for these head teachers to assess the pupils as suitable for grammar school. About 5% of those tested receive a positive outcome from this process. If any parent is dissatisfied with the result they still have the right of appeal to an independent Panel. I believe this is a fair and sensible system.

I fear that I am in danger of going into too much depth, as not all Members may be familiar with the report's contents. I would therefore like to invite Mr Vye to observe a training day for the appeal panel members and I would be happy to hear his views on the process following this.

COUNTY COUNCIL MEETING

Thursday 21 July 2011

Question by Tim Prater to

Paul Carter, Leader of the Council

Can the Leader of the Council reassure this Council and its staff that Kent will not use the approach of making large numbers of staff redundant and offering jobs back on a reduced salary, a practice recently used by a number of other authorities?

Answer

I can confirm that we have no plans to use such an approach.

This is a practice used in extreme circumstances in both the public and private sectors and can have a role in responding to significant issues concerning staffing structures, numbers and costs. It has been recently used in some other authorities who have had to make significant decisions on such issues over short timescales.

The approach carries significant risk and potential impact – as is being experienced by others, who are currently the subject of both legal challenge and industrial dispute.

Most importantly, this course of action introduces real risks to service delivery, both in terms of continuity of provision and the engagement and motivation of staff in front line.

There are circumstances where this method of change will be appropriate for some employers. However, we have a good track record of delivering savings and managing staffing levels and costs, over medium term planning timescales, without this approach. Wherever possible, such changes have been achieved through suitable consultation, communication and transition arrangements. It is my expectation that this continues.

COUNTY COUNCIL MEETING

Thursday 21 July 2011

Question by George Koowaree to

Jenny Whittle, Cabinet Member for Specialist Children's Services

Will the Cabinet Member for Children's Services remind the Council of the total expenditure in 2010/11 on commissioning from the voluntary sector of services relating to children's safeguarding and wellbeing, of the planned expenditure on this in 2011/12; inform the Council of the numbers of Service Level Agreements with voluntary organisations working in this field which will be discontinued during this financial year, and of those due to be decommissioned on the 31st of March 2012?

Answer

Thank you for the opportunity to inform members how this part of the council's safeguarding responsibilities to children and young people are being taken forward.

In 2010/11, in what now comes within the remit of Families & Social Care, the total spend to Voluntary and Community Sector (VCS) organisations for services related to safeguarding and wellbeing for children and young people was **£15.9m**.

So far in 2011/12, commitments to the VCS related to safeguarding and well-being services for children and young people are planned to amount to **£17.5m**. This increased spending is largely due to investment in 16+ Leaving Care services.

During 2011/12, **13** service agreements with the VCS for children's safeguarding and well-being have expired or are due to expire. Of these, 1 ended on the 1 June and 12 will end on the 30 Sept, following a temporary 6 month extension of their previous agreements. The ending of the agreements may cause concern to the organisations delivering these services however Equality Impact Assessments have been undertaken. There were no high-risk implications for the protected groups of service users and these assessments will be published shortly.

On the 31 March 2012, a further **160** service agreements with VCS organisations delivering children's safeguarding and well-being services will expire, having reached the end of their current agreements. Work is progressing on introducing new commissioning frameworks for both Early Intervention & Prevention services and for Disabled Children's Services. These will ensure that new services are in place from the beginning of April 2012 and that in future all commissioned services are:

- Focussed on achieving our strategic objectives, such as the Improvement Plan
- Delivered by providers who have been quality-assured
- Commissioned in a way that avoids duplication and inefficiency, and are
- Competitively tendered and procured in line with 'Spending the Council's Money'

All current service providers have been informed of the planned changes and have been able to take part in the tendering process for new services. While I recognise the uncertainty this presents organisations, I am confident that this is the right approach to ensure that KCC delivers on its commitment to the safeguarding of children and young people and provides the best services to them.

COUNTY COUNCIL MEETING

Thursday 21 July 2011

Question by Dan Daley to

Mike Hill, Cabinet Member for Customer & Communities

The Cabinet Member for Customer & Communities is reported as having said that the Youth Service proposals “.... are intended to transform the way we deliver services to young people so that we can continue to provide a first-class service... ”. As I understand it you are expecting volunteers and Kent’s voluntary sector to rush to the challenge.

Will the Cabinet Member inform this Council of the results of the market testing undertaken with Kent’s voluntary sector and local community groups prior to the development of the Kent Youth Service Commissioning Model which has satisfied him that there is the interest to ensure locally provided first class youth services; and in the absence of any prudent market testing, do you intend to carry on with your closure programme before you are sure youth services will be taken up by local appropriately qualified volunteers and not a few ‘professional’ (non-county) providers?

Answer

I can confirm that we do indeed intend to continue to provide a first-class youth service across the county.

Two major infrastructure organisations have been actively involved in the drafting of the transformation proposal, and their extensive knowledge of the voluntary and community sector in the county supports the Youth Service’s own view that there will be interest in the proposals for increased commissioning activity. It is also important to recognise that many more services for young people in Kent are already being delivered through partners in the voluntary and community sector such as the Scouts, Guides, independent youth organisations and faith groups and that these services will not be affected by proposed changes to Kent Youth Service.

An extensive consultation process involving young people [including KYCC], staff and other stakeholders will commence on the 1st August during which voluntary and community organisations will have the opportunity to express their views and levels of interest prior to any final decision on a new model being made later this year.

Implementation of the new model would not commence until 2012 and it is important to reiterate that this is not a closure programme, but is a proposed vision for how youth services can be delivered in a sustainable manner for future generations in Kent.

COUNTY COUNCIL MEETING

Thursday 21 July 2011

Question by Ian Chittenden to

Bryan Sweetland, Cabinet Member for Environment, Highways & Waste

In recent years hundreds of trees on County Council land, in particular on verges and green areas adjacent to roads and footpaths have been cut down, with very few replaced. Many become diseased and die due to grass cutting around the base of trees with strimming tools which cut and removed the bark from the main trunks, resulting in disease and a slow death.

As the Cabinet Member responsible for the grass verge contracts will the Cabinet Member for Environment, Highways and Waste inform this Council when this destructive practice will stop and what action he will take to replace the trees removed from our tree lined roads due to this negligence? Please include in your response details of how many trees have been cut down over the past 5 years and how many have been replaced?

Answer

The health and condition of highway trees is declining as the population ages and succumbs to disease. The decline is particularly noticeable in residential areas where landscape planting from the 1960's is coming to the end of its safe life and removal of trees can have a significant impact on local amenity. KHS incurs significant costs due to the reactive nature of tree management and recognises that it has to give priority to safety issues.

Damage caused by careless use of equipment such as strimmers is a nationally recognised problem and can have a detrimental effect on the health and longevity of trees. The level of damage is variable and is difficult to quantify. KHS has introduced measures to reduce the incidence of such damage by installing strimmer guards around all newly planted trees in grass areas and by increased monitoring of contractors.

Replacement planting numbers have historically been below the numbers removed with the over riding constraint being budget availability.

Detailed felling and replanting figures are only available for 4 years as records were not kept consistently by District Highway Units;

Total felled (excluding current year) = **2066**

Total replanted = **562 (27%)**

Throughout Kent there are estimated to be 844 stumps remaining. If all sites were suitable for replanting this represents costs of £400 -500K.

We are involved in the “Big Tree Plant”; a Government funded initiative to get more trees planted across England's towns and cities. One such scheme has already been identified with a residents group in Canterbury. We are also setting up a joint initiative with the local Tree Warden scheme in Kent to assist with tree planting schemes and tree management at a local level.

Member Highway Fund can be a useful source of funding for tree planting and a number of Members have paid for innovative local schemes. Officers will be very happy to assist on this point.

COUNTY COUNCIL MEETING

Thursday 21 July 2011

Question by Trudy Dean to

Bryan Sweetland, Cabinet Member for Environment Highways and Waste

Would the Cabinet Member please say when the County Council was first made aware of any interest in developing the former SCA site in New Hythe Lane, Larkfield for treatment of waste, when contact with the County Council was first made by Biossence, and what major planning policy and highway issues will surround any future use of this site?

Answer

Officers of the Kent Minerals & Waste Development Framework Team first met Biossence to discuss its proposals for the SCA Site on 15 July 2010. These discussions were kept confidential pending progress on Biossence's negotiations with landowners. Biossence subsequently submitted the site for inclusion in the Kent Minerals & Waste Development Framework and it was reported with other sites promoted through this process to the County Council's Informal Member Group on 28 March 2011.

Biossence first outlined its proposals to officers of KCC's Planning Applications Group on 5 October 2010 and explained its proposals to Nick Chard as the relevant Cabinet Member on 14 January 2011. Officers from the Planning Applications Group also attended that briefing. A further briefing was given to me and David Brazier by Biossence and officers from the Planning Applications Group on 8 March 2011. The proposals became public knowledge soon thereafter as a result of the publicity and other discussions undertaken by Biossence.

The proposed inclusion of the SCA Site in the Kent Minerals & Waste Development Framework will now be "tested" through the formal plan-making process and any decision on its inclusion will rest with the County Council.

Any planning application for the future use of the site would need to be considered against relevant development plan policies and any other material planning considerations. Key issues are likely to include national and local waste planning policies, the land use identified in the development plan, transportation impacts and other policies relating to various environmental and amenity issues. The previous use of the site by SCA would also be a material planning consideration.

From: Roberta MacCrone – Independent Chairman of the Standards Committee

Peter Sass – Head of Democratic Services

To: County Council – 21 July 2011

Title: **ANNUAL REPORT TO COUNTY COUNCIL**

Classification: Unrestricted

Summary: The Standards Committee's Annual Report to the County Council

For Decision

(1) It is customary for the Chairman of the Standards Committee to submit an annual report to the County Council commenting upon the Committee's activities over the previous 12 months. It is also the convention that at least one independent Member of the Standards Committee is present at the County Council meeting and, with the permission of the Chairman of the County Council, to speak to the report and respond to any questions from Members.

(2) The production of an annual report is regarded by Standards for England as good practice and this is the ninth consecutive year that the Committee has produced such a report.

RECOMMENDATION

(3) The Council is invited to formally receive the Standards Committee's annual report (**Appendix A**)

Peter Sass
Head of Democratic Services
01622 694002

Background Documents: None

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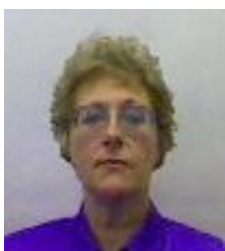
Kent County Council's Standards Committee

Annual Report – 2010/11

Introduction

The composition of the Standards Committee complies with statutory guidance and is chaired by one of the three independent Members on the Committee. The membership of the Committee for 2010/11 was as follows:

- Ms Roberta MacCrone (Independent Chairman)
- Ms Nadra Ahmed (Independent Member)
- Mr Leslie Christie (Labour Member)
- Mr Dan Daley (Liberal Democrat Member)
- Mr Keith Ferrin (Conservative Member) (from May 2011)
- Mr Peter Gammon (Independent Member)
- Mr John London (Conservative Member) (until May 2011)



Ms Roberta MacCrone
Chair



Mrs Nadra Ahmed
OBE, DL



Mr Leslie Christie
Labour



Mr Dan Daley
Liberal Democrat



Mr Peter Gammon
MBE



Mr John London
Conservative



Mr Keith Ferrin MBE
Conservative

The Committee has met on three occasions during the last 12 months (15 July 2010, 8 February 2011 and 11 May 2011).

Foreword by the Independent Chairman – Ms Roberta MacCrone.

This is the ninth Annual Report of the Standards Committee, covering the period June 2010 to May 2011. The Committee's work programme for the past year has concentrated on exploring options for the future of the ethical standards regime, given the impending abolition of Standards for England and the formal complaints process that has operated since May 2008. Under the Localism Bill, there will be a new duty on local authorities to promote high standards of conduct amongst Members but there are a range of options and differing views about how this new duty should be performed. The Standards Committee has agreed to produce a discussion document for extensive consultation with elected Members and others, with a view to proposals being placed before the County Council in December 2011.

The Standards Committee has received invaluable help and advice from Mr Geoff Wild, Director of Governance and Law and Mr Peter Sass, Head of Democratic Services, and they have done much to ensure that KCC's Standards Committee is at the forefront of best practice in England.

The Standards Committee has a future work programme that can probably best be summed up as "more of the same". In a world of constant change, it is good to feel we have done the best possible job; however, we are allowing ourselves only one deep breath before getting on with the hard work for the coming year.

The role of the Standards Committee

The Committee's terms of reference are attached at **Appendix 1** and have not been altered by the County Council in the previous year.

The role and remit of the Committee continues to be proportionate and reflects the high standard of conduct within the County Council.

The Committee held its annual meeting with Group Leaders in July 2010 and there was a wide-ranging and interesting exchange of views about the provisions in the Localism Bill to abolish Standards for England and make sweeping changes to the complaints regime. Group Leaders also offered their views on the format and content of the Members' Annual Reports, which led to a number of changes being made.

Training and Development

The Committee was pleased to note that the cross-party Member Development Group has continued to meet and was delighted that Kent County Council had achieved the South East Employers' Member Development Charter and that it is working towards "Charter Plus". KCC should be rightly satisfied with its positive decision to devote resources to Member training and development. This has positive benefits to the Members themselves but also to the residents of Kent and also supports the work of the Standards Committee.

Members of the Standards Committee also take their own training and development seriously. During the last year, two of the Committee's independent Members, Mr Gammon and Mrs Ahmed, have spent time

shadowing elected Members in order to gain a greater understanding of their various roles. Both independent Members found the shadowing process immensely valuable and were grateful to the elected Members concerned for agreeing to devote their time.

The locally managed framework for complaints

Responsibility for dealing with alleged breaches of the Code of Conduct by elected and co-opted Members of the Council, which passed from Standards for England to the local authority on 8 May 2008, continues to be a key part of the Committee's work, although it should be noted that the number of formal complaints received in the previous 12 months about the conduct of Members has reduced to just one, compared with two in 2009/10.

In July 2009, the Committee considered and agreed a formal protocol to guide the Monitoring Officer and his staff in relation to the receipt, processing and consideration of complaints (**Appendix 2**). This protocol, which now forms part of the Members' Handbook, contains important information about the notification procedure for complaints and the opportunity for local resolution. The Committee is satisfied that the introduction of the protocol has had a positive effect, in terms of the information to, and involvement of, the Member who is the subject of a complaint throughout the process, as well as offering a sensible and swift resolution of complaints. The Standards Committee has also developed the criteria it uses to assess complaints (**Appendix 3**) and these are reviewed on a regular basis by the Committee in the light of experience of dealing with complaints.

During the last 12 months, the Assessment Sub Committee and the Review and Consideration Sub Committee have dealt with one complaint about the conduct of Members, as follows:

Reference	Complainant	Assessment outcome	Review outcome (only applicable if "no action" taken by the Standards Committee at the first stage)	Comments
KCC/1/2010	Member of the public	Assessment Sub Committee decided to take no action	Complainant did not ask for the assessment outcome to be reviewed	Case closed

Members' Annual Reports

Members' Annual Reports have become embedded into Member activity - this is excellent and has so many merits to compensate for the time needed to complete the reports. They are not only used by the Standards Committee and Remuneration Panel; they are used by political group leaders for annual assessment purposes, are published on the website for the public to see, and

they can and often are used locally by Members to disseminate information about the hard work undertaken by them on behalf of their electorate.

The Standards Committee was formally consulted by the Independent Remuneration Panel about key changes to the Annual Report format, with particular emphasis on greater information about the utilisation of individual Member grant money, Highways grant money and remuneration (both from KCC and other public bodies). A key change this year was the partial completion of the reports by staff in Democratic Services (meeting attendance and grant information) and it is hoped that this was appreciated by Members.

The Independent Remuneration Panel met on 28 April 2011, to consider Members' Annual reports for 2010/11. The Panel was slightly disappointed with the overall response rate this year, with only 79 reports being received before the Panel met, compared to the previous year's excellent response, when 83 reports were received before the Panel meeting.

The Panel were pleased, however, with the high overall standard of most of the reports received in that Members had taken seriously the need to account for their time on County Council work; supply details of their remuneration; and to explain clearly how they make themselves available to their constituents. The Panel has written to Group Leaders individually, highlighting those reports submitted by Members of their groups that the Panel thought were of very high quality, and also those of poor quality, so that best practice examples can be shared within each group, with the expectation that the general quality will improve further next year.

The following issues were raised by the Panel:

- The overall standard of Members' Annual Reports was higher than previous years, although the Panel noted that staff in Democratic Services had supplied some information up front and most Members sought the assistance of staff in the Member Support Team to type their reports
- The detail provided about the receipt of Members' Allowances, both within KCC and other public authorities was much improved, compared to previous years, although the Panel were surprised that only one elected Member stated that he was a non-executive Director of a Health Trust and many Members did not give a correct total of allowances received
- The level of detail provided about the availability of training and development activity for Members was good, with only 14 Members having said that they did not undertake any training during the year, but the Panel was disappointed that the "benefits of training" information was sparse

Future work programme for the Committee

As indicated above, the primary aspect of the Committee's work programme for the year ahead relates to the future of the ethical standards regime, given the emerging legislation in the Localism Bill. The Committee looks forward to

discussing the results of the consultation exercise with leading Members in the coming months, before making a series of recommendations for the future.

Conclusions

Kent County Council's Standards Committee has enjoyed another successful and effective year. The Committee's approach is to offer appropriate support and challenge in relation to the promotion of high ethical standards amongst both elected and co-opted Members. The overall standard of Member conduct within the authority is high and the Committee looks forward to ensuring that KCC continues to be an exemplar for ethical standards and conduct.

Roberta MacCrone
Independent Chairman
July 2011

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Terms of Reference of the Standards Committee

6 Members:

Conservative: 1; Labour: 1; Liberal Democrat: 1; Independent: 3

The Chairman is appointed by the Council from among the independent Members. This Committee has responsibility for:

- (a) Promoting and maintaining high standards of conduct by Members (including any co-opted Members and church and parent governor education representatives)
- (b) Assisting Members through advice and training to observe the Members' Code of Conduct set out in Appendix 6 of the Constitution
- (c) Monitoring the operation of the Members' Code of Conduct and advising the Council on its operation and revision
- (d) Granting dispensations to Members from requirements relating to interests set out in the Members' Code of Conduct
- (e) Seeking to resolve any concerns about a Member's conduct by mutual agreement to reduce the need for a complaint to be referred to the Standards Committee
- (f) Receiving complaints that a Member is alleged to have breached the Code of Conduct and deciding whether the matter merits investigation; taking appropriate action as defined in the Standards Committee (England) Regulations 2008; and, reviewing decisions to take no action on a particular complaint if so requested by the complainant
- (g) Dealing with any reports from a case tribunal or interim case tribunal of the Standards Board, and any report on a matter which is referred by an Ethical Standards Officer to the Monitoring Officer
- (h) Censuring, suspending or partially suspending a Member or former Member in accordance with the provisions of the Local Government Act 2000

Independent Members of the Standards Committee are recommended to the Council for appointment by a panel of three people (not Members of the Council) appointed by the Selection and Member Services Committee.

The Procedure Rules applying to Committee meetings also apply to meetings of the Standards Committee.

Monitoring Officer Protocol

Procedure to be followed by the Monitoring Officer in relation to the initial assessment and review of allegations that a member of the Authority has failed to comply with the Code of Conduct

1 Receipt of Allegations

- 1.1 The Monitoring Officer shall set up arrangements within the Authority to ensure that any allegation made in writing that a Member of the Authority has, or may have, failed to comply with the Authority's Code of Conduct is referred to him immediately upon receipt by the Authority and dealt with in accordance with the relevant statutory timescales.
- 1.2 The Monitoring Officer shall maintain a register of such allegations to ensure that the Authority can comply with its obligations under the relevant legislation.
- 1.3 Complaints shall only be entertained where the identity of the complainant is known, but the Monitoring Officer is authorised to maintain the confidentiality of the identity of the complainant where and for so long as in his opinion that would be in the public interest.

2 Notification of Receipt of Allegations

- 2.1 All relevant allegations must be assessed by the Assessment Sub-Committee within an average of 20 working days of being received. The Monitoring Officer has no authority to deal with an allegation of failure by a relevant Member to observe the Code of Conduct other than by reporting it to the Assessment Sub-Committee. The Monitoring Officer shall therefore determine whether the allegation appears to be a substantive allegation of misconduct. Where it appears not to be, he shall ensure that the matter is dealt with under a more appropriate procedure, for example where it is really a request for service from the Authority, a statement of policy disagreement, a legal claim against the Authority or a complaint against an officer of the Authority.
- 2.2 Following receipt of the allegation, and where the allegation appears to be a complaint of misconduct against a relevant Member, the Monitoring Officer will promptly and in any case in advance of the relevant meeting:
 - 2.2.1 acknowledge to the complainant receipt of the allegation and confirm that the allegation will be assessed by the Assessment Sub-Committee at its next convenient meeting;
 - 2.2.2 notify the Member against whom the allegation is made of receipt of the complaint, together with a

written summary of the allegation, and state that the allegation will be assessed at the next convenient meeting of the Assessment Sub-Committee. However, where the Monitoring Officer is of the opinion that such notification would be contrary to the public interest or would prejudice any person's ability to investigate the allegation, he shall consult the Chairman of the Standards Committee, or in her absence another Member of the Standards Committee, and may then decide that no such advance notification shall be given;

- 2.2.3 collect such information as is readily available and would assist the Assessment Sub-Committee in its function of assessing the allegation;
- 2.2.4 seek local resolution of the matter where practicable, in accordance with Paragraph 3 below;
- 2.2.5 place a report, including a copy of the allegation, such readily available information and his recommendation as to whether the allegation discloses an apparent failure to observe the Code of Conduct, on the agenda for the next convenient meeting of the Assessment Sub-Committee.

3 Local Resolution

- 3.1 Local resolution is not an alternative to reporting the allegation to the Assessment Sub-Committee, but can avoid the necessity of a formal local investigation.
- 3.2 Where the Monitoring Officer is of the opinion that there is the potential for local resolution, he may approach the complainant and ask what action the complainant is seeking in terms of redress. This might include, for instance, an apology or a commitment to take some specified action in support of the complainant. The Monitoring Officer may then approach the Member against whom the allegation has been made and ask whether he/she is prepared to acknowledge that his/her conduct was inappropriate, and whether he/she would be prepared to offer an apology or undertake other appropriate remedial action, as suggested by the complainant. The Monitoring Officer shall in every case then report to the Assessment Sub-Committee as required, and at the same time report the comments of the complainant and the response of the Member concerned. This procedure should ensure that, where the Member has acknowledged that his/her conduct was inappropriate, and particularly where the complainant is likely to be satisfied with the proffered apology or remedial action, the Assessment Sub-Committee will be able to take this into account when considering whether the matter merits investigation – although the Sub Committee is not bound by any concessions.

4 Review of Decisions not to Investigate

- 4.1 Where the Assessment Sub-Committee has decided that no action be taken on a particular matter, the Monitoring Officer shall advise the complainant of the decision within 5 working days of the assessment decision, and the complainant may then within 30 working days of receipt of such notification request that the Review Sub-Committee review that decision.
- 4.2 Whilst the review shall normally be a review of the reasonableness of the original decision rather than a reconsideration, the Monitoring Officer shall report to the Review Sub-Committee the information that was provided to the Assessment Sub-Committee in respect of the matter, the summary of the Assessment Sub-Committee and any additional relevant information which has become available prior to the meeting of the Review Sub-Committee.

5 Local Investigation

- 5.1 It is recognised that the Monitoring Officer will not personally conduct a formal local investigation.
- 5.2 It will be for the Monitoring Officer, where appropriate after consultation with the Chairman of the Assessment Sub-Committee, to determine who to instruct to conduct a formal local investigation, and this may include another appropriately experienced senior officer of the Authority, a senior officer of another authority or a consultant.

Assessment Criteria

Introduction

The Standards Committee or Assessment Sub Committee needs to develop criteria against which it assesses new complaints and decides what action, if any, to take. The Standards Board advises that these criteria should reflect local circumstances and priorities and be simple, clear and open. They should ensure fairness for the complainant and the subject Member.

In drawing up assessment criteria, Standards Committees should bear in mind the importance of ensuring that complainants are confident that complaints about Member conduct are taken seriously and dealt with appropriately. They should also consider that deciding to investigate a complaint or to take other action will cost public money and the officers' time and members' time. This is an important consideration where the matter is relatively minor.

Authorities need to take into account the public benefit in investigating complaints which are less serious, politically motivated, malicious or vexatious. Assessment criteria should be adopted which take this into account so that authorities can be seen to be treating all complaints in a fair and balanced way.

Accordingly, the Assessment Sub Committee agreed to use the following initial questions and assessment criteria at its previous meeting in June and it suggested that the Sub Committee uses this as a benchmark. The assessment criteria can be amended as appropriate in the light of experience.

Initial questions

1. Is the complaint about one or more Members of the Authority covered by the Standards Committee?
2. Was the named Member in office at the time of the alleged Conduct?
3. Had the named Member signed the Declaration of Acceptance of Office, agreeing to abide by the Code of Conduct?
4. Was the Code of Conduct in force at the time of the alleged conduct?
5. Would the complaint, if proven, be a breach of the Code of Conduct?

If the complaint fails one or more of these initial tests, it cannot be investigated as a breach of the Code and the complainant should be informed that no further action will be taken in respect of the complaint.

Assessment Criteria

1. Does the complaint relate to dissatisfaction with a Council decision, rather than the conduct of a particular Member?

2. Does the complaint concern acts carried out in a Member's private life, when they are not carrying out the work of the authority or have not misused their position as a Member?
3. Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct?
4. Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
5. Is the complaint about something that happened such a long time ago that there would be little benefit in taking action now?
6. Is the complaint too trivial to warrant further action?
7. Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?
8. Is the complaint, part of a continuing pattern of less serious conduct by a Member that is unreasonably disrupting the business of Kent County Council and there is no other avenue left to deal with it, short of an investigation?
9. Has the complainant submitted enough information to satisfy the Assessment Sub Committee that the complaint should be referred for investigation or other action?

Note: If a matter is referred for investigation or other action, it does not mean that the Sub Committee assessing the complaint has made up its mind about the allegation. It simply means that the Sub Committee believes that the alleged misconduct, if proven, may amount to a failure to comply with the Code and that some action should be taken in response to the complaint.

Peter Sass
Head of Democratic Services and Local Leadership
November 2008

By: Mike Hill, Cabinet Member for Customers and Communities

To: Kent County Council, 21 July 2011

Subject: Progress on Locality Boards

Classification: Unrestricted

Summary: This report outlines the development of Locality Boards in Kent to date and, in particular, explains the role and contribution of Kent County Council.

Recommendation:

1. Members are asked to note the progress on the development of Locality Boards
-

1. Introduction

(1) This report provides a briefing on the development of Locality Boards, which is a key proposal in the Kent Recommitment designed to develop locally responsive initiatives between the District and the County Councils. Locality Boards are an essential part of the revised partnership architecture that will bring more democratic accountability to local services. It will be through these Boards that new ways of delivering services will be tested.

(2) These changes will bring about different ways of working between the County Council and District Councils and between the family of Local Government and other partners. It will take time for these new ways to develop and there is an understanding that Locality Boards will be shaped according to local need and preference. The Kent Forum agreed the establishment of Locality Boards to ensure that there will be a democratically elected board at a local level with a good understanding of the needs and priorities of the area.

2. Relevant Priority Outcomes

(1) The Locality Boards Programme is aligned with coalition Government plans set out in the Localism Bill; the delivery of the three countywide ambitions and the vision for Locality Boards, endorsed by the Kent Forum in March 2011. It is important that, whilst retaining the individual aims and aspirations of each Locality Board, Kent County Council defines the relationship which it has with the Boards in a way which maximises the benefits of involvement for the local area.

3. Financial Implications

(1) At the present time the resources used to develop Locality Boards are primarily staff time and this is a combination of County and District staff.

(2) The funding available to the Locality Boards, particularly for the first year, needs to be negotiated and agreed with our District and Borough Council partners. The funding will be aimed at the initial work of analysing the needs of localities and the development of commissioning plans.

4. Legal Implications

(1) In the initial development phase Locality Boards will be advisory in nature and unable to take decisions that bind partners. However, over time and building upon experience, it may be that partners may wish to explore alternative models such as becoming joint commissioning organisations using joint committee arrangements.

(2) There are powers under current local government legislation such as Section 18 of the 2000 Act which allows councils to set up Area Committees or Section 20 of the 2000 Act which allows councils to set up Joint Committees under s.101(5) of the 1972 Act which allows authorities to enter into arrangements to discharge functions jointly.

(3) However, these powers are very limited in terms of the geographic area they can cover or the composition of the Committees themselves. Therefore, it will be important to explore and consult fully on the legal implications as the Locality Boards develop.

5. Purpose of Report

(1) Locality Boards are an essential part of the revised partnership architecture that will bring more democratic accountability to local services. These changes will bring about different ways of working between the County Council and District and Borough Councils and between the family of Local Government and other partners. It will take time for these new ways to develop and this will be a learning process with opportunities to adapt approaches to resolve issues as they are raised.

(2) The Kent Forum endorsed development of Locality Boards at its meeting on 28 January 2011 and agreed a very clear principle that there should be no 'one size fits all' approach to Locality Boards. Sharing learning through different approaches to each board across the county will help inform and refine arrangements.

6. Kent County Council's role in Locality Boards

(1) Local Kent County Council Members will sit on the Locality Board and will make contributions based on both their local knowledge and their wider knowledge of Kent-wide issues.

(2) Senior managers at director level will provide support to ensure appropriate briefings to Members on the work across the County Council to deliver the 3 Ambitions. There will be an opportunity to raise Kent issues which have an impact on the local area, and any other wider considerations from the work of the Kent Forum. Kent County Council's commitment to Locality Boards is demonstrated by this use of senior staff to underline the strategic importance of Locality Boards.

(3) Kent County Council is working towards providing a range of data local to the areas to stimulate discussion on local priorities. This will draw on a number of data sources and will be presented in a way that will be useful in agreeing local priorities.

7. The Benefits of Locality Boards

(1) The benefits of Locality Boards will include the opportunity to:

- Audit the delivery of public services in their area
- Develop a locality plan focussing on local priorities and the contribution to the three countywide ambitions
- Provide more effective mechanisms for community consultation
- Enable a joint approach to partnership with the voluntary and community sector
- Contribute towards the Local Development Framework
- Advise on maximising the potential financial gain from the new planning arrangements e.g. Community Infrastructure Levy and New Homes Bonus
- Provide a key local interface with other stakeholders e.g. - Police and the potential to engage with existing key partnerships e.g. Community Safety Partnership and maximise or open new dialogue
- Identify those services that may be better commissioned through joint commissioning and delivery arrangements
- Explore how county and district and other partners can make more efficient use of property assets, can share back office functions and can integrate some of the roles of the local publicly funded workforce
- Ensure Kent continues to be a test-bed for piloting new initiatives including the option of organisational change and new ways of service delivery
- Offer an environment that has an overview of all partnerships operating in the Locality including public and voluntary sectors.

8. Update on current progress on Locality Boards

Two Locality Boards have held their inaugural meetings.

(1) Swale Locality Board

Swale Locality Board met on the 26th May 2011. At that meeting, arrangements for future meetings and the roles of members and supporting officers was discussed. A report on the Community Budgets pilot in Swale was received.

(2) Gravesham Locality Board

Gravesham Locality Board met on the 9th June 2011. Discussion focussed on the arrangements for the board including the roles of members and supporting officers and the involvement of wider partners. Local priorities were considered and the potential of Community Budgets was discussed.

(3) This is an area of rapid development and progress. A snapshot of the position of other Districts in relation to the development of Locality Boards is included in appendix1.

9. Recommendation

(1) Members are asked to note the progress on the development of Locality Boards

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Other Districts' Positions
Snap-shot position correct at 11 July 2011

Ashford

Ashford LSP has had the last meeting and the Locality Board is due to meet in September.

Canterbury

Meeting with Leader of Canterbury City Council to take place to discuss the opportunities for development

- Informal discussions held with CCC Cabinet Members

Dartford

Meeting with Leader & Chief Executive of Dartford Borough Council to take place to discuss the opportunities for development

Dover

The Cabinet at Dover District Council have agreed a model for their pilot Locality Board

- Preliminary meeting on 28 June attended by KCC Officers reviewed the Terms of Reference for Locality Board and initial governance structures
- First formal meeting of Locality Board early September
- Indication that areas for priority will include Vision for Kent, Sustainable Community Strategy and Local Children's Trust arrangements
- Relationship to Health and Wellbeing Board (early implementer status) and well established neighbourhood forums
- Focus on devolved budgets and developing service redesign to reflect local need

Maidstone

Borough Leader has started some internal discussions with Borough Councillors on the potential development of a Locality Board for Maidstone

- Meeting taken place with KCC Senior Officers and the Deputy Leader of Maidstone Borough Council to consider KCC officer support and contribution to Locality Board
- Likely review of LSP structure to create Locality Board
- Focus on economic development, health and community services

Sevenoaks

Leader has indicated support for a Locality Board

- Meeting between KCC Senior Officers and Sevenoaks Senior Officers to consider required actions to develop the Locality Board
- Opportunity for Locality Board not likely to be achieved prior to the end of 2011
- Focus on youth services and community safety. Significant interest in early devolution of budget

Shepway

Meeting between KCC and Chief Executive and Leader of Shepway District Council reviewed the opportunities and Shepway are working on their proposal.

Thanet

Wish to look at current infrastructure to identify gaps and the appropriate structures.

Tunbridge Wells

Existing LSP structure will continue pending first Locality Board meeting.

- Focus on community safety and on-going work “ families in focus” addressing high cost complex families

Tonbridge and Malling

Current position is to retain the existing LSP and no immediate plans are being made to replace with a Locality Board, though may look at increased membership from KCC.

By: Paul Carter, Leader of the County Council

To: County Council – 21 July 2011

Subject: 'Bold Steps for Kent' Delivery Framework

Classification: Unrestricted

SUMMARY We have developed the framework for delivering 'Bold Steps for Kent' which is for approval by County Council at this meeting.

FOR INFORMATION AND DECISION

1. Introduction

- 1.1 As part of the development of the delivery framework for 'Bold Steps for Kent' two workshops were held for Policy Overview & Scrutiny Committee (POSC) Members during May.
- 1.2 We used the feedback from the workshops to help develop the delivery framework. We sought feedback on an early draft at the POSC meetings in June/July.
- 1.3 This paper attaches the final draft of the delivery framework for approval at this meeting.

2. POSC Workshops

- 2.1 We held two structured workshops with POSC members during May to help develop the delivery framework for 'Bold Steps for Kent' by seeking their views on the following areas for each of the strategic priorities set out in 'Delivering Bold Steps':
 - The success factors i.e. what we will have needed to deliver by March 2015
 - The key milestones
 - How we will measure performance. This is not just quantitative PI data but will include the use of qualitative data as well as formal evaluation of the outcomes delivered towards the end of the four year term of 'Bold Steps' for some key projects.
- 2.2 A copy of 'Delivering Bold Steps' was circulated to all POSC members in advance of the workshops. POSC members were offered a choice of two dates to attend and were invited to come to one of them. The events were well attended with around 15 members at each plus two different Cabinet Members on both days.
- 2.3 The purpose of the workshop was made clear at the start of each one. The workshops were structured to allow members to choose two themes out of the four and to spend at least 45 minutes at each round table discussing the priorities in those themes.

- 2.4 Two officers were at each round table to help facilitate discussion and provide some background knowledge on the priorities being discussed on the table.
- 2.5 There was some useful feedback. Much of this related to the boxes entitled 'By 2014/15 we will have delivered' (now called 'By 2014/15 our aim is'). Some was also provided on the key milestones and measures. A copy of the feedback from the two workshops was sent to POSC members.

3. Development of the Framework

- 3.1 We used the feedback from the two POSC workshops to help finalise both the milestones and measures for each of the 'Bold Steps for Kent' priorities. We sought POSC members' views on the draft list of measures and milestones at their June/July meetings. We did more work to refine the delivery framework with Cabinet Members as well as alongside officers in directorates to ensure the performance indicators would be robust and collectable.
- 3.2 Consideration of the comments made by POSC members on the boxes called 'By 2014/15 we will have delivered' was a particular focus. On the whole POSC members were in broad agreement with what was stated but at their workshops they offered views on some of the specific words as well as what else they wanted to see included. The wording in these boxes and the comments from POSC members were considered by Cabinet Members on 1 July and resulted in some revised wording. This has been added to the milestones and measures to encompass the whole delivery framework for 'Bold Steps for Kent' which is being presented to County Council for approval at this meeting.
- 3.3 Where they are clearly stated within current business plans the milestones in the attached delivery framework include dates. For those milestones currently without dates, we will ensure that they are included within future year business plans to ensure delivery.

4. Recommendations

- 4.1 County Council is asked to APPROVE the delivery framework for 'Bold Steps for Kent'.

Appendices

Appendix 1: 'Bold Steps for Kent' Delivery Framework

Officer contact details:

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Delivering Bold Steps:

Delivery Framework for Bold Steps for Kent: The Medium-Term Plan until 2014/15

July 2011





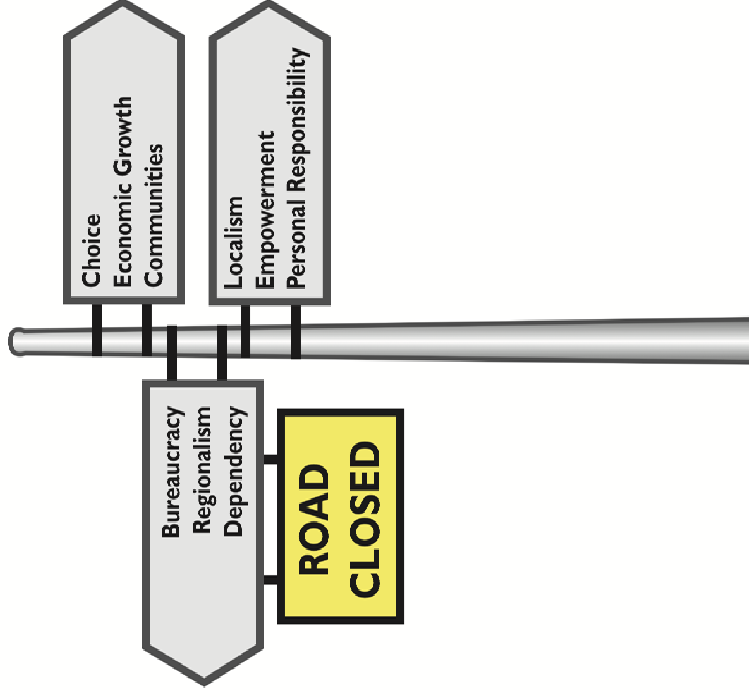
Introduction by Paul Carter Leader Kent County Council

Welcome to *Delivering Bold Steps*, Kent County Council's (KCC) delivery framework for meeting the ambitious agenda set out in Bold Steps for Kent, our medium term plan for the next four years.

Bold Steps for Kent is a very different plan for the challenging financial times we all face. It charts our ambition to radically transform how KCC delivers services for the people of Kent whilst achieving significant financial savings – through embracing localism and new ways of working – and at the same time delivering our three overriding ambitions:

- To Help the Kent Economy to Grow
- To Tackle Disadvantage
- To Put the Citizen in Control

This Delivery Framework sets our top 16 priorities for Kent County Council to focus on in order to achieve the vision set out in Bold Steps for Kent. It identifies what we would like to have achieved at the end of the four year period, the key project and delivery milestones for the organisation to meet and the performance measures we will monitor on a regular basis to assure ourselves, and the Kent public, of the progress we are making.



Bold Steps for Kent

The Medium Term Plan to 2014/15



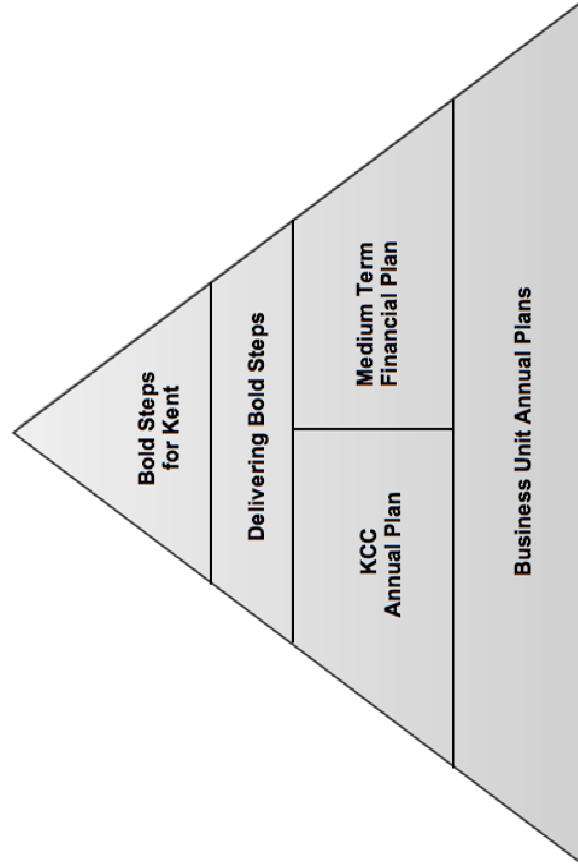
December 2010

How it fits together:

As a public authority with a gross revenue budget of £2.3billion, getting financial and business planning right is critically important to delivering effective and efficient services. Diagram 1 shows the hierarchy of business and financial planning documents within Kent County Council, and where Delivering Bold Steps fits into this structure:

- **Bold Steps for Kent** is the medium term plan and strategic statement for Kent County Council and was approved in December 2010. It sets the strategic direction of travel for the organisation for the next four years.
- This document, **Delivering Bold Steps**, is the delivery framework for Bold Steps for Kent and covers the same four-year timeframe. The priorities, milestones and performance measures set out in this document will be the focus of the annual financial and business planning processes for the whole organisation.
- KCC will produce an **Annual Plan** sitting alongside the **Medium Term Financial Plan** (which operates on an annual rolling three-year basis), to set out the activity, budget and financial position for each KCC Directorate for the next financial year. The County Council considers both documents alongside the annual budget at a full meeting each February.
- **Business Unit Annual Plans**, produced by the teams directly providing or commissioning KCC services are developed to deliver the annual priorities for each individual service, and are approved by Cabinet Members in April/May each year. Business Unit Annual Plans flow from the Annual Plan.

Diagram 1: Hierarchy of Business and Financial Planning within KCC:



Monitoring and reporting progress:

The performance measures set out in Delivering Bold Steps will form the basis - alongside a range of business management indicators – of a balanced scorecard reported quarterly to KCC's Cabinet. KCC will also report progress each year through its Annual Report.

The quarterly performance monitoring, annual report and all business and financial planning documentation is freely available to view and inspect online at www.kent.gov.uk

Priority 1: Improve how we procure and commission services

Bold Steps for Kent Ambition: **To Help the Kent Economy to Grow**

By 2014/15 our aim is:

To have developed a new strategic relationship with the voluntary and community sector, moving from the provision of direct grant to commissioning more services on a competitive basis, and seeking to evidence greater social value through our contracts. Our procurement processes will be open, transparent and proportionate to reduce barriers to entry for small to medium sized enterprises and social enterprises. District based Locality Boards will be an emerging local presence, influencing and shaping service delivery across a range of local services.

Milestones:

- Establish Locality Boards by July 2012
- Publication of Procurement and Commissioning Register for all services by April 2012

Key Performance Measures:

- Percentage of contracts awarded to Small and Medium sized enterprises (including social enterprises) for KCC goods and services
- Percentage of KCC spend to Kent based suppliers

Priority 2: Support the transformation of health and social care in Kent

Bold Steps for Kent Ambition: **To Put the Citizen in Control**

By 2014/15 our aim is:

To have improved patient experience of health and social care by delivering care closer to home, which people prefer, and foster greater choice through developing greater diversity of provision from social enterprises and the voluntary and community sector. The new Kent Health and Wellbeing Board will ensure that services meet the needs of the people of Kent with greater integration of health and social care services, and we will have seen a 5% shift in NHS budget in Kent from acute to community and primary health care. We will have reduced health inequalities by focusing on those communities with the poorest health outcomes.

Milestones:

- Full Shadow Health and Wellbeing Board for Kent established by April 2012
- Health and Wellbeing Strategy agreed by April 2012
- An Integrated Health and Social Care Commissioning Strategy agreed by 2013

Key Performance Measures:

- Percentage of NHS and Social Care budget commissioned jointly by KCC and Clinical Commissioning Groups
- Improved health outcomes for those communities most at risk from poor health
- Patient/client satisfaction with access to, and experience of, health and social care provision

Priority 3: Ensure all pupils meet their full potential

Bold Steps for Kent Ambition: **To Help the Kent Economy to Grow**

By 2014/15 our aim is:

To support a school system with greater choice and fair access for all pupils and families and which improves attainment, particularly at primary level, with performance moving above the national average. The attainment of the lowest performing students and schools will be closer to the performance of the best. Schools will have greater control of their own budgets and our school trading arm – EduKent – will be successfully competing in the market for school support services. The Kent Association of Schools will be a strong advocate for all schools in Kent, helping to shape education policy in the county, whilst providing a network of support and sharing of best practice across all schools in Kent.

Milestones:

- Introduction of the Kent Challenge
- Establish EduKent by September 2011
- Kent Association of Schools established by September 2011
- Agreement on increased delegation of DSG from KCC to schools

Key Performance Measures:

- Primary school results achieving national average
- Attainment of children receiving Free School Meals, with Special Education Needs or who are Looked After Children at primary and secondary level
- Number of Schools below national floor targets at Key Stage 4
- Percentage of pupils receiving their 1st choice of school at primary and secondary level

Priority 4: Shape education and skills provision around the needs of the Kent economy

Bold Steps for Kent Ambition: **To Help the Kent Economy to Grow**

By 2014/15 our aim is:

Working with schools and Further and Higher Education providers in Kent, deliver a 14-24 Strategy that equips young people with the academic, vocational and life skills required to succeed in the 21st century economy, with learning and training options that meet the needs of both the private and public sector. More apprenticeships and work-based training will be available across Kent, with KCC delivering at least 350 additional apprenticeships and more gap year placements for Kent graduates. Adult Education provision will provide clear progression routes to further learning including gaining skills for employment, retraining and career progression.

Milestones:

- 14-24 Strategy launched
- Bid to transfer functions to KCC from National Apprenticeship Service submitted to Government by April 2012

Key Performance Measures:

- Number of apprenticeships provided by Kent Success Apprenticeship Scheme
- Number of apprentices in Kent
- Percentage of Kent residents with level 3 and level 4 qualifications
- 16-24 year old unemployment claimant count
- Number of 14-16 year old pupils accessing at least one vocational option as part of curriculum
- Percentage of Kent businesses reporting skills gaps in the Kent economy

Priority 5: Deliver the Kent Environment Strategy

Bold Steps for Kent Ambition: **To Help the Kent Economy to Grow**

By 2014/15 our aim is:

Kent will use public sector resources more efficiently, and KCC will be working with our partners to further reduce energy, waste and the costs of waste disposal. Leading by example, KCC will have established a Kent 'Green Deal' enabling the retrofitting of homes and the development of micro renewable energy generation to create vibrant low carbon, energy and water efficient communities. A targeted package of low carbon business support will stimulate the development of the green economy in Kent, with a specific focus on East Kent. The county will have increased resilience to the impacts of climate change, with the public sector, business and local communities proactively responding to emerging risks and opportunities. We will have further promoted greater biodiversity to support Kent's local landscape and special character.

Milestones:

- Established a Kent 'Green Deal'
- Delivered a targeted package of low carbon business support
- Established functional habitat areas and wildlife networks in Biodiversity Opportunity Areas

Key Performance Measures:

- KCC carbon footprint
- Percentage of renewable energy generated in Kent
- Residual waste per household in Kent

Priority 6: Promote Kent and enhance its cultural and sporting offer for residents

Bold Steps for Kent Ambition: **To Put the Citizen in Control**

By 2014/15 our aim is:

To have delivered a successful legacy for Kent from the 2012 London Olympic Games and the Cultural Olympiad with continued support for the Kent School Games. Kent will increasingly be identified both nationally and internationally as a cultural destination, attracting new visitors and supporting a thriving cultural sector, which is delivering a high rate of new economic growth within the sector itself but also more broadly across other key sectors of the Kent economy. We will have inspired more residents, both children and adults, to actively participate in sports, arts and music opportunities, so they can enjoy a higher quality of life and benefit from all that Kent has to offer.

Milestones:

- Kent School Games delivered in 2012 and 2014
- Opening of the Marlowe Theatre in October 2011
- Paralympics cycling event at Brands Hatch in September 2012
- Turner Contemporary 1st year visitor numbers

Key Performance Measures:

- Employee growth in creative industries in the Kent economy
- Resident participation in the sport, music and arts
- Evaluation of wider benefit to local economies from key cultural projects

Priority 7: Build a strong relationship with key business sectors across Kent

Bold Steps for Kent Ambition: **To Help the Kent Economy to Grow**

By 2014/15 our aim is:

To have in place a programme of support to help the Kent economy grow faster than both the national and regional average. Through developing a strong and ongoing dialogue with Kent businesses through 'sector conversations' we will ensure our economic development role is focussed on practical issues where the County Council can add real value to support business growth. We will be working to address concerns raised by the Kent business community in the first sector conversations about broadband availability and speed. Our Connected Kent strategy will deliver projects to secure better broadband provision across Kent, whilst influencing the market to ensure that Kent businesses have access to the fastest broadband.

Milestones:

- Programme of 'sector conversations' completed with actions identified and taken forward
- Kent Rural PLC established and adding value to Kent economy
- Establish a regular Kent Business Survey
- 15 innovative projects to deliver superfast broadband to rural communities underway
- Broadband Development UK (BDUK) bid funded at an agreed level and actions underway

Key Performance Measures:

- Rate of growth in Kent economy compared to national and regional average
- Employment growth in key sectors (inc. advanced manufacturing, renewable/environmental, tourism, rural, creative industries)

Priority 8: Respond to key regeneration challenges working with our partners

Bold Steps for Kent Ambition: **To Help the Kent Economy to Grow**

By 2014/15 our aim is:

Working with our partners in the Local Enterprise Partnership (LEP) and the Kent Economic Board on a shared understanding of Kent's regeneration priorities, we will help Kent remain an attractive and competitive location for inward investment. We will have maximised opportunities from the Pfizer site at Sandwich, and have unlocked key sites in the Thames Gateway and other growth points across Kent, which will provide new homes and commercial opportunities. A focus on coastal regeneration across the LEP area will drive solutions to the underpinning causes of social and economic deprivation in these communities.

Milestones:

- Programme of development commenced at Manston Park and Eurokent in Thanet
- Town centre regeneration schemes in Dartford, Sittingbourne, Folkestone and Dover underway
- Development of the Commercial Quarter in Ashford, adjacent to the Station

Key Performance Measures:

- Inward investment into key regeneration areas and growth points in Kent (increased job numbers)
- New housing and commercial starts in the Thames Gateway and other growth points across Kent

Priority 9: Support new housing growth that is affordable, sustainable and with the appropriate infrastructure

Bold Steps for Kent Ambition: To Help the Kent Economy to Grow

By 2014/15 our aim is:

Through the Kent Forum Housing Strategy new housing growth will have been delivered intelligently with the right infrastructure in place through Local Development Frameworks to provide a high quality of life for Kent residents. New investment in the private rented sector, new models of home ownership and better use of public land assets will have improved affordability and housing choice in Kent. New infrastructure and regeneration schemes will have been funded through new financial mechanisms such as Tax Increment Financing, the Community Infrastructure Levy and business rate retention.

Milestones:

- At least 100 homes brought back to use in Thanet and Dover through the No Use Empty campaign
- Establishment of Kent and Medway Investment Fund
- 1,000 homes built on publicly owned land by 2015
- Establish Kent Local Authority Mortgage Housing scheme

Key Performance Measures:

- Number of new homes completed in Kent
- Number of first time buyers assisted by Kent Local Authority Mortgage Housing scheme

Priority 10: Deliver 'Growth without Gridlock'

Bold Steps for Kent Ambition: To Help the Kent Economy to Grow

By 2014/15 our aim is:

To have a fully costed package of strategic transport infrastructure projects as set out in *Growth without Gridlock* to promote greater economic growth. Working with the Local Enterprise Partnership (LEP), we will have influenced the Department for Transport (DfT) decision on the location and funding package for a third lower Thames Crossing and the early delivery of the DfT's short-term capacity improvements such as free flow tolling. We will have developed an affordable solution for Operation Stack and the overnight lorry parking problems along the Channel corridor. We will have developed a cost effective scheme to dual the A21 between Tonbridge and Pembury and influenced the DfT to bring the scheme forward in the national roads programme for delivery by KCC. The Rail Action Plan for Kent will have positively influenced a new rail franchise agreement, improving rail services for passengers. Working with Network Rail, funding will be agreed for line speed improvements between Ashford and Ramsgate, and a business case developed for a Thanet Parkway station.

Milestones:

- Support the DfT in finalising the location and funding package for a Lower Thames Crossing
- Kent Rail Action Plan has influenced new Integrated Kent rail franchise commencing in April 2014

Key Performance Measures:

- Regular evaluation of the progress of *Growth without Gridlock* projects to improve Kent's transport infrastructure

Priority 11: Improve access to public services and move towards a single initial assessment process

Bold Steps for Kent Ambition: **To Put the Citizen in Control**

By 2014/15 our aim is:

To improve access to public services through delivering a range of options for residents, including telephone and web access, with residents and customers increasing interacting and accessing services online. There will be a single initial assessment process for a range of KCC and other public services allowing residents to quickly understand their entitlements and signpost them to additional help and support. We will have expanded the use of the Kent Card beyond social service provision into areas such as transport and libraries to provide more seamless access to KCC services.

Milestones:

- Publication of Customer Services Strategy
- Kent Card rolled out to new service areas
- Single initial assessment process established

Key Performance Measures:

- Percentage increase in customer satisfaction with access to services
- Percentage growth in customer transactions /engagement online

Priority 12: Empower social service users through increased use of personal budgets

Bold Steps for Kent Ambition: **To Put the Citizen in Control**

By 2014/15 our aim is:

To have a social care model which maximises the use of Personal Budgets by social care clients, giving them greater choice and control to commission and purchase services. There will be an increasingly competitive social care market providing greater choice for clients. Increased use of enablement services will provide intensive support so older persons discharged from hospital regain independence as quickly as possible and can be cared for at home. Telehealth and telecare will be assisting more older people to live independently in their own homes. Assessment of care need will be increasingly integrated with health services, and a greater range of preventative services will be provided by the social and voluntary sector.

Milestones:

- Roll out of additional Enablement Services by April 2012
- Additional investment in telecare and telehealth solutions through NHS integration grant by April 2012

Key Performance Measures:

- Number of clients accessing enablement services
- Percentage of social care clients with a personal budget
- Number of clients using telecare / telehealth to support independent living
- Percentage of social care users satisfied with their choice and control over how services are delivered

Priority 13: Establish a Big Society Fund to support new social enterprise in Kent

Bold Steps for Kent Ambition: **To Put the Citizen in Control**

By 2014/15 our aim is:

For the Fund to have made an active contribution to developing the social, voluntary and community sector in Kent as it responds to the Big Society agenda. It will have provided over £5m funding for new social ventures that support new employment opportunities across Kent. The Kent Big Society Fund will have leveraged in additional contributions from sources such as the Government's Big Society Bank. Loans made by the Kent Big Society Fund will be repaid allowing it to become recyclable and sustainable in the long-term.

Milestones:

- Establish Fund
- Kent Big Society Fund bid to Big Society Bank
- Leverage an additional £5m into Kent Big Society Fund

Key Performance Measures:

- Number of applications made to the Big Society Fund
- Number of new social ventures supported by the Fund
- Number of new employment opportunities created as a result of the Big Society Fund

Priority 14: Ensure the most robust and effective public protection arrangements

Bold Steps for Kent Ambition: **To Tackle Disadvantage**

By 2014/15 our aim is:

To have a public protection model for vulnerable adults and children that ensures any referral from the public or our partner agencies is assessed quickly and appropriately, with swift intervention where necessary. We will be recognised as an employer of choice for social workers in the South East, with low vacancy rates, manageable caseloads and the right number of experienced social workers using their professional judgment and expertise to protect vulnerable children and adults in Kent.

Milestones:

- Revised establishment and structure for children's social care in place during 2011
- Integrated access arrangements for public protection enquiries in 2012
- A quality assurance programme in place for the safeguarding of children and adults by 2012
- New Integrated Children System (ICS) in place by 2012

Key Performance Measures:

- Improvement Plan targets for Children's Social Services met in full
- Audits of safeguarding for adults consistently demonstrates good practice
- Ofsted reporting 'significant progress' following expected unannounced inspection 2011
- Ofsted report 'satisfactory rating' for announced inspection of safeguarding and Looked After Children

Priority 15: Improve services for the most vulnerable people in Kent

Bold Steps for Kent Ambition: **To Tackle Disadvantage**

By 2014/15 our aim is:

To have reduced the number of children in care through new innovative preventative services and an increase in the number of children adopted, with specialist social worker teams overseeing better care planning. Educational outcomes for Looked After Children will have improved compared to the national average, and there will be greater stability in foster care placements. Fewer children with Special Education Needs will be excluded from school. There will be improved arrangements with the NHS to secure timely and appropriate treatment or social care support for children and adults requiring mental health services.

Milestones:

- Specialist Looked After Children (LAC) teams in place by September 2011
- Integrated Community Child and Adolescent Mental Health Services (CAMHS) in place by September 2012
- Supported Boarding pilot established September 2011
- Independent report by Martin Narey into Kent Adoption published September 2011
- Number of Looked After Children reduced to under 1200

Key Performance Measures:

- Number of Looked After Children
- Number of children adopted
- Stability of foster care placements
- Attainment of Looked After Children at Key Stage 2 and 4
- Time between referral and treatment to CAMHS
- Delivery of the KCC / Kent and Medway NHS and Social Care Partnership Trust (KMPT) improvement plan
- Percentage of children with Special Educational Needs and Additional Educational Needs excluded from school

Priority 16: Support families with complex needs and increase the use of community budgets

Bold Steps for Kent Ambition: **To Tackle Disadvantage**

By 2014/15 our aim is:

To have rolled out the Community Budget pilot for families with complex needs to more communities across Kent. This will be driving greater use of multi-disciplinary teams and pooled funding arrangements across the public sector, reducing duplication and delivering better outcomes at lower cost to the taxpayer. The Community Budget concept will have been adopted across a range of other priorities, with Locality Boards increasingly responsible for the oversight of performance and delivery of Community Budgets within their local area.

Milestones:

- Roll out of Community Budget for Families with Complex Needs to more communities
- Three new Community Budgets identified across Kent public services
- Locality Boards integrated into Community Budget governance arrangements

Key Performance Measures:

- Evaluation of the savings delivered for Kent public services and the improved outcomes for families in Community Budget pilot



This document is available in alternative formats and can be explained in a range of languages. For details please call on 01622 694027.

By: Alex King, Deputy Leader
Peter Sass, Head of Democratic Services

To: County Council – 21 July 2011

Subject: Proposed Changes to the Council's Constitution

Classification: Unrestricted

Summary: This report contains the details of three separate matters, which if approved, will involve changes to the Council's Constitution.

FOR DECISION

Recorded Votes at meetings of the Planning Applications Committee

1. Procedure Rule 2.20 of the County Council's Constitution sets out the rules for recording voting at committee meetings as follows:-

- (1) If any Member requests, the Chairman will call a vote on any recommendation or motion or amendment. The vote will be by a show of hands by Members of the Committee present, including substitute Members.
- (2) If the votes for and against are equal, the Chairman shall immediately declare if he is using his casting vote and, if so, whether for or against the proposal.
- (3) Immediately after a vote has been taken, an individual Member may ask that the way he cast his vote either for or against the proposal or to abstain be recorded in the minutes.
- (4) One-third of the voting Members present may require that the way all Members cast their vote for or against or to abstain shall be recorded in the Minutes: such a request must be made before the vote is taken.

The need to vary the procedure for the Planning Applications Committee

2. The determination of each planning application is a legal decision which is open to challenge either through an appeal to the Secretary of State or Judicial Review. On those occasions where the recommendations of the Head of Planning Applications Group have been agreed, the decision is readily defensible through reference to the professional advice given in the report and at the meeting.

3. The situation becomes more complex on those occasions when the Committee overturns the Head of Planning Applications Group's recommendations. Under such circumstances, the way in which each individual Member voted can become a matter of legal significance.

4. The Director of Governance and Law has clarified that the term “legal significance” relates to the need to be able to demonstrate that the voting was accurately recorded and that any necessary declarations of personal and prejudicial interests had been made. Individual Members are not personally liable for the actual way in which they cast their votes.

5. Consequently, the Director of Governance and Law has advised that the votes of each individual Committee Member (whether for, against or in abstention) should be recorded whenever the Committee votes against the Head of Planning Applications Group’s recommendation for permission or refusal.

6. This provision (underlined below) would supplement Procedure Rule 2.20 and would not replace it. Procedure Rule 2.20 (4) would be amended to read:

“One-third of the voting Members present may require that the way all members cast their vote for or against or to abstain shall be recorded in the Minutes; such a request must be made before the vote is taken. Additionally, the votes of each individual Member of the Planning Applications Committee (whether for, against or in abstention) will be recorded whenever the Committee votes against the Head of Planning Applications Group’s recommendation for permission or refusal of a planning application, together with the grounds and reasons for overturning the recommendation.”

7. This proposed provision has been reported to Planning Applications Committee on 12 April 2011 and (with its agreement) to Selection and Member Services Committee on 7 June 2011. Selection and Member Services Committee agreed that the Director of Governance and Law’s advice should be reported to the County Council for proposed adoption into the Constitution.

Proposed change of name of the Adult Social Services and Public Health Policy Overview and Scrutiny Committee

8. The Cabinet Member for Adult Social Care and Public Health has asked the County Council to consider re-naming the Adult Social Services and Public Health Policy Overview and Scrutiny Committee (POSC), in order to better reflect the title of his Cabinet portfolio.

9. The new title of “Adult Social Care and Public Health” is preferred, as it has a wider remit than Adult Social Services, which traditionally refers just to the adult social care function that the County Council delivers itself or commissions. As the Council changes in line with Bold Steps to Kent, this is an opportunity for the POSC to consider the how the Families & Social Care Directorate will contribute to deliver the wider ambitions of empowering citizens and tackling disadvantage. The wider remit also better reflects the responsibilities of the statutory officer role of the Director of Adult Social Services (DASS), who is accountable for delivering integrated support to communities and promoting social inclusion and wellbeing.

Statutory and Proper Officers

10. This report reviews the position of the statutory and proper officers within the authority following the implementation of Change to Keep Succeeding. Under the terms of the Constitution, responsibility for recommending to the Council the

designation of individual officers as statutory and proper officers rests with the Personnel Committee. The designations were last reviewed in April 2010.

11. The Local Government Act 1972 and other legislation require local authorities to make specific statutory appointments and designate proper officers to carry out particular roles and carry specific responsibilities.

12. Prior to the passing of the 1972 Act, it was the practice in Acts of Parliament to name, by reference to a post, a specific officer of the Council to deal with particular activities or to undertake a specific function on the council's behalf. However, in order to leave councils free to decide for themselves who should be responsible for particular tasks, the 1972 Act abandoned this concept. Instead, numerous references are made now in legislation to the term 'proper officer' who is, in fact, the officer designated by the Council to carry out a particular task. The officer can, of course, be a different officer for different purposes.

13. This report was considered at a meeting of the Personnel Committee on 18 May 2011 and it was agreed to recommend the revised schedule to the County Council. In addition, it is proposed that the schedule of statutory and proper officers is referenced in and appended to the Constitution and that there is a new Article 11.10 with the following wording:

"It is the function of the Personnel Committee to recommend to the Council the designation of individual officers as Returning Officer and statutory and proper officers and for the County Council to determine the recommendations of the Personnel Committee. The schedule of statutory and proper officers is appended to the Constitution (Appendix 2 Part 7)"

Proposed change to Article 13 of the Constitution (Finance, Contracts, Resource Management and Legal matters)

14. The Director of Governance and Law has proposed an amendment to Article 13.3, with the addition of the following words (underlined) at the end of the paragraph to better reflect the wording of s.222 of the Local Government Act 1972:

"The Monitoring Officer is authorised to institute, defend or participate in and settle any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he considers that such action is necessary to protect or pursue the Council's interests or where he considers it expedient for the promotion or protection of the interests of the inhabitants of Kent

Recommendations:

The County Council is invited to determine the following recommendations:

- (i) That Procedure Rule 2.20 (4) be amended as recommended by the Director of Governance and Law (and set out in paragraphs 5 and 6 of this report) in relation to recorded votes at meetings of the Planning Applications Committee;

- (ii) That the Adult Social Services and Public Health Policy Overview and Scrutiny Committee be re-named as the Adult Social Care and Public Health Policy Overview and Scrutiny Committee with immediate effect, for the reasons set out in the report;
- (iii) That the designation of individual officers as statutory and proper officers of the Kent County Council be approved as set out in the attached table and that a new Article 11.10 be approved as set out in paragraph 13 above; and
- (iv) Article 13.3 of the Constitution (Finance, Contracts, Resource Management and Legal Matters) be amended as set out in paragraph 14 above

Peter Sass
Head of Democratic Services
(01622) 694002

STATUTORY AND PROPER OFFICERS

Any enactment, instrument or local statutory provision passed prior to the Local Government Act 1972	
Purpose	Officer
Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the proper officer of the Council	Director of Governance & Law
Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the proper officer of the Council	Corporate Director of Finance and Procurement

Local Authority Social Services Act 1970		
Section	Purpose	Officer
6(A1)	Appointment as Director of Adult Social Services	Corporate Director of Families & Social Care

Agriculture Act 1970		
Section	Purpose	Officer
67(3)	Appointment as Agricultural Analyst	Director of Customer Services

Local Government Act 1972		
Section	Purpose	Officer
83	Witness and receive declarations of Members' acceptance of office	Head of Democratic Services
84	Receive written notice of Members' resignation from office	Head of Democratic Services
88(2)	Convene Council meeting for election to vacant office of Chairman	Head of Democratic Services
89(1)(b)	Receive notice of casual vacancy from two local government electors	Head of Democratic Services
96	Receive notices regarding pecuniary interests	Head of

		Democratic Services
100B(2)	Decide on the exclusion of reports and agendas from public inspection	Head of Democratic Services
100B(7)(c)	Decide whether copy documents supplied to Members should also be supplied to the press	Director of Governance & Law
100C(2)	Produce a written summary of proceedings taken by a committee in private	Head of Democratic Services
100D(1)	Compile a list of background papers to a committee report	Managing Director or Corporate Director responsible for preparing report
100D(5)(a)	Identify background papers that disclose facts or matters on which a report is based	Managing Director or Corporate Director responsible for preparing report
100F(2)	Identify which documents contain exempt information that are not available for Members	Head of Democratic Services
115(2)	Receive from officers any money and property committed to their charge in connection with their office	Corporate Director of Finance and Procurement
146(1)	Sign statutory declaration to enable transfer of securities in the event of a change of name of the Council	Corporate Director of Finance & Procurement
151	Responsibility for the administration of the Council's financial affairs (Chief Finance Officer)	Corporate Director of Finance & Procurement
191(2)	Receive applications from Ordnance Survey for assistance in surveying disputed boundaries	Corporate Director, Enterprise & Environment
210(6)-(7)	Exercise residual functions in relation to charities	Director of Governance & Law
225(1)	Receive and retain deposited documents	Director of Governance &

		Law
229(5)	Certify photographic copy documents	Director of Governance & Law
234(1)	Sign public notices, orders and other documents on behalf of the Council	Managing Director or other officer where the document to be authenticated relates to a delegated power
236(10)	Send copy byelaws to district councils	Director of Governance & Law
238	Certification of copy byelaws	Director of Governance & Law
Sch.12 Pt.I Para.4(2)(b)	Sign summonses to attend meetings	Head of Democratic Services
Sch.12 Pt.I Para.4(3)	Receive written notice that a Member wants a summons sent to an alternative address	Head of Democratic Services
Sch.29 Pt.I Para.4(1)(b)	Adaptation, modification and amendment of enactments	Director of Governance & Law
Sch.29 Pt.II Para.41(3)-(5)	Appoint interim superintendent registrars or interim registrars of births and deaths pursuant to the Registration Service Act 1953 Exercise powers provided by the local scheme of organisation of the Registration Service pursuant to the 1953 Act Prescription by the Registrar General of duties of proper officers under the Registration and Marriage Acts	Director of Customer Services

Local Government Act 1974		
Section	Purpose	Officer
30(5)	Give public notice of Local Government Ombudsman's report	Head of Democratic Services

Local Government (Miscellaneous Provisions) Act 1976		
Section	Purpose	Officer
41	Certifying copy resolutions and minutes of proceedings	Head of Democratic Services

Highways Act 1980		
Section	Purpose	Officer
59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight	Corporate Director, Enterprise & Environment
193(3)	Certify that additional expenses have been incurred in the execution of wider than normal street works	Corporate Director, Enterprise & Environment
205(3)-(5)	Undertake duties as specified in the schedules in relation to private street works	Corporate Director, Enterprise & Environment
210(2)	Certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Corporate Director, Enterprise & Environment
211(1) 212(4) 216(2)-(3)	Make final apportionment of costs as detailed in the schedules under the private street works code	Corporate Director, Enterprise & Environment
295(1)	Issue notice requiring removal of materials from non-maintainable streets in which works are due to take place	Corporate Director, Enterprise & Environment
321	Authenticate notices and other documents	Director of Governance & Law
Sch.9 Para.4	Sign plans showing proposed prescribed improvement or building lines	Corporate Director, Enterprise & Environment

Representation of the People Act 1983		
Section	Purpose	Officer

35	Appointment as Returning Officer for local elections	Managing Director
67(7)(b)	Receive declarations and giving public notice of election agents' appointments	Head of Democratic Services
81 and 89	Appropriate officer for the election of County Councillors	Head of Democratic Services
82(4)	Receive declarations and giving public notice of election agents' or candidates' election expenses	Head of Democratic Services
131(1)	Provide accommodation for holding election court	Head of Democratic Services

Weights and Measures Act 1985

Section	Purpose	Officer
72(1)	Appointment as Chief Inspector of Weights And Measures	Assistant Head of Trading Standards

Local Government Finance Act 1988

Section	Purpose	Officer
116(1)	Notify external auditor of meeting under the Act to consider a report from the Chief Finance Officer	Corporate Director of Finance & Procurement

Local Government and Housing Act 1989

Section	Purpose	Officer
2(4)	Hold the Council's list of politically restricted posts	Director of Governance & Law
4	Designation as Head of Paid Service	Managing Director
5(1)	Designation as Monitoring Officer	Director of Governance & Law
5(7)	Nomination to act as deputy in the absence of the Monitoring Officer	Principal Solicitor Community Services Team

		(Ian Clark)
15-17	Receive notification of the formation of a political group, changes in membership, names of group leaders and deputies, and group nominations to sit on committees	Head of Democratic Services
19	Maintenance of Register of Members' Pecuniary Interests	Head of Democratic Services

Food Safety Act 1990		
Section	Purpose	Officer
27(1)	Appointment of Public Analysts	Director of Customer Services
49(3)	Sign any document authorised or required to be given, made or issued by the Food Authority	Director of Customer Services

The Local Government (Committees and Political Groups) Regulations 1990		
Regulation	Purpose	Officer
	Notifications to and by the Proper Officer	Head of Democratic Services

Education Act 1996		
Section	Purpose	Officer
532	Chief Education Officer	Corporate Director, Education, Learning & Skills

**Crime and Disorder Act 1998, section 115
Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007/1830**

Regulation	Purpose	Officer
4(3)	Primary Designated Officer for information sharing	Director of Customer Services

Local Government Act 2000, section 22		
Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000		
Regulation	Purpose	Officer
3	Produce a written statement of executive decisions made at meetings	Managing Director
4	Produce a written statement of executive decisions made by individual Members	Managing Director
5	Make a copy of written statements of executive decisions and associated reports available for public inspection	Head of Democratic Services
6	Make available for public inspection a list of background papers	Head of Democratic Services
12	Publish key decisions of the Council	Head of Democratic Services

Local Government Act 2000, section 34		
Local Authorities (Referendums)(Petitions and Directions) Regulations 2000		
Regulation	Purpose	Officer
34	Publish the verification number of electors for the purpose of petitions under the 2000 Act	Director of Governance & Law

Regulation of Investigatory Powers Act 2000, section 30		
The Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order 2000		
Regulation	Purpose	Officer
2	Authorise the carrying out of directed surveillance or the conduct or use of a covert human intelligence source	Director of Customer Services, Chief Internal Auditor, Director of Governance & Law, Head of Planning Applications Group, Principal Planning Officer (Enforcement), Public Rights of Way Operations Manager, Public Rights of Way Officer (Enforcement), Head of Trading Standards (TS), TS Area

		Managers, TS Operational Manager
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Regulation of Investigatory Powers Act 2000, sections 22(2)(b) and 25(2) The Regulation of Investigatory Powers (Communications Data) Order 2010		
Regulation	Purpose	Officer
Sch. 2, Part 2	Grant authorization or give notice to obtain or disclose communications data for the purpose of preventing or detecting crime or of preventing disorder	Corporate Director Customer & Communities

Freedom of Information Act 2000		
Section	Purpose	Officer
36	Qualified person to confirm or deny whether disclosure of information is likely to prejudice the effective conduct of public affairs	Director of Governance & Law

The Local Authorities (Standing Orders)(England) Regulations 2001		
Regulation	Purpose	Officer
Sch. 1, Part II, Paras. 5 and 6	Functions in relation to notifying Executive of appointments, dismissals, etc.	Director of Governance & Law

Children Act 2004		
Section	Purpose	Officer
18	Director of Children's Services	Corporate Director, Families and Social Care

Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007/1830		
Regulation	Purpose	Officer
4(3)	Nominated officer to facilitate the sharing of information under an information sharing protocol	Director of Governance & Law

Local Democracy, Economic Development and Construction Act 2009		
Section	Purpose	Officer
31	Designation of Scrutiny Manager	Head of Democratic Services

Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children (DfE Guidance, March 2010)		
	Purpose	Officer
-	Local Authority Designated Officer (LADO)	Safeguarding Manager – Education and LADO

Department of Health – Health Service Circular: LAC (2002) 2		
	Purpose	Officer
-	Caldicott Guardian	Corporate Director, Families and Social Care

- In the event of the Managing Director (Head of the Paid Service) not being available to deal with matters for which s/he has been designated the proper officer, the Deputy Managing Director be authorised to act as proper officer in his/her absence.
- In the event of any other designated officer being unable to fulfill his/her duties as proper officer, his/her deputy be authorised to undertake such duties instead.
- Notwithstanding the above, a proper officer may at any time delegate or authorise other officers to perform the designated duties on his/her behalf.

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By: Alex King – Deputy Leader

Peter Sass – Head of Democratic Services

To: County Council – 21 July 2011

Subject: Honorary Freeman

Summary: This report invites the County Council to consider whether it wishes to utilise powers under the Local Democracy, Economic Development and Construction Act 2009, to confer the award of Honorary Freeman to persons of distinction as described in this report and to delegate authority to the Deputy Leader of the Council, in consultation with the Leaders of the other two political groups, to formulate and agree the criteria for such awards.

(1) At its meeting on 30 April 2009, the County Council resolved to utilise the power contained in Section 249 of the Local Government Act 1972, to confer the award of Honorary Alderman to recognise the eminent services of some of its distinguished former Members (see previous report at **Appendix 1**). There is no statutory definition of “eminent services” but the County Council agreed that the award should only be made to former Members who had served at least 12 years and had rendered eminent services in terms of the individual’s contribution to the activities of the County Council and the well-being of the County of Kent. Nominations are made to the County Council by the Leader, Deputy Leader and the Leaders of the two Opposition Groups.

(2) Honorary Aldermen are invited to attend relevant civic and ceremonial events, including the Annual Meeting of the Council and the Chairman’s Civic Reception. The names of those individuals awarded the status of Honorary Alderman are also be included on the wooden honours board in the Council Chamber.

(3) Since the County Council resolved to utilise this power, thirteen distinguished former Members have been admitted as Honorary Aldermen by the County Council:

Mr Terry Birkett
Dr S J Cox
Mrs Joyce Esterson
Mr J Frisby
Dr Frank Fox
Mr Frank Gibson OBE
Lord Kingsdown KG PC
Mr Peter Morgan MBE
Mr R H B Neame, CBE, DL
Mr W Newman, DL
Mr J A Spence OBE, DL
Mrs Allison Wainman OBE
Mr Fred Wood-Brignall

(4) The Local Democracy, Economic Development and Construction Act 2009 has made two important changes to legislation on Honorary titles:

1. Local Authorities may now also award the title of “Honorary Alderwoman”
2. Local Authorities may now also award the title of “Honorary Freeman” and “Honorary Freewoman” to “persons of distinction”, who have, rendered eminent services to the local authority “place or area”. This means that the title may be given to individuals who have not served as local authority Members.

(5) The Selection and Member Services Committee considered the recommendations contained in this report at its meeting on 13 July 2011 and the Deputy Leader will report the outcome of this meeting orally.

Recommendation:

(6) The County Council is invited to approve the principle of awarding the title of Honorary Freemen to persons of distinction as described in paragraph 4 above and delegate authority to the Deputy Leader of the Council, in consultation with the Leaders of the other two political groups, to formulate and agree the criteria for such awards.

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By: Alex King, Deputy Leader
Geoff Wild - Director of Law and Governance

To: County Council – 30 April 2009

Subject: Appointment of Honorary Aldermen

Classification: Unrestricted

Summary: This report invites the County Council to approve the procedure and criteria to appoint Honorary Aldermen.

FOR DECISION

Background

1) At a meeting of the Selection and Member Services Committee on 8 October 2008, consideration was given to a proposal to allow the County Council to bestow an Office of Dignity upon individuals. The Committee was advised that the only statutory Office of Dignity that can be awarded by an English County Council is that of Honorary Alderman. The Committee was advised that, under Section 249 of the Local Government Act 1972 “a principal Council may, by a resolution passed by not less than two thirds of the Members voting thereon at a meeting of the Council specially convened for the purpose with notice of the object, confer the title of Honorary Alderman on persons who have, in the opinion of the Council, rendered eminent services to the Council as past Members of that Council, but who are not then Members of the Council.”

Criteria for the Award

2) At its meeting on 23 January 2009, the Committee was advised that there is no statutory guidance on the definition of “eminent services”, although it is recommended that each Council should develop its own criteria. Accordingly, the following criteria are recommended to the County Council for approval:

- The title may be conferred on persons who have, in the opinion of the Council, rendered eminent services to the Council as past Members, but who are no longer serving Members;
- There shall be no specific definition of “eminent services”, it being left to the discretion of the Council at the time to assess and recognise any individual’s contribution to the activities of the Council and the wellbeing of the county of Kent;
- Nominees would normally require a minimum period of 12 years past service as a Member of the Council;

- In accordance with Section 249 of the 1972 Act, nominees would have to receive the support of not less than two-thirds of the Members voting thereon at a special Council meeting convened for the purpose;
- Nominations can be made by any Group Leader. However, before proceeding, officers and Members should, via the party groups, establish whether or not the nomination would be likely to receive sufficient support to proceed;
- Honorary Aldermen should be invited to attend relevant civic and ceremonial events, including the Annual Council meeting, the Chairman's Civic Reception, and any future appointment of Honorary Aldermen;
- The status of Honorary Alderman carries no special right to attend or address meetings of the Council or its Committees or to receive any allowances or payments to which serving Members are entitled. However, at the discretion of the Chairman, a nominee for Honorary Alderman may (if present) be invited to respond to the vote conferring that status;

3) Should the County Council agree both the principle of awarding the status of Honorary Alderman and the criteria suggested by the Selection and Member Services Committee listed above, it is suggested that a meeting of the County Council be arranged after the County Council elections in June, in consultation with the Chairman of the County Council, to determine the nominations made by any Group Leader as to the award of the status of Honorary Alderman. It is also proposed that the names of Honorary Alderman would appear on a suitable wooden board in the Council Chamber, as already exists for Chairmen and Vice Chairmen of the County Council.

Recommendation

4) Members are invited to approve the criteria for appointing Honorary Aldermen of the Council, as set out in paragraph 2) above.

Alex King – Deputy Leader
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Geoff Wild
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By: Bryan Sweetland, Cabinet Member of Environment, Highways and Waste

To: County Council – 21 July 2011

Subject: Acceptance by Kent County Council of Delegation of Fly-Tipping Enforcement Powers

Classification: Unrestricted

Summary: This report seeks a decision to affirm the acceptance of delegated executive powers to Kent County Council to enforce against fly-tipping, pursuant to section 101 Local Government Act 1972, section 2 Local Government Act 2000 and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2000. It authorises the Corporate Director of Enterprise and Environment to discharge the Council's functions under the regulations and to accept the delegation of executive functions in respect of fly-tipping enforcement.

Introduction

1. Section 33 Environmental Protection Act 1990 – fly-tipping powers

Enforcement in respect of fly-tipping is a function of the waste collection authorities. Under the provisions of the Local Government Act 2000 and associated Regulations, referred to in the summary above, these powers are delegated to Kent County Council through formal agreements.

2. The formal decision to accept these delegations needs to be reaffirmed as certain agreements now require completion, in order to allow continued fly-tipping enforcement action on behalf of the waste collection authorities. To regularise the position the Regulations require Kent County Council to record formally its acceptance of the delegations of enforcement powers under section 33 Environmental Protection Act 1990 and associated provisions in subsequent legislation in so far as it relates to the investigation and enforcement of fly-tipping.
3. The purpose of this decision is therefore to ensure that fly-tipping enforcement continues to be sound with a clear audit trail of evidence and authority.

Conclusion

4. This decision establishes that Kent County Council is lawfully entering into agreements under the necessary legislation to discharge functions jointly via sharing or delegation of functions with the Kent waste collection authorities. It also helps to demonstrate that Kent County Council is doing "all it reasonably can to prevent crime and disorder in its area" as required by Section 17, Crime and Disorder Act 1998.

Recommendations

5. Kent County Council affirms its acceptance of delegated executive powers to take enforcement action under the provisions of section 33 Environmental Protection Act 1990 and subsequent associated legislation. Kent County Council will put these powers into effect either by reaffirming existing agreements or by entering into agreements with other local authorities pursuant to section 101 Local Government Act 1972, section 2 Local Government Act 2000 and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2000.
6. The Corporate Director of Enterprise and Environment is authorised to discharge the Council's functions under the regulations and to accept the delegation of executive functions in respect of fly-tipping enforcement.

Background Documents:

Delegation agreements between Kent County Council and the waste collection authorities.

Author Contact Details

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By: Mr Paul Carter – Leader of the Council
Mr Peter Sass – Head of Democratic Services

To: County Council – 21 July 2011

Subject: Quarterly Report On Urgent Key Decisions

Classification: Unrestricted

Summary: To report one urgent Key Decision taken in the last quarter

1. The Constitution requires me to provide a quarterly report to the County Council of any Key Decisions which were taken as urgent matters during the previous three months.

2. One urgent Key Decision was taken in the last quarter as set out below.

(a) Kent Safe Schools (KSS) transfer to Social Enterprise Project Salus Community Interest Company (CIC)

An urgent decision was taken on 26th April 2011 by Mrs Sarah Hohler, Cabinet Member for Education, Learning and Skills, to authorise the Director of Governance and Law to seal the Grant Agreement allowing Project Salus Community Interest Company to take over all undertakings of Kent Safe Schools as defined by the Grant Agreement.

This matter was deemed urgent because of the need to ensure that the Grant Agreement came into effect on the agreed date (1st June 2011) to enable CIC to:

- TUPE staff and set up appropriate processes to ensure that transfer is successful (payroll, accommodation, IT and accounting)
- Tender for contracts which would become available over the subsequent months, where failure to do so would effectively lock CIC out of these markets during the critical formation years

Consultations

3. The Chairman and Spokespersons of the Cabinet Scrutiny Committee were consulted about this matter and their views were reported to the Cabinet Member prior to the decision being taken. Mr. Christie advised that he could not support the decision on principle that he disagreed with the privatisation of a service provided by Kent County Council. Mr. Christie also stated that any future decisions must be scrutinised fully. Both Mrs. Dean and Mr. Manning advised that they could not agree or disagree with the decision, asking for further information. Mr. Lees advised that he was not opposed to the decision in principle, but agreed with Mr. Christie that the decision should be scrutinised properly.

Recommendation:

4. The County Council is requested to note this report.

P B Carter
Leader of the Council

Enquiries: Peter Sass
Head of Democratic Services
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Background documents: Record of Decision 11-01671

By: Sarah Hohler, Cabinet Member for Education, Learning and Skills
 Andy Roberts, Interim Corporate Director for Education, Learning and Skills

To: County Council – 21 July 2011

Subject: Senior Management Structure of the Education, Learning and Skills Directorate

Classification: Unrestricted

Summary: This report provides an outline of the proposed senior management structure for the Education, Learning and Skills (ELS) Directorate, which is currently subject to consultation. It seeks delegated responsibility for the approval of the final structure by the Cabinet Member and Corporate Director for ELS following the conclusion of the consultation.

Introduction

1. (1) The Education, Learning and Skills Directorate was formed in April 2011 as result of the Council's 'Change to Keep Succeeding' programme and the need to meet the objectives within 'Bold Steps for Kent'.
- (2) The Council, in establishing a new operating framework for the strategic delivery of public services, recognises that a status quo in the world of education is not an option. Changes in national policy and funding create a series of challenges and opportunities for the Council, schools, colleges and early years providers. In particular, the Academies Act 2010 and the Education Act 2011 present an opportunity for us to fundamentally transform the shape and quality of education provision across the County.
- (3) Our new approach to service delivery cannot be seen in isolation from the significant financial challenges we face. In 2010/11 the Education, Learning and Skills Directorate net budget (excluding the DSG) would have been just under £71m had we identified it separately within the budget of the former Children, Families and Education Directorate. This year the budget is £57m and next year is likely to be approximately £44m, depending on a range of factors including additional savings targets required by Members and the impact of schools converting to become academies.
- (4) These national and local changes together with a backdrop of an increase in commissioning roles for Local Authorities necessitate significant changes to the senior management team of the ELS Directorate. We now need to re-organise the structure to meet this mandate; in particular we must be:-
 - able to meet the new and robust regulatory role;
 - fit for purpose in terms of experience, skills and abilities;
 - effective and efficient, with clear responsibilities line management arrangements and accountabilities.
 - able to meet new challenges and possible changes of direction in the future.

- able to meet performance targets and outputs in a timely and appropriate manner.

Rationale

2. (1) Kent County Council's Bold Steps for Kent set out three clear ambitions:
 1. To help the Kent economy grow.
 2. To put the citizen in control.
 3. To tackle disadvantaged.
- (2) We believe that education, learning and skills are pivotal to these three ambitions and a well-defined strategic relationship between the Council, schools, colleges and other education providers will be central to their delivery. The strategy for building on these three aims within the Education Learning and Skills Directorate is set out in the Bold Steps for Education document, dated April 2011. The document sets out a direction of travel for the new Directorate.
- (3) Central to our strategy is the desire to create the conditions in which learning and teaching can thrive, and where young people's moral and intellectual development, and confidence can flourish. We want every child in Kent to have access to a range of education provision at all ages of their development, to achieve more than they ever thought possible and to have the opportunity to benefit from a broad range of employment pathway options, contributing to the growth and prosperity of the County.
- (4) To achieve our vision the Council will undertake the following key leadership roles:
 - raising standards and tackling underachievement to ensure that parents and children have a choice of high-performing schools;
 - ensuring sufficient provision of a range of types and at all ages;
 - ensuring fair access to that provision, irrespective of educational need, and transport in accordance with policy;
 - championing the needs of the disadvantaged and vulnerable and ensuring that every child receives its education entitlement;
 - conducting impartial assessments of need that are seen to be independent of decisions about funding and placement;
 - facilitating partnerships, networks and collaboration;
 - delegating more, and creating a vehicle for the delivery of high quality support services on a traded basis with schools;
 - developing employment pathways and deepening the skills base of the local economy.

Background

3. (1) The Council agreed a structure in February 2011 which comprised;
 - A Corporate Director of Education Learning and Skills
 - A Director of Standards and Planning

- A Director of School Resources (reporting to the Corporate Director of Finance and Procurement, but with a dotted line relationship with the Corporate Director ELS)
- (2) Reporting to the Director of Standards and Planning:
- Head of Standards and School Improvement
 - Head of Admissions and Transport
 - Head of 14-19
 - Three Area Education Officers
- (3) Reporting to the Corporate Director:
- Two Heads of Service, titles unspecified, but through an expected rationalisation of:
 - Head of SEN, Assessment and Resources
 - Head of Education Psychology
 - Head of Attendance and Behaviour
 - Head of Learners with Additional Needs
- (4) Reporting to the Director of Resources
- Head of Capital and Infrastructure Support
- (5) A Business Support manager also reports to the Corporate Director, and an additional post of Senior Education Adviser to the Corporate Director was included until May 2012.
- (6) In April, when the new Directorate was established, the Interim Director for ELS agreed with the Leader and Managing Director that the structure submitted to Council in February could be revisited, and alternative proposals submitted to the Council, to ensure that the statutory duties of the Council could be fully and effectively discharged.
- (7) To help lay strong foundations for the new Directorate, and to inform the shape of the new structure, a 100 day plan was put in place, focused on 11 work-streams.
- (i) Identifying our statutory duties
- (ii) Ensuring that we are delivering existing savings
 - (iii) Agreeing the proposals for further delegation to schools
 - (iv) Developing a vision and core offer for EduKent
 - (v) Developing, consulting and confirm the ELS structure
 - (vi) Working with Head teachers to develop the Kent Association of Schools
 - (vii) Moving forward with SEN review linking with capital works
 - (viii) Establishing the Kent Challenge as a new mechanism for raising standards
 - (ix) Developing a strategy and delivery plan for improving outcomes for the disadvantaged and for closing the gap
 - (x) Developing an integrated commissioning plan for Early Years, schools and vocational learning delivery

- (xi) Reviewing the Council's approach to 14-19 (24) Learning and Skills provision.
- (8) The work-streams have progressed well, and we have now reached the point where a decision needs to be made on the structure that will need to be in place from September if we are to progress and to ensure that our strategies are delivered and our ambitions met.

Proposed new senior management structure

- 4. It is proposed that seven senior posts are created. The titles and exact responsibilities of the posts will be subject to consultation, but in summary will encompass the following areas of activity:

Kent Challenge

- 5. To be the Council's lead officer for promoting high standards of education in all settings and to lead the Kent Challenge.

Education Provision

- 6. To be the Council's lead officer for ensuring that every child has access to education provision at all ages, and to promote choice and diversity in provision.

*Reporting to this post-holder will be the three **Area Education Officers (AEOs)**. The AEOs will discharge a wide range of functions that go beyond planning of provision; however, statutory intervention in relation to standards transfers to Kent Challenge, and general support to schools will need to be looked at in the context of increased delegation and trading.*

Fair Access

- 7. To be the Council's lead officer for ensuring that every child is admitted to education settings, either mainstream, special or education other than at school, that fair admissions arrangements are applied, and that appropriate arrangements for transport are made where required

Pupil Entitlement

- 8. To be the Council's lead officer for ensuring that every child receives their educational entitlement, including ensuring regular attendance, employment licensing, managing exclusions, focusing on particular groups of vulnerable children, and monitoring education other than at school.

Skills and Employability

- 9. To be the Council's lead officer for the strategy and commissioning of education services for the 14-24 age group, and for the Council's overall strategies in relation to skills and employability.

Assessment

10. To be the Council's lead officer for the educational assessment of children and young people's educational needs and to be the Council's Principal Educational Psychologist.

Pupil Support

11. To lead those services which support individual or groups of pupils, including devolved pupil referral units and provision of alternative education.
12. In addition, the post of Business Support Manager will be retained, and the post of Senior Education Adviser will be reviewed by the new Corporate Director following his arrival in October. The responsibility for Capital and Infrastructure Support will transfer to the Director of Property and Infrastructure Support.
13. It is possible that some of the posts will sit within **EduKent**, which is the new arms-length vehicle being established for trading with schools. Further posts may be created within EduKent depending upon the level of buy-back of traded services by schools. EduKent will be the subject of a separate report to Cabinet in the Autumn following the outcome of the current consultation on further delegation.

Principles

14. An informal consultation commenced on 9th July 2011, following which the formal consultation commenced on 20th July. The consultation is underpinned by a number of principles.
 - The Directorate's policies and procedures will be adhered to in all but exceptional circumstances;
 - Comments, views and suggestions on the proposed structure will be actively sought, considered and implemented if appropriate;
 - Feedback will be given at each stage of the process;
 - Ample opportunity will be given for personal discussions on the individual basis with members of the Human Resources team;
 - Individuals may request voluntary redundancy information;
 - Advice and guidance will be provided throughout the restructure by the Human Resources team and by the Interim Corporate Director, the Interim Director for Planning and Standards, and the Director of Resources;
 - Confidentiality of individuals will be respected throughout the process;
 - The restructure will be carried out in a timely fashion, which is neither hurried nor prolonged, but which brings about the implementation of a new management structure for the beginning of the new academic year 2011.

Procedure Arrangements

15. (1) In line with the Council's Human Resources policies and procedure, this restructure process will aim to:
 - Minimise uncertainty.
 - Ensure fair and consistent treatment.

- Provide detailed information (this document represents the first of these).
- Give advice to those potentially affected as early as possible.
- Limit the numbers of compulsory redundancies by seeking suitable alternative work for those at risk of redundancy, both in ELS and across the wider organisation.
- Consider applications for voluntary redundancy.
- Make available to staff new job descriptions. Where there is little or no change to the post and job description in the current and proposed structure staff will be offered these posts as suitable alternatives and no interview procedure will be necessary.
- Where the post does not significantly change, but there are more post holders than posts, diminution will apply.
- New or changed posts will be available in the first instance to all senior ELS managers within the scope of this restructure via application and through a competitive interview process.

(2) The general arrangements for the process and the terms and conditions by which the process will be governed are set out in the Council's policies and procedure; further information can be obtained from Human Resources.

Implications

16. (1) Financial Implications: The current budget for the senior management structure is £1.264m. The proposals outlined above are likely to cost £1.07m, leading to a saving of £194k, i.e. over 15%.
- (2) HR implications: any redundancy and early retirement costs arising from the implementation of the new structure following the outcome of the consultation will be managed under normal KCC processes.
- (3) Once appointed, new heads of service will put together further proposals on budget and staffing reductions for the Directorate to ensure that the financial savings outlined in the Medium Term Plan are met .

Consultations

15. (1) This report has been discussed with the ELS Cabinet Member, the Leader of the Council, the Managing Director, Chief Officer colleagues, and ELS Directorate Management Team.
- (2) Trade Unions will receive a copy of this report before the County Council and any views can be relayed to Members at that point, but they have also received a copy of the restructure proposals at the same time as the managers affected.
- (3) The structure is currently subject to formal consultation.

Immediate Actions and Timeline

16. The stages and timescale of the restructure are:-
- Briefing on proposals at DMT on 6th July;

- Informal consultation on proposed structure Saturday 9th July 2011 until Friday 15th July 2011.
- Feedback on representation and any amendments of the proposals 18th and 19th July 2011.
- Job descriptions for new roles, amended to reflect comments made, available 20th July 2011.
- Formal consultation commences 20th July
- 1:1 meetings with Andy Roberts, Lorraine O'Reilly, Keith Abbott and HR to be offered, to meet individual circumstances, commencing 20th July.
- County Council; delegated approval to finalise structure following consultation sought at meeting on 21st July 2011
- Formal consultation closes 31st July 2011
- Interviews for new roles to commence at the beginning of August and to be held over the next four weeks, providing maximum flexibility and being sensitive to the holiday arrangements that staff have;
- New management structure takes effect 5th September 2011.

Conclusion

17. The proposed structure will allow the Council to move forward with confidence as the national education landscape continues to evolve, ensuring that its statutory duties continue to be met in a cost-effective manner.

Recommendations

18. Members of the Council are requested to:

Note the proposed structure for the senior management of the Education, Learning and Skills Directorate and authorise the approval of the final structure by the Lead Member and Corporate Director for ELS, amended as appropriate, following the conclusion of the consultation.

Andy Roberts
 Interim Corporate Director, Education, Learning and Skills
 01622 696550
andy.roberts@kent.gov.uk

Background Documents

Change to Keep Succeeding – final proposals: County Council 16 December 2010

Bold Steps for Kent – October 2010

Bold Steps for Education – April 2011

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By: Sarah Hohler, Cabinet Member for Education, Learning and Skills
 Andy Roberts, Interim Corporate Director for Education, Learning and Skills

To: County Council – 21 July 2011

Subject: Post-16 Transport Policy

Classification: Unrestricted

Summary: KCC is proposing to develop within the Post-16 Transport Policy 2012 a “Kent 16+ Travel Pass” (the Pass) for bus travel.

The Pass will be available to Kent resident learners in Years 12 and 13 (and Year 14 students who are completing their 14 – 19 studies) and 16-24 year-olds with Statements of Educational Need or a Learning Difficulty Assessment (139a).

The new scheme is intended to provide support for learners to:

- meet travel costs to schools, colleges and work based learning providers
- ensure Kent providers meet the requirements of Full Participation in learning to 18 by 2015
- ensure fair access and maintain choice to post-16 provision for Kent learners

Introduction

1. The purpose of this paper is to inform Council Members, by way of a progress update, on the practical approach KCC wishes to take to provide post-16 students with a subsidised travel pass, as part of KCC’s Post-16 Transport Policy for 2012. The timetable for the production of the Post-16 Transport Policy is outlined in Appendix 1.

Background

2. (1) The KCC Post-16 Transport Policy for 2012 is being written against the backdrop of the need to fulfil the Authority’s responsibility to ensure Full Participation for all 18 year olds by 2015 and the removal of the Education Maintenance Allowance (EMA).

(2) From September 2011 Education Maintenance Allowances to low-income learners will be closed to new learners. The 16-19 Bursary Fund, which replaces EMA, will be given directly to schools, colleges and work based learning providers for them to allocate. This provides an opportunity to work with all schools, colleges and others to introduce a new post 16 scheme for transport for September 2012.

(3) The KCC 14-24 Innovation Team were commissioned to establish a cabinet member task and finish group to bring forward options for the introduction of the Travel Pass for post-16 learners in Kent to maximise the use of the new bursary scheme and KCC resources. This work started in April of this year and included officers from education, transport and finance.

Current Operation of Post-16 Transport Policy

3. (1) Under the existing Post-16 Transport Policy, KCC currently chooses to underwrite the financial risks for providing post-16 transport for eligible learners in the county through its discretionary policy to support learners from low income families. It also administers the various schemes. Schools, colleges and work based learning providers (WBL) are able to use existing Learner Support Funding to support post-16 transport for their students.

(2) Local Authorities only have a statutory duty to meet the transport needs for pupils with Statements of Special Educational Needs aged 16 -24. KCC currently spends £2.48 million assisting 490 SEN students, but also £1.36 million assisting another 1,067 students who are exempt from home to provider fees under the discretionary policy.

Future Options

4. The Kent Post-16 Transport Policy 2012 must be published by 31st May 2012, for September 2012, and reviewed annually.

(2) Within the new 2012 Policy KCC will set out;

- the strategic direction for post-16 transport in Kent (e.g. Full Participation);
- a framework for a flexible and targeted use of resources in response to learner need through the issuing of a Kent 16+ Travel Pass (the Pass) for bus travel;
- consistent eligibility criteria for those learners with statutory travel requirements;
- eligibility criteria for those learners who will receive any subsidy; and
- a consistent framework within which all Kent providers will be asked to operate the new Pass.

(3) KCC will continue to fund statutory support for pupils with Statements of Special Educational Needs or Learning Difficulty Assessment (139a) up until the age of 24.

Trials for the development of the new pass

5. (1) KCC is currently considering two options for the operation for a new post 16-Pass and is comparing them with the status quo. The key element to each option is that learners will approach their School, College or WBL provider to apply for assistance with travel, although KCC will coordinate the scheme. Schools, Colleges and WBL providers will be expected to make a financial contribution to the scheme from Learner Support Funds and the new 16-19 Bursary Funds.

(2) The options for the Pass are described below:

- **Status Quo:** KCC currently spends £3.84 million (2010/2011) on travel for 16 – 24 SEN learners and learners exempt from travel costs. Approximately 1,500 learners are supported in this way. Under the status quo KCC would continue to fund free travel for those students from low-income families.
- **A Pass offering unlimited free bus travel at all times is issued at a cost of no more than £380 to Learners (Full subsidy model):** We expect that take-up of the pass will be approximately 4000 learners, at an estimated gross cost of £3million per year. Each Pass will cost approximately £750. KCC will buy the Passes from the bus companies and sell them to Schools, Colleges and WBL providers for £380. The difference represents the subsidy that KCC is making. They can sell the passes to learners for between £0 and £380 depending on the individual learner’s assessment against their financial criteria. These costs will be met from the providers’ Bursary Funds and Learner Support Funds. This option carries a risk for KCC if take-up exceeds the 4,000 figure, or costs escalate. This option carries minimal risk for providers.
- **A Pass offering unlimited free bus travel at all times is issued at a cost of no more than £380 to Learners (Capped subsidy model):** KCC will determine what resource it can afford to spend to support post-16 travel. KCC will continue to provide statutory travel support for 16-24 SEN learners. The KCC subsidy would be allocated directly to Schools, Colleges and WBL providers who wish to join the scheme, on a formula basis, where they agree to manage financial assistance against strict learner eligibility criteria. KCC would buy the passes and sell them at the full £750 cost to learning providers. Schools, Colleges and WBL providers would use the allocated KCC subsidy amount, Bursary Funding and Learner Support Funds to sell the Passes at between £0 and £380 to learners. The financial risk for this model is more evenly shared between KCC and providers.

(3) From September 2011 post-16 students will be eligible to apply for 16-19 Bursary Funding. Bursary Funding can be used to cover travel costs. Certain vulnerable students will be automatically eligible for a minimum £1,200 annual grant from this fund. It is proposed that they will not receive any KCC subsidy for travel as this is already covered within their bursary grant.

(4) Other low income post-16 learners who are eligible for Bursary Funding, but not the automatic £1,200 (and who will all receive considerably less funding than this) may be eligible to receive full subsidised travel, but this is the process of being developed. Full eligibility criteria will be developed as part of the trials.

(5) In this way KCC will coordinate and set the Transport Policy. The direct operation is passed onto Schools, Colleges and WBL providers enabling the support for travel to be more focused, flexible and responsive to learners needs. Between September 2011 and April 2012 it is proposed that KCC will be operating three trial schemes in Kent to inform the development of the Pass.

The trials will take into account;

- Travel to learn patterns
- The number of learners likely to take-up a pass
- The amount that learners can afford to pay for passes

- The level of subsidy available from Schools, Colleges and WBL providers
- Provider Curriculum offer
- Participation rates
- Impact on vulnerable learner groups

(6) Initial feedback from Schools, Colleges and WBL providers for the Pass to date has been very positive and bus companies are interested. The Pass fits well with the three Bold Steps priorities. It addresses Growth without Gridlock objectives and the Green Agenda.

Recommendation

6. Members of the County Council are asked to note the progress to date for the development of subsidised Kent 16+ Travel Pass. Further development of the Pass will be done in partnership with the Youth Council and other stakeholders.

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Background documents

Consultation timetable for the Post-16 Transport Policy 2012 Appendix 1

YPLA letter on the 16 to 19 Bursary Fund allocation 2011/12

Appendix 1

Consultation Timetable for Post-16 Transport Policy

KCC has a statutory duty to consult on the Transport Policy statement. Schools, Colleges and WBL providers will be involved at an early stage to consult on the principles and operational details of the scheme, along with employers, learners, parents and carers. Initial discussions with Kent Association of Further Education Colleges (KAFEC) and sixth form providers indicate a strong willingness to engage with KCC over the development of the proposed scheme and the development the trials.

The consultation timetable will be as follows:

June 2011	Paper presented to 14 – 19 Strategic Forum.
July 2011	Paper presented to Cabinet Member briefing for approval of recommendations Progress Update to Council Meeting Negotiation with KEFAC over FE contribution to the scheme.
September 2011	Consultation with all post-16 providers over Transport policy. Manage transition from EMA and manage KCC financial risks. Policy Overview and Scrutiny Committee Three pilot schemes with a range of providers. Consultation with employers, learners, parents and carers. Youth Council Transport Group
December 2011	Priorities and eligibility fully agreed by Cabinet.
May 2012	Publish Transport Policy
September 2012	Implement, if agreed by Cabinet, a new post-16 Transport Policy for Kent, in collaboration with FE sector, schools, training providers and employers.

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From: Alex King – Deputy Leader

Peter Sass - Head of Democratic Services

To: County Council –21 July 2011

Subject: Petition Scheme Debate: Extend the Kent Freedom Pass to 16-20 year olds

Classification: Unrestricted

Summary: Details of Petition received which will be the subject of a debate in accordance with the County Council's Petition Scheme.

For Decision

Introduction

1 (1) In accordance with the Petition Scheme agreed at the County Council meeting on 22 July 2010, any petition on a County Council matter that has more than 12,000 signatures will trigger a debate at County Council.

(2) The process for the debate on each petition is that the Lead Petitioner(s) will be invited to speak to the petition for up to 5 minutes. There will then be a debate of up to 35 Minutes (with each Member speaking for 3 minutes) before the Cabinet Member is invited to respond for a maximum of 5 minutes. As the subject matters for these petitions relate to matters that are the responsibility of the Council's Executive, the County Council may decide whether to make a recommendation to the relevant Cabinet Member to inform the decision-making process.

Petition - Extend the Kent Freedom pass to 16-20 year olds

2 (1) An E-Petition requesting the extension of the Kent Freedom pass to 16-20 year olds has been available on KCC's website for signature for 3 months. The petition attracted 12,677 signatures and therefore has triggered a County Council Debate. A statement from the Lead Petitioners, Mr Jamie Potten and Miss Melanie Sparkes is attached (**Appendix 1**). Mr Potter and Miss Sparkes will be attending the meeting and speaking to the petition.

(2) A briefing report from the Cabinet Member for Environment, Highways and Waste relation to the petition is attached. (**Appendix 2**)

Recommendation

3. The County Council is invited to respond to the Cabinet Member for Environment, Highways and Waste in respect of this petition.

Peter Sass
Head of Democratic Services
01622 694002

Background Documents: None

Petition Statement

Good Afternoon,

We are here today to debate the petition about the popular Kent freedom passes which are currently issued to 11-15 year olds, with our petition hoping to increase the age limit to 20. Many teens attend a college and those older teenagers are just starting out at university and the money situation can be very low. We and many others who signed the petition feel that we are being penalised for going onto higher/further education as the bus fares are extortionate and are not value for money at all. The council should also bear in mind that the school leaving age has been increased to 18, paying for this bus fare can be extremely difficult, whether you have a job or not. Finding a part time job is really hard for people our age. Employers want a candidate that can be flexible with their hours and can commit to the job. We have run numerous searches across popular Kent job websites searching the criteria "Part Time, within 30 miles of Maidstone, Any industry" only 20 results have been returned most times we have searched this criteria, the jobs tend to be assistant manager roles or part time teachers with the desired qualifications. For those of us in a job, our wages that we do manage to earn are spent immediately on bus fare and college supplies.

Jamie currently attends Mid Kent College in Gillingham; He is also in a part time job in Rochester working Monday and Tuesday 9am – 5pm and is on campus at college Wednesday and Friday 9am - 4pm. This is hardly ideal for Jamie; he has to work these hours in order to raise enough money to pay for the monthly bus fare of £80, Pay his keep in his house to parents, pay for lunch (Monday – Friday) This is near enough half of Jamie's wage spent, we like most teens would like to learn to drive and own our very own car, however this is very difficult currently in the circumstances, Jamie has to work these hours in order to even make it to college, further more in extreme cases Jamie knows of some classmates on his course that have had to leave partly down to the extortionate bus fare, surely the council cannot agree its teens and students should have to pay such extravagant amounts with few jobs available.

Melanie has had a year out of education but will be starting Hadlow College in September; her bus fare for 2 years is going to cost her £900. That is a disgraceful amount for a student! Melanie does have a part time job and all the money that she earns is to a large extent on bus fare. Teens feel as we are still in education we earn this right to have the Kent Freedom pass as we can't afford the bus travel and as I said still in education. It feels like we are being punished for carrying on with our studies.

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Report from: Bryan Sweetland, Cabinet Member for Environment, Highways & Waste

Report to: County Council – 21 July 2011

Subject: Extension of Kent Freedom Pass (16-20 year olds)

Classification: Unrestricted

In June 2011 an online petition requesting the extension of the Kent Freedom Pass to 16-20 year olds exceeded 12,000 petitioners. As a consequence, this matter is referred to County Council. This report gives a brief background to the scheme and the costs of extending it in its current form as well as the wider context of concessionary travel schemes and support for bus services provided by the County Council. Members are also referred to the item concerning the proposed 16 plus travel card.

The Kent *Freedom* Pass provides free bus travel in Kent for young people living in Kent in academic years 7-11 on payment of an annual pass fee. It was introduced in pilot form in June 2007. The objectives of the scheme were to tackle school run congestion, to remove the cost of travel as a barrier to school choice and to tackle social exclusion. *Freedom* was extended in phases to countywide (and out of county) by April 2010 and it has proved to be highly successful, although at a significant cost to the County Council. There are currently over 27,000 pass holders and the projected cost to the County Council is £10.7m in 2011/12, despite the annual pass fee increasing from £50 to £100 for passes valid from September 2011.

Since its inception, the single largest request has been the extension to students beyond academic year 11 which broadly equates to 16 years of age^(*). The cost of extending the scheme on an equal basis to academic years 12-13 was last estimated in June 2010 at an additional **£3m - £4.5m**. This projection was based on a take up rate of between 6,000 and 10,000 additional pass holders which could be exceeded. Clearly there will be further costs if the scheme were extended further to young people aged 20.

This level of additional funding has always been considered too great for the County Council to fund on its own. An extension to *Freedom* was the subject of a Pathfinder bid to DfES in November 2007, the extension was considered again as part of a fundamental review reported to Cabinet in January 2010 and further in late 2010 as part of an options and efficiencies review.

** At the age of 16 young people become adults in terms of bus fares and for those who have to pay towards their KCC-provided transport the annual cost leaps from £50 (now increased to £100) to £490. Despite £490 being below the true cost of commercial bus season tickets (£650 - £750), that fact is not appreciated when contrasted with the significant value for money of the Kent Freedom Pass.*

Whilst the cost of a universal extension of the Kent Freedom Pass on an equal basis has always been considered too high, from June 2008, the scheme was extended

beyond year 11 for Young People in Care and Care Leavers. As the numbers involved only amounted to 80 (and have since risen to 194 out of 27,000), this small but valuable extension was accommodated within normal budget management tolerances. At Full Council in February 2011, the Leader announced that in tandem with the increase of the standard fee from £50 to £100, the scheme would be extended to Young Carers (who are up to the age of 18).

Kent County Council is the only authority outside of London to offer such a bold and generous scheme for young people's concessionary bus travel. Extension of the scheme to all young people up to the age of 20 would clearly bring significant benefits, but with the absence of external funding from Government for what is a discretionary scheme, significant additional funding would have to be found from other sources. **Appendix 1** shows the extent of the ongoing funding pressures.

Members are referred to the item concerning the proposed 16 plus travel card.

Appendix 1 - KCC's role in funding public transport

To assist Members' understanding of KCC's role in public transport, the following table shows the annual revenue sums involved, and the beneficiaries:

Subsidies to the passenger (reducing or removing their need to pay) and subsidies to bus operators (to operate public services)			
Scheme	Benefit	Cost per annum (2010/11)	Scope to change
English National Concessionary Travel Scheme	Free off-peak bus travel for OAPs and disabled	£14.4m	This entitlement is enshrined in law and reimbursement to the bus operators is already the subject of lengthy legal debate and challenge
Kent Freedom Pass	Free bus travel for young people at any time	£10.9m	While entirely discretionary, KCC's budget for 2011-12 has already taken steps to limit the cost by doubling the standard charge to £100
Home to School and College Transport Policy	Free transport (by whatever means necessary) during term-times only	£14.1m	The outcome of the consultations announced on 1 July has indicated that only those secondary pupils who qualify as a matter of statutory entitlement will do so from September 2012
SEN Transport Policy	Free transport (by whatever means necessary) during term-times only	£15.9m	A Central Management Team review is currently underway
Local Bus Services	Operation of bus services which are too lightly used to be commercially viable	£6.4m	Value for money will be continually reviewed
	Total	£61.7m	

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By: Graham Gibbens – Cabinet Member for Adult Social Care & Public Health
Roger Gough – Cabinet Member for Business Strategy, Performance & Health Reform

To: County Council – Thursday 21 July 2011

Subject: The alignment of PCT public health staff to KCC and associated Memorandum of Understanding

Classification: Unrestricted

Summary:

1. Responsibility for public health is proposed to transfer from the NHS to local authorities and new body called Public Health England from 2013. This report introduces a Memorandum of Understanding (MOU) between KCC and the Kent PCT's designed to facilitate the alignment of PCT staff to KCC management without changing their terms and conditions of employment or the accountabilities of the PCTs, which will remain responsible for public health until 2013.
 2. The MOU is attached to this report.
-

Introduction:

3. The changes to the organisation of public health in England have been proposed in the White Paper – Healthy Lives, Healthy People – and incorporated in the Health and Social Care Bill currently before Parliament. The key changes proposed and their implications have been accepted by KCC Cabinet and the Kent PCT Boards on previous occasions. The timetable that applies and therefore the period covered by the proposed MOU is as follows:
4. Local authorities have been able to begin preparations for the change in responsibilities from April 2011 onwards.
5. The Human Resources Framework for transition of public health staff is expected to be issued by the Department of Health during Summer 2011. A "Concordat" covering the principles relating to the transfer, selection and appointment processes affecting public health staff moving to local authorities is also being developed by the NHS, DH and local government.
6. Shadow arrangements for discharging the public health responsibilities within upper tier local authorities such as KCC should be in place by April 2012.
7. Indicative budgets will be issued for April 2012 onwards. Ring fenced budgets based on the funding currently devoted to public health activity in the NHS and according to population profiles will be given to local authorities from 2013.
8. Current proposals are that public health commissioning will be subject to oversight by the Health and Wellbeing Board (H&WB Board) to ensure it reflects the

priorities identified in the Joint Strategic Needs Assessment and Health and Wellbeing Strategy that the new legislation requires. KCC is an early implementer for H&WB Boards and the emerging Kent “Shadow Shadow” board’s latest meeting took place on 20th July. H&WB Boards should be established in proper shadow form by April 2012 and be fully operational by April 2013.

9. Public Health England will be established from April 2013.

Transition in Kent

10. The purpose of the MOU is to align PCT staff currently engaged in public health with KCC day to day management. There is no intention to change terms and conditions of service for these staff or the responsibility for their employment which will remain clearly with the PCTs until other arrangements are made or the PCTs cease to exist. In particular any and all financial responsibility for these staff including any redundancy payments or pension arrangements will remain with the PCTs unless and until a full formal transfer of staff to KCC is negotiated separately. The MOU specifically excludes the aligned staff from accruing from KCC any employment rights under TUPE.

11. These staff will report to the jointly appointed Director of Public Health (DPH) who holds dual accountability to KCC and the Kent PCTs and will continue to remain accountable to the PCT Boards (via the PCT Cluster Board), for specific public health performance delivery, during the life of the PCTs.

12. Full legal accountability for the public health service will continue to remain with the PCTs unless and until it is formally transferred to KCC through legislation.

13. Schedule 3 of the MOU describes the accountabilities under the proposed arrangements.

14. The staff mainly comprise the public health consultants (the highest qualified public health staff) and associated colleagues. Staff will be aligned with districts within Kent to ensure local responsiveness is maintained and also with KCC directorates so that the function can be integrated across all of KCC’s activities and responsibilities.

15. The alignment involves approximately 55 staff with an annual salary cost of approximately £3.2m.

Public Health functions:

16. The functions of public health that are the responsibility of the DPH are listed in the MOU Schedule 5.

17. The budgets within PCTs identified as supporting public health activity so far are listed in the MOU Schedule 4. Work continues to locate other relevant budgets within the PCTs and it is expected that the figure of c. £17m reached so far will increase in the near future.

18. Taken together these schedules list the many current and new functions that will be assumed by KCC from 2013. Given the extent of the new responsibilities it is

sensible for the staff involved to be aligned within KCC structures sooner rather than later to enable both staff and KCC itself to adjust to the new arrangements.

Recommendation:

19. The County Council is asked:

to AGREE the alignment of the PCT staff and posts to KCC management structures under the terms of the MOU, as attached to this report.

Meradin Peachey
Director of Public Health
Ext 4293

Attached

Memorandum of Understanding for alignment of PCT public health staff to KCC

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DATED

- (1) NHS EASTERN & COASTAL KENT**
- (2) NHS WEST KENT**
- (3) KENT COUNTY COUNCIL**

**Memorandum of Understanding
Alignment of PCT staff to KCC**

PARTIES

- (1) **NHS EASTERN & COASTAL KENT** whose principal place of business is at Brook House, Chestfield, Canterbury, Kent CT1 1AZ **and**
- (2) **NHS WEST KENT** whose principal place of business is at Wharf House, Medway Wharf Road, Tonbridge, Kent TN9 1RE together and NHS (together the “**PCTs**” and each a “**PCT**”); and
- (3) **KENT COUNTY COUNCIL** whose principal place of business is at Sessions House, County Hall, Maidstone, Kent ME14 1XQ (‘**KCC**’)

1. Glossary

- 1.1. If a word or term in this Memorandum of Understanding (‘this Memorandum of Understanding’) is capitalised, it will have the meaning set out in the Glossary in Schedule 1.

2. Purpose

- 2.1. The PCTs have agreed to align certain employees to fulfil the Functions (“being the oversight, management and governance of the Public Health functions, with the exception of Business planning and continuity which sits within Emergency Planning within the PCT”) under the management of KCC.
- 2.2. This Memorandum of Understanding does not set out every detail about the alignment of staff and the incidental arrangements. It sets out a high level summary of the basis of the agreement between the Parties.
- 2.3. With the exception of paragraphs 5 to 12 inclusive (Key Terms, Costs, Information sharing and Data Protection Act; Confidentiality and Intellectual Property, Freedom of Information, Counterparts, Governing Law and Third Party Rights), and the provisions of the 1st and 2nd Schedule, this Memorandum of Understanding is not intended to be legally binding upon the Parties.

3. Background

- 3.1. Statute (the National Health Service Act 2006) enables the PCTs to work jointly with local councils in the interests of efficiency.
- 3.2. The PCTs have been working jointly with KCC for several years under joint commissioning arrangements in a number of areas, including some senior joint appointments, for example the Director of Public Health.
- 3.3. The Government set out in July 2010 its intention to abolish Primary Care Trusts by March 2013. The Government’s White Paper also set out intentions to transfer public health functions from Primary Care Trusts to new arrangements located in upper tier local councils.

- 3.4. The PCTs and KCC are entering into this Memorandum of Understanding to ensure the business continuity of existing joint commissioning arrangements and to begin the permanent movement of these, and other public health functions, from the PCTs to KCC.
- 3.5. Both parties recognise that in future a permanent transfer of some staff may take place subject to certain safeguards and approvals. For the avoidance of doubt, however, this Memorandum of Understanding executes a temporary alignment of staff on an interim and temporary basis, as defined in the Department of Health Letter from Sir David Nicholson dated 17 February 2011,(to view letter go to http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Dearcolleagueletters/DH_124440) and not a transfer of staff.

4. Timetable

- 4.1. The Parties intend this Memorandum of Understanding to take effect from 22 July 2011.

5. Key Terms

- 5.1 From 22 July 2011, KCC shall take over the oversight, management and governance of the Public Health functions with the exception of business planning and continuity. KCC shall utilise its existing management and governance arrangements in connection with the functions. In practice, this will mean that:
 - 5.1.1 the Aligned Staff and Transferring Functions will be managed on a day to day basis by KCC, but for the avoidance of doubt the PCTs shall retain ultimate managerial control of the Aligned Staff ;
 - 5.1.2 the Aligned Staff shall remain employees of the PCTs
 - 5.1.3 the KCC Chief Executive, or her nominated deputy, shall attend such relevant meetings of the Boards of the PCTs as the PCTs may reasonably require for the purposes of discussing the operation of the Transferring Functions; and
 - 5.1.4 KCC, with the cooperation of the PCTs, shall ensure that appropriate organisational governance procedures are in place for the oversight of the Transferring Functions and will provide the PCTs with periodic assurances and risk reports regarding the services.
- 5.2 KCC will undertake the Transferring Functions with all reasonable skill and care, in accordance with all Change Management Policies, guidance and legislation applicable to the Transferring Functions in such a manner
 - 5.2.1 (a) so as to ensure business continuity of the Transferring Functions;
 - 5.2.2 that is consistent with the PCTs and KCC discharging their statutory functions; and in cooperation with all relevant stakeholders.
- 5.3 The PCT's will follow their own managing change policies for any consultation within the transition.
- 5.4 The PCTs shall take all reasonable steps to ensure the cooperation of the Aligned Staff with KCC in respect of their responsibilities under paragraph 5.2 and this Memorandum of Understanding in general.

- 5.5 The Transferring Functions under this Memorandum of Understanding shall be provided on a cost neutral basis. There shall be no payment made for the day to day management function provided by KCC
- 5.6 The Aligned Staff to be deployed to KCC under this Memorandum of Understanding will be so deployed on the basis more particularly set out at Schedule 2.
- 5.7 The Aligned Staff shall not immediately move their work location to offices within the premises of KCC, but may be required to do so in the future in accordance with the provisions of their contracts of employment.
- 5.8 The term of this Memorandum of Understanding will be from 22nd July 2011 until 31 March 2013 or until the PCTs cease to exist or cease to have responsibility for the Transferring Functions, whichever is the earlier, unless terminated earlier in accordance with paragraph 5.8 or 5.9 below.
- 5.9 This Memorandum of Understanding may be terminated by written agreement between both Parties signed under hand by the agreed representatives of both Parties. Termination agreed in this way shall not take effect until any required period of consultation with the Aligned Staff and other affected staff is completed and in any case not until three months after the date of the signed agreement to terminate.
- 5.10 This Memorandum of Understanding will terminate on the full transfer of Aligned Staff to KCC should that transfer be agreed between the Parties or required by statute, statutory instrument or by Order
- 5.11 The PCTs shall provide support services to KCC under this Memorandum of Understanding in respect of the Aligned Staff to include payroll, human resources (including training) and insurance and commissioning staff functions commensurate with the duties of the employing organisation as set out at Schedule 2.
- 5.12 KCC shall not provide support services to the PCT under this Memorandum of Understanding.
- 5.13 Without prejudice to the provisions of paragraph 1. of the 2nd Schedule, both parties shall remain liable for any losses or liabilities incurred due to their own or their employee's actions and neither party intends that the other party shall be liable for any loss it suffers as a result of this Memorandum of Understanding.
- 5.14 The Parties share financial risks to the extent described under existing agreements between the Parties.
- 5.15 Senior managers of KCC shall report to KCC on all matters relating to the operational management and oversight of the Transferring Functions. KCC shall take over the oversight, management and governance of the functions and shall utilise its existing management and governance arrangements in connection with these Functions.
- 5.16 The agreed representative for each Party will be: the Chief Executive Officer for each Party.
- 5.17 Disputes will be referred to the Chief Executive Officer of each Party as defined in clause 5.16.

5.18 The financial liability of each staff group within the Transferring Functions is set out in Schedule 2 of this Memorandum of Understanding.

6. Costs

6.1. The PCTs and KCC agree to pay their own costs and expenses incurred in connection with the negotiation, preparation and signing of this Memorandum of Understanding and any of the documents mentioned herein.

7. Information sharing and Data Protection Act

7.1 The Parties shall registered under the Data Protection Act 1998 ("DPA") and the Parties will duly observe all their obligations under the DPA which arise in connection with this Memorandum of Understanding and

7.1.1 to take appropriate technical and organisational measures against accidental loss or destruction of and damage to any personal data and.

7.1.2 not to transfer any personal data outside the countries of the European Economic Area without and only to the extent of any written consent of the relevant data subject and the other Parties.

7.2 Notwithstanding the general obligation in this clause, where any Party is processing personal data (as defined by the DPA) as a data processor for any other Party (as defined by the DPA), that party shall ensure that it has in place appropriate technical and organisational measures to ensure the security of the personal data (and to guard against unauthorised or unlawful processing of the personal data and against accidental loss or destruction of, or damage to, the personal data), as required under the Seventh Data Protection Principle in Schedule 1 to the DPA.

7.3 The Parties undertake to:

7.3.1 provide the each other with such information as another Party may reasonably require to satisfy itself that they are complying with its obligations under the DPA;

7.3.2 promptly notify the relevant Party of any breach of any security measures required to be put in place pursuant to the DPA; and

7.3.3 ensure that it does nothing knowingly or negligently which places another party in breach of that Party's obligations under the DPA.

7.4 The provisions of this clause shall apply during the continuance of this Memorandum of Understanding and indefinitely after its expiry or termination.

7.5 Subject to the requirements of this Clause 7 and the Data Protection Act the Parties agree throughout the Period of the Memorandum of Understanding to co-operate with others in the provision to the others of information reasonably required to enable them to report on their statutory obligations and planning overall strategies to meet statutory obligations

8. Confidentiality and Intellectual Property

- 8.1 Each Party acknowledges that it is a public authority within the meaning of Schedule 1 of the Freedom of Information Act 2000. In consideration of each Party providing confidential information to the other in connection with the Memorandum of Understanding or any tender or transfer of services, the PCTs and KCC each agree not to (and will make sure that no officer, employee or agent acting on its behalf will) disclose to any other party any confidential information concerning or in connection with the Parties or this Memorandum of Understanding, subject to its obligations under the Freedom of Information Act 2000, the *Code of Practice on Openness in the NHS* (4 August 2003) and any other applicable laws, rules, regulations and guidance
- 8.2 All written information and data made available by one Party (“the Disclosing Party”) to the other (“the Receiving Party”) hereunder is confidential (“Confidential Information”) and each Party undertakes to treat such Confidential Information with the same care as it would reasonably treat its own confidential information.
- 8.3 Each Party will ensure that its staff comply fully with the principles and requirements set out in the Caldicott Report.
- 8.4 Each Party undertakes that the transmission of patient related information will comply with the PCT’s Information Governance requirements and will be sent to safehaven addresses whether transmitted electronically, by facsimile or post.
- 8.5 Each Party will use all reasonable endeavours to ensure that the Confidential Information is not copied or disclosed to any third party whatsoever.
- 8.6 Upon written request of the Disclosing Party on expiration or termination of this Memorandum of Understanding the Receiving Party will return to the Disclosing Party all Confidential Information not previously returned.
- 8.7 The obligations contained in this clause will survive termination of this Memorandum of Understanding by ten (10) years.
- 8.8 Information shall not be considered as Confidential Information where it is:
- 8.8.1 already in the public domain other than through default of the Receiving Party;
 - 8.8.2 already in the Receiving Party’s possession with no obligation of confidentiality; or
 - 8.8.3 Independently developed by the Receiving Party without reference to the Confidential Information.
- 8.9 Any samples, plans, drawings or information relating to the subject matter of this Memorandum of Understanding supplied to or specifically produced by one Party for another, together with the copyright, design rights or any other intellectual property rights in the same, shall be the exclusive property of the Disclosing Party and shall be used solely by the Receiving Party for the purposes of this Memorandum of Understanding.

9. Freedom of Information

- 9.1 The Parties acknowledge that the other Parties are subject to the requirements of the Freedom of Information Act and the Environmental Information Regulations 2004 and each Party shall assist and co-operate with the others (at their own expense) to enable the other Parties to comply with these Information disclosure obligations.
- 9.2 Where a Party receives a Request for Information (“Request for Information” means any request for information made pursuant to the Freedom of Information Act 2000 or the Environmental Information Regulations 2004”) in relation to information which it is holding on behalf of any other Party, it shall (and shall procure that its sub-contractors shall):-
- 9.2.1 transfer the Request for Information to the other Party as soon as practicable after receipt and in any event within two Working Days of receiving a Request for Information;
 - 9.2.2 provide the other Party with a copy of all information in its possession or power in the form that the other Party requires within five Working Days of that Party requesting that Information; and
 - 9.2.3 provide all necessary assistance as reasonably requested by the other Party to enable that Party to respond to a Request for Information within the time for compliance set out in section 10 of the Freedom of Information Act or regulation 5 of the Environmental Information Regulations 2004.
- 9.3 Where a Party receives a Request for Information which relates to this Memorandum of Understanding, it shall inform the other Party of the Request for Information as soon as practicable after receipt and in any event within two Working Days of receiving a Request for Information.
- 9.4 If a Party determines that information (including Confidential Information) must be disclosed, then it shall notify the other Party of that decision at least two Working Days before disclosure.
- 9.5 The Parties shall be responsible for determining at their absolute discretion whether the Information:-
- 9.5.1 is exempt from disclosure under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004;
 - 9.5.2 is to be disclosed in response to a Request for Information.
- 9.6 The Parties acknowledges that the other Party may, acting in accordance with its obligations under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 or in accordance with a decision of the Information Commissioner, the Information Tribunal or other similar court or tribunal be obliged under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 to disclose Information:-
- 9.6.1 without consulting with the other Party, or
 - 9.6.2 following consultation with the other Party and having taken its views into account.
- 9.7 The Parties agree and acknowledges that any information disclosed in accordance with paragraph 9.6 above will not amount to a breach of any part of this Memorandum of Understanding.

10. Counterparts

This Memorandum of Understanding may be executed in any number of counterparts, each of which when executed will constitute an original of this Memorandum of Understanding, but all the counterparts shall together constitute the same Memorandum of Understanding.

11. Governing law

This Memorandum of Understanding and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

12. Third party rights

This Memorandum of Understanding is for the benefit of, and where applicable, is binding on the Parties and their respective successors and assigns. Anyone who is not a party to this Memorandum of Understanding will not have any rights under this Memorandum of Understanding.

SCHEDULE 1 GLOSSARY

Aligned Staff	Those staff detailed under Schedule 2 who will remain employees of the PCTs but be managed on a day to day basis by KCC for the PCTs under the terms of this Memorandum of Understanding
Confidential Information	shall mean any information which has been designated as confidential by any Party in writing or that which ought to be considered as confidential (however it is conveyed or on whatever media it is stored) including information which relates to the business, affairs, properties, assets, trading practices, Services, developments, trade secrets, intellectual property rights, know-how, personnel, customers and suppliers of either Party, all personal data and sensitive personal data within the meaning of the Data Protection Act 1998;
Transferring Functions	The functions and management arrangements to be undertaken by KCC under this Memorandum of Understanding, as set out in paragraph 5.1
PCTs	The PCTs being the organisations with which the Aligned Staff have their contract of employment
Employee Emoluments	All employment related outgoings including salaries, wages, bonus or commission, holiday pay, expenses, national insurance and pension contributions and any liability to taxation;
Parties	The PCTs and KCC;

Interpretation:

- References to any statute, statutory instrument, regulations or guidance are references to those as from time to time amended, replaced, extended or consolidated.
- References to any statutory body shall include its statutory successor(s) or assign(s).

SCHEDULE 2
STAFF ALIGNMENT ARRANGEMENTS

- 1.1. The Parties agree the following arrangements for the alignment of Aligned Staff to KCC
- 1.2. The Aligned Staff shall be line managed by and accountable to officers of KCC where their previous line management arrangements within the PCTs no longer exist following their alignment.
- 1.3. The Aligned Staff shall remain employed by the PCTs in accordance with their contracts of employment and the PCTs shall remain entirely responsible for all payments due to or with respect to them including all PAYE (Pay As You Earn) and NHS Pension Scheme payments and for any action which may be required in relation to the employment of the Aligned staff such as action in respect of conduct, attendance or performance but the PCTs shall consult with KCC about any such proposed action and should KCC become aware of any act or omission of the Aligned Staff which may constitute any material breach of their terms or conditions then KCC shall notify the PCTs.
- 1.4. For the avoidance of doubt, the period of the alignment of staff is intended to end upon the termination of this Memorandum of Understanding.
- 1.5. The Parties shall consult with each other about any proposal to make any change to the terms and conditions of employment of the Aligned Staff but it shall be the responsibility of the PCTs to consult with the Aligned Staff about such changes to terms and conditions and ultimately to implement any changes.
- 1.6. KCC shall be responsible for ensuring that the Aligned Staff receive appropriate supervision, appraisals and reviews where their previous line management arrangements within the PCTs no longer exist following their alignment
- 1.7. All Aligned Staff under this Memorandum of Understanding will have an entitlement to annual leave in line with their NHS (National Health Service) terms and conditions of employment. Arrangements for holiday absences will, be initially discussed and agreed with the operational line manager, who, if a KCC member of staff will ensure that relevant PCT receives a contemporaneous note of all holidays taken and those planned for each member of staff.
- 1.8. KCC will ensure that at the premises which it controls there are sufficient resources in order for the Aligned Staff based at those premises to be operationally effective. This will include sufficient desks, chairs, (but not telephony and computer equipment), together with a secure and safe internet connection.
- 1.9. Where the Parties agree there is a business need for the same the Parties will provide Aligned Staff with equitable access to mobile telephones, which will be regularly maintained.
- 1.10. Aligned Staff will complete paperwork required by the PCTs and will have access to stationery and resources to enable them to function on a day to day basis.
- 1.11. All Aligned Staff will be deployed to work with KCC. They will be accountable to the Director of Public Health, through their respective line management structure regardless of professional background, unless those management structures have ceased to exist in which case paragraph 1.2 of this Schedule will apply. This will

include accountability for performance activity and budget management against the respective service and management of their workload.

- 1.12 All parties will work to the highest standards of service quality and will strive for continuous improvement and use the following PCT or KCC equivalent codes of organisational practice.
- a) Clinical Governance
 - b) Infection Prevention and Control
 - c) Patient Information Confidentiality
 - d) Information Security and Governance, including the transmission and receipt of personal identifiable information using safehaven procedures.
 - e) Controls Assurance
 - f) Audit
 - g) Equipment maintenance, testing and calibration standards
 - h) Care Quality Commission (CQC) Quality and Safety Outcomes
 - i) Reporting of Risks and Incidents
 - j) All relevant standard operating procedures regarding the services covered by this Memorandum of Understanding.
- 1.13 Access to reports on performance against the above standards will be made available at the reasonable request of any Party.
- 1.14 All Parties will take account of the key principles of the NHS Constitution and operate within all NHS standards, guidance, protocols, policies and mandates and deliver the services with due care and diligence.
- 1.15 All Parties will comply with all regulations and guidelines set by the statutory bodies and professional organisations regarding training and practice of their professional and administrative staff for the services covered by this Memorandum of Understanding. All Parties will further ensure that their respective professional staff fulfil the requirements for registration to practice with the relevant UK registration body and are so registered.
- 1.16 All Parties will warrant that each member of staff involved in the delivery of this Memorandum of Understanding has the appropriate level of qualifications, experience and competency and have the appropriate level of Criminal Records Bureau and security clearance.
- 1.17 All Parties will comply with their own organisational processes for reporting and managing serious incidents; the review and management of which will be fully discussed between the parties. Where required and appropriate, action plans will be produced and shared.
- 1.18 The Parties do not believe that the arrangements under this Schedule constitute a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") but in the event that it is agreed or determined that TUPE does apply then:

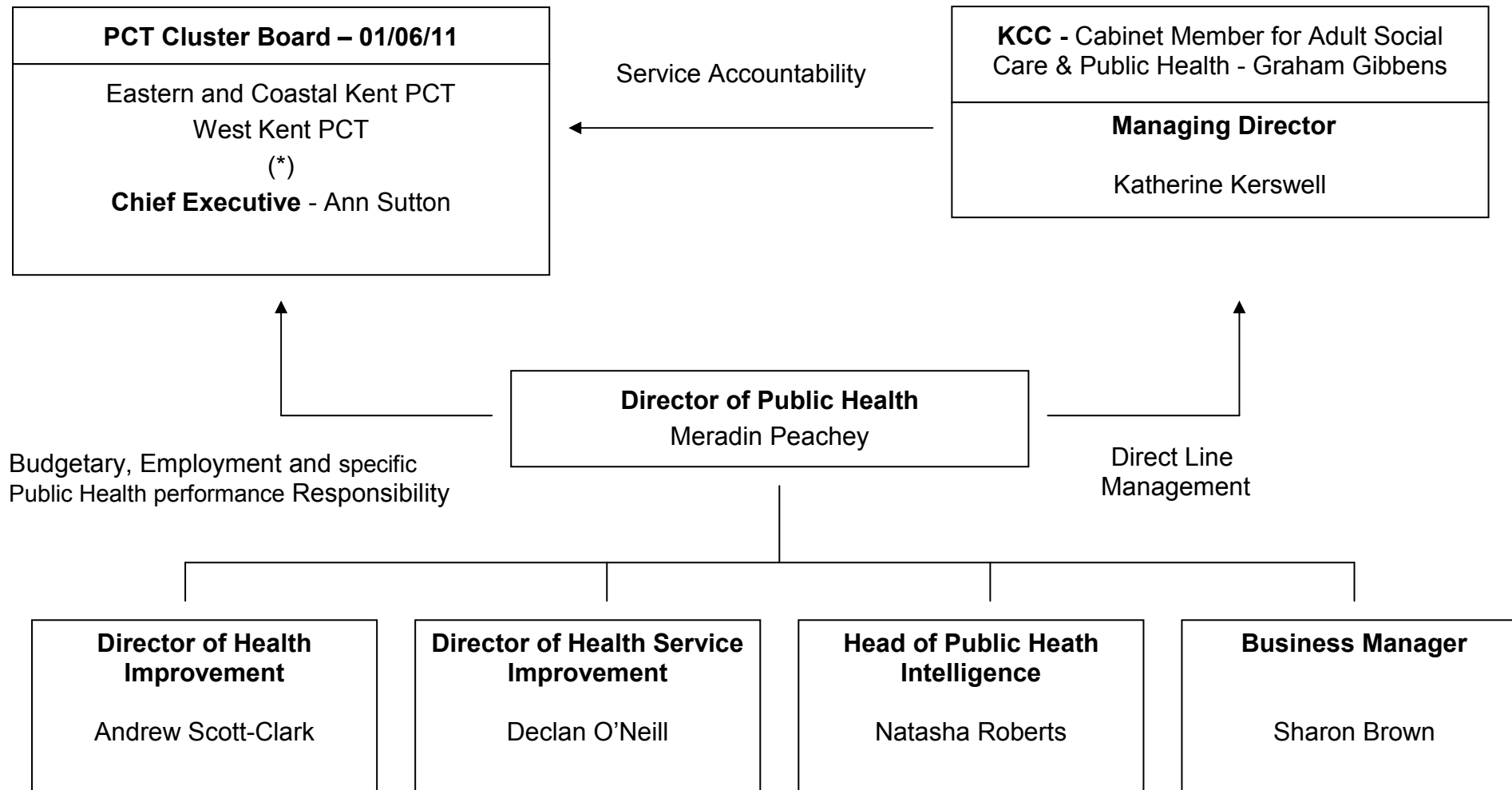
- 1.18.1 the PCTs shall be responsible for all Employee Emoluments in relation to the Aligned Staff up until the date of termination of this Memorandum of Understanding even if the date of the transfer is deemed to have occurred earlier;
- 1.18.2 the PCTs shall indemnify and keep KCC indemnified against all claims, losses, damages or awards including any associated legal costs incurred by KCC arising out of or relating to any act or omission of the PCTs arising from or relating to the employment of the Aligned Staff or its termination prior to the date of the termination of this Memorandum of Understanding or the date upon which any transfer of staff in accordance with TUPE is deemed to have occurred if earlier; and
- 1.18.3 the PCTs and KCC shall otherwise cooperate with each other to determine such other required financial contributions and other necessary arrangements that may be required to give effect to the transfer.
- 1.19 For the avoidance of doubt, the PCTs shall continue to be responsible in respect of any claims or other liabilities whatsoever which arise in respect of or from the Aligned Staff and in respect of any claims or other liabilities to any third party arising out of any act or omission of the Aligned Staff during the term of the Memorandum of Understanding and it will continue to maintain such relevant NHSLA cover in respect of the Aligned Staff except for all claims or liabilities arising from any act or omission of KCC.
- 1.20 The PCTs shall use its reasonable endeavours to procure the consent of the Aligned Staff to KCC having access to such personal data relating to the Aligned Staff which is under the PCTs' control as may be reasonably required by KCC.
- 1.21 Nothing in this Schedule shall be construed as having the effect of forming or recording any relationship of employer and employee between the Aligned Staff and KCC.
- 1.22 Financial responsibility for PCT staff remains with the PCTs and for KCC staff financial responsibility remains with KCC.
- 1.23 Budgetary responsibility is held by the Director of Public Health, who is accountable to both PCTs and KCC under their respective financial protocols and procedures

Schedule 3

Governance and Accountability of PCT staff Aligned with KCC

(* Medway PCT, not shown here has similar accountability to PCT Cluster Board)

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Schedule 4

Currently identified commissioned public health activity and budgets in Eastern and Coastal Kent PCT and West Kent PCT:

Service	Contract value – 11/12	Service Provider
East Kent Stop Smoking Service	£1,609,970	Eastern and Coastal Kent Community Services NHS Trust
Healthy Weight Services	£937,831	Eastern and Coastal Kent Community Services NHS Trust
Health Trainer Service	£683,395	Eastern and Coastal Kent Community Services NHS Trust
Sexual Health services	£7,090,432	Eastern and Coastal Kent Community Services NHS Trust
Sexual Health Promotion	£374,015	Eastern and Coastal Kent Community Services NHS Trust
Termination of Pregnancy	£1,116,787	Marie Stopes
Healthy Schools programme – (overseen by Children’s Services Commissioner)	£305,546	Eastern and Coastal Kent Community Services NHS Trust
Breastfeeding promotion (£90k)	£0K 11/12 (£90K 10/11)	PS breastfeeding
Healthy walk funding	£0K 11/12 (£81K 10/11)	Kent County Council
Swale Community development worker	£19,488	Swale CVS
GP Healthy weight pilots	£TBC 11/12 £167,385 10/11	Various practices
Enhanced services	£138,696 £98,564 £566,879 £65,000	Various practices
Alcohol services	£400,127	KDAAT * commissioned jointly with Probation Service who contribute £60k
West Kent Stop Smoking Service	£1,000,000	Stop Smoking Team (Public Health)

Healthy Weight Services	£437,999	Local Authorities and Healthy Living Centres Dartford & Gravesham NHS Trust (dietetics dept)
	£36,000	NB: In addition, PCT awarded Pilot Status for DoH Change4Life (one-off funding from Community fund - £50k)
	£8,000	One off programme of training from accredited training providers
	£130,000	Acute Hospitals (DVH, Maidstone and Pembury); Community Breastfeeding Support workers; individual contracts with National Childbirth Trust;
	£47,000	West Kent Community Health
Health Trainer Service	£75,000	NHS West Kent
Sexual Health services	1,000,000	NHSWK Chlamydia Team West Kent Community Health Acute Trusts for GUM GPs and community pharmacies
		Healthy Living Centres Urban Blue bus
Local Authority Community Development (Health and Wellbeing programmes)	£291,999	
	£270,000	6 Local Authorities
Alcohol services	£90,000 £40,000* £133,000	KDAAT * commissioned jointly with Probation Service who contribute £60k
Healthy Schools programme	£180,000	NHS West Kent
Total	£17,145,688	

Schedule 5

Current public health functions that are the responsibility of the Kent DPH:

These functions have been identified along with the staff that currently deliver them. Some of the main local authority contributions are included in italics:

HEALTH IMPROVEMENT	WORKFORCE
Joint strategic Needs Assessments (JSNA) Commission Health and Well being interventions	Consultant in Public Health Public Health intelligence officers <i>Joint work with LA's esp. KASS and CFE</i> Consultant in Public Health
Building sustainable capacity and resources for health improvement and reducing health inequalities:	Public Health specialists with commissioning skills <i>Many LA functions contribute directly to reducing health inequalities – HI Strategy applies</i>
Sexual health (inc Teenage Pregnancy) Manage business planning, service specification and tender process for service Manage Service Level Agreements and contracts with providers Directly manage provision of chlamydia services Performance management and evaluation	Consultant in PH PH specialists <i>Teenage Pregnancy Partnership Youth Service</i>
Smoking cessation and tobacco control Manage Service Level Agreements and contracts with service providers Management of smoking cessation service Performance management Analysis Tobacco control Alcohol and substance abuse services Manage service specification and development Performance management, data collection and analysis	Consultant in PH PH specialists <i>LA Trading Standards LA Environmental Health</i> Tobacco control manager Consultant in PH ,PH specialists <i>Kent Drug and Alcohol Action Team</i>
Healthy weight SLA and contract with providers Target monitoring and data collection Analysis	Consultant in PH, PH specialists
Mental Health Manage service specification and development Manage Service Level Agreements and contracts with providers Performance management	Consultant in PH PH specialists <i>Joint Mental Health Service</i>
Falls prevention Manage service specification and development	Consultant in PH PH specialists

Activity monitoring	<i>LA KASS involvement</i>
Health Care Acquired Infections Performance management and Service Level Agreement monitoring Incident reporting Target monitoring	Consultant in PH PH specialists <i>Kent HealthWatch</i>
SCREENING	
Antenatal; Neonatal - newborn hearing; Cancer - breast, cervical, bowel; AAA; Diabetic retinopathy; Chlamydia; Develop newborn physical exam Surveillance monitoring Quality assurance SLA and contract monitoring performance, data collection and analysis	PH specialists Consultant in PH
HEALTH INEQUALITIES	
Healthy living centres service specification, contract monitoring and data analysis Service development Learning difficulties expert input	Consultant in PH <i>Many LA functions contribute directly to reducing health inequalities – HI Strategy applies</i> PH Specialists <i>LA LD services and policy</i>
Vulnerable groups expert input	<i>LA services and policy</i>
PARTNERSHIP WORKING	
Build strategic partnerships Statutory duties include participation in: LSP; CSP; JSNA; Safeguarding Children Board; Children's Trust Board; Local Health and Wellbeing Board Community engagement Advocacy for health <i>Kent Partnership</i> <i>Kent Agreement</i>	Consultant in PH PH Specialists Senior Health Improvement Officers Health improvement specialists Campaigns co-ordinator Consultant in Public Health Health improvement specialists Communications officers <i>Officers from all KCC directorates and policy functions</i>
HEALTH AND EUROPE CENTRE	
European partnership working Social enterprises Training opportunities for PH staff	Director and business administrator <i>KCC International affairs</i>
SCHOOL HEALTH	
Enhanced healthy school status promotion National Indicators <i>Healthy Schools programme and PHSE education in schools</i>	Consultant in PH PH specialists <i>LA Function within CFE</i>

HEALTH TRAINERS	
Service specification and development SLA monitoring Professional development of HTs Activity data collection and analysis	Consultant in PH PH specialists
COMMUNICATION	
Social marketing Health promotion	<i>LA policy and comms functions</i>
HEALTHCARE - PUBLIC HEALTH	
Clinically and cost effective health services commissioning Needs assessment Care pathways, policies and guidelines to improve health outcomes Assess need, demand, utilisation and outcomes Commissioning support through information provision Decommission where evidence supports	DPH, Consultant in PH, PH Specialists, Information Analysts <i>JSNAs jointly with LAs</i> <i>KASS contribution</i>
Prioritisation of health and social care services Evaluate clinical and cost effectiveness Exceptional treatment requests •Produce evidence summaries •Panel members Clinically appraise business cases	DPH, Consultant in PH, PH Specialists, Information Analysts, PH Pharmacist <i>KASS contribution</i>
Equity of service provision Monitor access and use of services Use of Health Equity Audit Use of Equity Impact Assessment Plan services for vulnerable groups	DPH, Consultant in PH, PH Specialists, Information Analysts <i>Kent HealthWatch</i>
Clinical governance and quality improvement Agree service specifications and standards to monitor performance and outcomes Generate information to support QA and monitor performance Audit services and practices to improve outcomes Benchmarking against NICE guidelines	DPH, Consultant in PH, PH Specialists, Information Analysts <i>Kent HealthWatch</i>
Healthcare audit, evaluation and research Links with Equity of service provision and Academic PH	DPH, Consultant in PH, PH Specialists, Information Analysts

Patient safety	DPH, Consultant in PH, PH Specialists, Information Analysts, statistician
Risk analysis	<i>Kent HealthWatch</i>
Serious untoward incident management	
Healthcare development/planning Horizon scanning Analyse cost, benefits and risks for new services/technologies Facilitate strategic and business planning Develop service frameworks	DPH, Consultant in PH, PH Specialists
Leadership for health Strategic view of future developments in health Provide leadership for improving health and tackling inequalities	DPH, Consultant in PH, PH Specialists <i>Public Health policy function</i>
Capacity building Ensure access to training posts Workforce planning	DPH, Consultant in PH, PH Specialists Workforce planner
HEALTH PROTECTION	
Reactive acute functions Proper Office of local authority Contact tracing Outbreak and incident control Infection control including advice on HCAI Advice on immunisation queries	CCDC, DPH, Health Protection Nurses/Specialists
Proactive prevention functions Outbreak prevention plans eg. Tuberculosis, STIs, port health Environmental health liaison Microbiology and tropical diseases medicine liaison Emergency preparedness Business Continuity	CCDC Analysts Emergency planning officer <i>Emergency Planning function</i>
Both proactive and reactive functions Advice on novel threats to health and manage risk	Analysts, surveillance and data support staff
INFECTION PREVENTION AND CONTROL	
Monitoring Tuberculosis Business plan, service specification SLA performance and monitoring Tracing and incidents participation	CCDC, DIPC Consultant in public health (PH), CCDC
Influenza planning	Consultant in PH, CCDC

Seasonal Pandemic	<i>Emergency planning</i>
IMMUNISATION AND VACCINATION	
Performance and contract monitoring Target monitoring and data collection for the following programmes: •Childhood vaccination programme •HPV •Staff flu programme	Consultant in PH Immunisation co-ordinator
PUBLIC HEALTH INTELLIGENCE	
DPH annual report Health needs assessments	DPH PH Consultants
Mapping health indicators Health equity audit Health impact assessment Improving quality of health data PBC tailored inequality planning Economic modelling and evaluation Surveillance Evidence analysis and guidance	PH Specialists PH analysts Knowledge manager Librarian <i>KCC data and information functions</i> <i>Public Health policy function</i>
ACADEMIC PUBLIC HEALTH	
RESEARCH AND ANALYSIS	
Determine priorities for PH research Formulate specific PH research questions Define outcome measures Gap analyses Translate complex research results into information and knowledge to improve population health and wellbeing Evaluation of health services and PH interventions	PH consultant Lecturer in PH SpR/SPT in PH Social scientist Epidemiologist Health service researcher
EDUCATION	
Teaching of other staff, medical students and colleagues Mentorship and group tutorials London/KSS Deanery training programme Specialist portfolio development CPD KSF IPA Public Health Champions	DPH, Consultant in PH, PH Specialists

**THIS MEMORANDUM OF UNDERSTANDING is duly executed on the date stated above
by**

.....
Ann Sutton – Chief Executive of Kent & Medway Cluster

For and on behalf of NHS Eastern & Coastal Kent

.....
Ann Sutton – Chief Executive of Kent & Medway Cluster

For and on behalf of NHS West Kent

.....
Katherine Kerswell – Managing Director
For and on behalf of Kent County Council

By: Roger Gough, Cabinet Member for Business Strategy, Performance & Health Reform
Graham Gibbens, Cabinet Member for Adult Social Care & Public Health
Meradin Peachey, Director of Public Health

To: County Council – 21 July 2011

Subject: Establishing a Shadow Health and Wellbeing Board for Kent

Classification: Unrestricted

Summary: Following agreement by Selection and Member Services Committee on 7 June, the County Council is invited to approve the establishment of the Kent Health and Wellbeing Board (HWB), including Terms of Reference, Standing Orders and Membership.

1. Background

1.1. The Health and Social Care Bill outlines a new role for local authorities for the co-ordination, commissioning and oversight (including scrutiny) of health, social care (both adults and children's), public health and health improvement. The following are the key duties that Kent County Council will have (subject to the enactment of the Bill) which it will need to prepare for:

- Creation of a Health and Wellbeing Board
- Transfer of Public Health and health improvement functions from the PCT, including a ring fenced budget.
- Expansion of the health and social care scrutiny functions
- Establishment of the local HealthWatch.

1.2. This paper focuses on the development of the HWB functions. Kent has been awarded Health and Wellbeing Board Early Implementer status by the Department of Health, enabling it to build on its strong track record of partnership working between the County Council and health organisations. Discussions have been led by both the Cabinet Members for Adult Social Care and Public Health and Business Strategy Performance and Health Reform with support from the Shadow Health and Wellbeing Task Group, led by the Director of Public Health, Meradin Peachey.

1.3. Shadow HWBs will have to be in place in every upper tier authority by the end of 2011. By undertaking the early implementer work, Kent County Council will have the mechanisms in place, relationships cemented and a work programme underway by that date. The final shape of the HWB (subject to legislation) will be subject to a separate decision.

1.4. Once established, the HWB will act as a full KCC committee operating in shadow form until the final legislation detailing the statutory duties of the HWB is

enacted¹. During this period, the HWB will continue to develop relationships between professional groups, refine roles and responsibilities and identify and deliver some quick wins (e.g. joint commissioning). In support of this, a robust evaluation process has been developed to enable lessons to be learnt as this unique partnership develops in shadow form.

2. Health and Social Care Bill

2.1. The Health and Social Care Bill outlines the role and responsibilities of the HWB, to provide a strategic and integrated approach to local commissioning across the NHS, social care and public health. In response to the consultation on the NHS White Paper, the role of the HWB has been further strengthened, and now includes responsibility for:

- Encouraging integrated working, including increased joint commissioning and pooled budgets.
- Conducting a Joint Strategic Needs Assessment (JSNA) to assess health and wellbeing needs of local people, and identify local priorities.
- Using the JSNA, agreeing a Joint Health and Wellbeing Strategy across the NHS, public health, social care and children's services
- Supporting individual organisations, including GP led Clinical Commissioning Groups (CCG), to align their commissioning strategies to the Joint Health and Wellbeing strategy for the county.
- Acting as an open-ended vehicle (upper tier authorities will have the freedom to delegate additional functions to the HWB with the aim of providing better and more integrated services).
- The HWB will be able to formally write to the NHS Commissioning Board and the CCG if, in its opinion, the local NHS commissioning plans have not had adequate regard to the Joint Health and Wellbeing Strategy and Needs Assessment. It will also be able to write to the Local Authority if it feels the same is true of public health or social care commissioning plans.

2.2. The passage of the Health and Social Care Bill has been subject to a pause, during which the Government has sought further engagement on the proposed changes. The Future Forum reported at the beginning of June, with the government's response published soon after outlining the key changes to the Health and Social Care Bill as a result. The role of the HWB will be strengthened:

- The HWB will be consulted on CCG boundaries by the NHS Commissioning Board.
- The HWB will have greater involvement in the development of the CCG Commissioning Plans.
- It will have a duty to involve users and the public.
- Local government will be free to determine the number of elected members on the HWB, including having a majority of elected members.

¹ the Health and Social Care Bill states that: "A Health and Wellbeing Board is a committee of the local authority which established it and, for the purposes of the enactment, is to be treated as if it were a committee appointed by that authority under section 102 of the Local Government Act 1972

3. Early Implementer status to create a Shadow Kent Health and Wellbeing Board

3.1. The NHS White Paper legislative framework sets out a requirement for HWBs to be in place by April 2013 (when they formally assume powers and duties at the same time that CCG's take on the responsibility for the NHS budget where they are able to do so). The legislative framework and next steps documentation set out an indicative timetable for the development of HWBs:

- Early 2011 – establishment of a network of early implementers, to start work on the new arrangements.
- By end 2011 – establishment of “shadow” HWBs in every upper tier authority.
- 2011/12 – Shadow running of HWBs.
- April 2013 onwards – statutory duties and powers to take full effect

3.2. Kent County Council was awarded Early Implementer status in March 2011, and has held an initial meeting with interested parties (including GPs), established a task force to develop the terms of reference and governance arrangements and to establish the HWB in shadow form ahead of the April 2012 deadline.

3.3. Dover District Council has also been awarded Early Implementer status. Whilst the statutory duty will sit with upper tier authorities; having Early Implementer status for both the County and a district council will enable the issues of working across two tiers on the HWB to be highlighted and addressed.

3.4. Evaluation. An evaluation process has been designed to review and evaluate the work undertaken by the HWB in its developmental phase. It is envisaged that the HWB will report to full Council annually on progress against its work plan, including the evaluation of impact.

4. Relationship with Other Partnerships

4.1. The HWB has a clear and strategic role working across the health system in Kent as described above. It will need to establish a distinct role that does not duplicate other arrangements while at the same time developing effective working relationships with existing or proposed partnerships.

4.2. The key relationships are with the following partnerships:

- Kent Forum and Ambition Boards. The work of the HWB will form part of the Ambition Board for “Tackling Disadvantage” and will report into the Kent Forum via this route.
- Locality Boards. These are in development across the County. Relationships between the HWB and the Locality Boards will be developed as the locality board model is developed. Links to Locality Boards remains important, reflecting the complexities of health and social care needs across Kent.
- District level Health and Wellbeing Partnerships/Groups. Kent has already established a network of district-level Health and Wellbeing Partnerships/Groups (HWBPs). These have focussed on delivering the Public Health/Choosing Health agenda (including allocation of limited resources in some areas of the County). They have to date had limited GP involvement in

district-level HWBPs. The role of these groups needs reviewing in the light of the development of both the HWB and the Locality Boards. However, they remain a useful mechanism for delivering the public health agenda at a local level.

- Once the HWB is established, it should develop locality and partnership arrangements as it sees fit. A key partnership will be with LINK and HealthWatch with whom it intends to work closely, in line with Department of Health policy and emerging best practice.

5. **Proposed Membership and Terms of Reference** (See Appendix A)

5.1. The Health and Social Care Bill identifies the statutory membership of the HWB as:

- At least one councillor of the local authority – Leader of the Council and/or their nominee
- Representative of each relevant Clinical Commissioning Groups (one person may represent more than one consortia with the agreement of the HWB)
- Director of Adult Social Services
- Director of Children's Services
- Director of Public Health
- Representative of the local HealthWatch/LINK organisation.
- Such other persons or representatives as the local authority thinks appropriate (this was specifically added to the Bill in recognition of the role and contribution of district councils and other partners to the health and wellbeing agenda).
- NHS Commissioning Board (for the JSNA, HWB Strategy and matters relating to the commissioning functions of the NHS Commissioning Board).

5.2. In relation to Kent County Council representation, the following is recommended:

- The Leader of Kent County Council or his nominee*
- Cabinet Member for Adult Social Care & Public Health
- Cabinet Member for Business Strategy, Performance and Health Reform
- Cabinet Member for Specialist Children's Services
- Corporate Director for Families and Social Services*
- Director of Public Health*

* denotes statutory member of the HWB.

5.3. In addition the following membership for non-KCC bodies is recommended:

- Clinical Commissioning Groups (GPs): up to a maximum of one representative from each CCG or a number to be determined by the CCG leads*
- HealthWatch/Link*
- Three elected Members representing the District/Borough/City Councils (nominated through the Kent Forum)
- PCT Cluster Chief Executive (until 2013)
- NHS Commissioning Board*

* denotes statutory member of the HWB.

5.4. It is emphasised that the HWB membership will need to be kept under review and is liable to change both as a result of experience during this developmental stage and emerging Government guidance.

5.5. There is an expectation that there will be a reasonable balance between GPs and Kent County Council representatives.

5.6. As the HWB will contain both KCC officer and Members and non-KCC representatives, the following matters deviate from the normal KCC committee Procedure Rules:

- Conduct – Members of the HWB are expected to subscribe to and comply with any code of conduct that applies to the members concerned. In other words there will be more than one code of conduct in operation within this HWB, but that no single code of conduct will take precedence over another.
- Voting – The HWB will operate on a consensus basis, where consensus cannot be achieved the meeting or matter will be adjourned. The matter will then be reconsidered and if still no consensus can be achieved, then a vote will be taken (using a simple majority). Bullet point 9 in the Terms of Reference refers to the voting methods to be used, as the shadow HWB develops its role, how any votes are undertaken (whether one person, one vote or block voting) can be worked through in practice.

6. Initial Work Plan

6.1. This can be split into two main areas of focus: Overview and Development.

6.1.1. **Overview** – This covers areas of work that the HWB is responsible for, but does not have to deliver itself (e.g. work areas that it commissions). This covers in the first instance:

- Commission and agree the Joint Strategic Needs Assessment
- Commission and agree the Joint Health and Wellbeing Strategy
- Commission and agree the Pharmaceutical Needs Assessment
- Support individual organisations including GPC to align their commissioning strategies to the JHWS
- Whilst the HWB is in its shadow form it will have no formal legal status or powers. As such, the existing arrangements for approving the JSNA, PNA and JHWS may still need to pertain until such time as the HWB acquires its full status.

6.1.2. **Development** – This covers areas of work that the HWB needs to develop during its initiation stage. These include:

- Evaluation
- Working with District Councils and locality based partners (locality working arrangements)
- Pathway Advisory Groups – the role of these will be to review and co-design new care pathways to improve the patient journey, reduce duplication and

enable reinvestment of savings made. These groups will include representation from GPCs, Providers, Local Government and the Public. They will be the place that all partners can discuss pathway redesign without prejudicing any commissioning process. It will provide commissioning guidance on the pathways it reviews e.g. Dementia. In the first instance these should concentrate on the priorities identified by the JSNA and the JHWS.

7. Scrutiny Arrangements

7.1. The creation of a democratically-led HWB is an opportunity to enhance accountability and ensure a better local focus in the development of health services in Kent.

7.2. Following on from the Health and Social Care Bill consultation process, the functions of health overview and scrutiny will not transfer to the HWB as originally envisaged in the NHS White Paper. Under the terms of the Bill as currently drafted, the HWB will be prohibited from exercising the health scrutiny function. The existing local authority health scrutiny functions are to be strengthened; for example, it will have its power extended to require any provider of NHS funded services as well as any NHS commissioner, including the CCGs, to attend scrutiny meetings and provide information.

7.3. The Health and Social Care Bill as currently drafted, preserves the local authority health scrutiny function but removes the duty to have a separate health overview and committee, although the Bill allows for a committee to continue exercising the function if the authority so wishes. The Bill also currently allows for the detail around the exercise of health scrutiny powers to be set out in secondary legislation (to be consulted on later in the year). This may involve the power of referral being vested in the full Council and not the Health Overview and Scrutiny Committee (HOSC) and possibly involve other changes to the scope and exercise of the referral powers. The power to refer currently relates to the ability of the HOSC to refer services to the Secretary of State on two grounds: inadequate consultation or that change is not in the best interests of local health services.

8. Consultation

8.1. The proposal to create a shadow HWB has been developed by the Health and Wellbeing Taskforce in consultation with the lead Cabinet Members for Adult Social Care & Public Health and Business Strategy, Performance & Health Reform, and other partners. The key consultation points have been:

- 16 March – HWB Workshop with key partners
- 25 March – Kent Forum presentation on emerging health agenda
- 28 March – First meeting of the Health and Wellbeing Task Group (chaired by Meridan Peachey)
- 18 May – Member Briefing on Health
- 6 June – Kent Forum Health Session
- 20 July – Second workshop/meeting for HWB key partners.

9. Risks

9.1. The consultation on the Bill was subject to a pause whilst views on it were sought. KCC, as an Early Implementer of HWBs, was asked to respond to a number of specific points including:

- How to ensure public accountability and patient involvement in the new system
- How advice from across a range of healthcare professionals can improve patient care.

9.2. The timeline for establishing the shadow HWB is relatively short, and whilst good progress has been made to develop the relationships between the key representatives; delays in the Health and Social Care Bill will have an impact on the implementation of the HWB.

10. Financial Implications.

10.1. No additional funding has so far been made available for the operation of the HWB. However, a decision will be required as to where the administration of the Shadow HWB will sit, whether in Democratic Services or elsewhere in Kent County Council. It is estimated that each quarterly meeting will involve up to 10 hours' work, in relation to making the logistical arrangements for the meeting, collating and sending out papers, meeting attendance, drafting minutes and undertaking any follow-up work. Staff costs at level KR8 are estimated to be in the region of £250 per meeting. Further costs will be incurred in relation to accommodation for the meetings, particularly if held outside County Hall, refreshments, etc, for which no budgetary provision currently exists. A total annual budgetary provision of approximately £2,500 therefore needs to be made.

10.2. In addition, no additional funding has been made available to provide the wider operational and policy support to the HWB. It is impossible to say at this time what the policy cost implications are, however, the potential scale of the health policy issues is significant; on a comparative scale (08/09 figures), the NHS in Kent spent £1.9 billion whereas KCC spent £857 million (after the Education DSG is removed from the total KCC budget).

11. Selection and Member Services Committee recommend the report and attached Terms of Reference to the County Council.

12. Recommendations

12.1. County Council is asked to:

- a) Implement the establishment of the Kent Health and Wellbeing Board as a committee of Kent County Council. The Health and Wellbeing Board to operate in shadow form until legislation is enacted.
- b) Agree the KCC membership of the HWB and the Terms of Reference as set out in Appendix A.
- c) The Board report annually to full Council on its activity and progress over the previous 12 months.

- d) Review and amend where necessary, the Terms of Reference and Standing Orders in relation to the HWB; in light of the development of the Board over the next 18 months it's evaluation programme and the publication of relevant legislation and guidance.

Appendices:

Appendix A – Terms of Reference

Background Documents:

There are no background documents.

Contact Officer:

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Kent Shadow Health and Wellbeing Board

Draft Terms of Reference

Role

The shadow Health and Wellbeing Board (HWB) will lead and advise on work to improve the health and wellbeing of the people of Kent through joined up commissioning across the NHS, social care, public health and other services (that the HWB agrees are directly related to health and wellbeing,) in order to secure better health and wellbeing outcomes in Kent and better quality of care for all patients and care users. The HWB has a primary responsibility to make sure that health care services paid for by public monies are provided in a cost-effective manner.

The Shadow HWB also aims to increase the local democratic legitimacy in health and provide a key forum for public accountability for NHS, public health, social care and other commissioned services that relate to people's health and wellbeing.

Terms of Reference:

The HWB will:

1. Commission and endorse the Kent Joint Strategic Needs Assessment (JSNA), subject to final approval by relevant partners, if required.
2. Commission and endorse the Kent Joint Health and Wellbeing Strategy (JHWS) to meet the needs identified in the JSNA, subject to final approval by relevant partners, if required.
3. Commission and endorse the Kent Pharmaceutical Needs Assessment, subject to final approval by relevant partners, if required.
4. Review the commissioning plans for healthcare, social care (adults and children's services) and public health to ensure that they have due regard to the JSNA and JHWS, and to take appropriate action if they consider that they do not (for instance, by writing formally to the local authority leadership, GP consortium or the NHS Commissioning Board as appropriate, drawing attention to their reservations).
5. Consider the totality of the resources in Kent for health and wellbeing and consider how and where investment in health improvement and prevention services could (overall) improve the health and wellbeing of Kent's residents.
6. Endorse and secure joint arrangements where agreed and appropriate; including the use of pooled budgets for joint commissioning (s75), the development of appropriate partnership agreements for service integration, and the associated financial protocols and monitoring arrangements., making full use of the powers identified in all relevant NHS and local government legislation.

7. Facilitate pathway redesign to improve the patient journey and healthcare outcomes.
8. Consider and advise CQC, NHS Commissioning Board, Monitor and Providers in health and social care with regards to service reconfiguration and make recommendations to those providers to enable improved and integrated service delivery.
9. Provide advice (as and when requested) to the County Council on service reconfigurations that may be subject to referral to the Secretary of State on resolution by the full County Council.
10. Be the focal point for joint working in Kent on the wider determinants of health and wellbeing, such as housing, leisure facilities and accessibility, in order to enhance service integration.
11. Discharge its duty to encourage integrated working with relevant partners within Kent (e.g. at locality level).
12. Develop and implement a Key Deliverables Plan, which will support the HWB early implementer status evaluation report, to be submitted to the Department of Health in May 2012.
13. Will report to the full County Council on an annual basis on its activity and progress against the milestones set out in the Key Deliverables Plan.
14. Develop and implement a Communication and Engagement strategy for the work of the HWB; outlining how the work of the HWB will reflect stakeholders views and how the HWB will discharge its specific consultation and engagement duties. Work closely with LINKs/Local HealthWatch.
15. Represent Kent in relation to health and wellbeing issues across localities, nationally and internationally.
16. Subject to prior agreement and meeting the HWB's agreed criteria, the HWB may delegate those of its functions it considers appropriate to another committee established by one or more of the principle councils in Kent to carry out specified functions on its behalf for a specified period of time.

Membership

The Chairman will be elected by the HWB.

1. Kent County Council:
 - The Leader of Kent County Council and/or their nominee*
 - Cabinet Member for Adult Social Care & Public Health
 - Cabinet Member for Business Strategy, Performance and Health Reform
 - Cabinet Member for Specialist Children's Services
 - Corporate Director for Families and Social Services*
 - Director of Public Health*

2. Clinical Commissioning Group: up to a maximum of one representative from each consortium or to be determined by the CCG leads*
3. HealthWatch/Link*
4. Three elected Members representing the Kent District/Borough/City councils (nominated through the Kent Forum)
5. PCT Cluster Chief Executive (until 2013)
6. NHS Commissioning Board*

*denotes statutory member.

Kent Health and Wellbeing Board – Terms of Reference

Standing Orders

1. **Conduct.** Members of the HWB are expected to subscribe to and comply with any code of conduct that applies to them. No code of conduct will have precedence over another.
2. **Frequency of Meetings.** The HWB shall meet at least quarterly. The date, time and venue of meetings shall be fixed in advance by the HWB in order to coincide with the key decision-points and Forward Plan.
3. **Meeting Administration.** HWB meetings shall be advertised and held in public and be administered by the County Council. The HWB will consider matters submitted to it by local partners. The County Council shall give at least five clear working days' notice in writing to each member for every ordinary meeting of the HWB, to include any agenda of the business to be transacted at the meeting. Papers for each HWB meeting will be sent out five clear working days in advance. Late papers will be sent out or tabled only in exceptional circumstances. The HWB shall hold meetings in private session when deemed appropriate in view of the nature of business to be discussed. The Chair's decision on this matter shall be final.
4. **Special Meetings.** The Chair may convene special meetings of the HWB at short notice to consider matters of urgency. The notice convening such meetings shall state the particular business to be transacted and no other business will be transacted at such meeting.

The Chair will be required to convene a special meeting of the HWB if s/he is in receipt of a written requisition to do so signed by no less than [three] of the [Constituent Members/members] of the HWB. Such requisition shall specify the business to be transacted and no other business shall be transacted at such a meeting. The meeting must be held within seven days of the Chair's receipt of the requisition.

5. **Minutes.** The HWB shall cause minutes of all of its meetings to be prepared recording:
 - a) the names of all members present at a meeting and of those in attendance
 - b) apologies
 - c) details of all proceedings, decisions and resolutions of the meeting.

These minutes shall be printed and circulated to each member before the next meeting of the HWB when they shall be submitted for the approval of the HWB. When the minutes of the previous meeting have been approved they shall be signed by the Chair.

6. **Agenda.** The agenda for each meeting will normally include:
 - a. Minutes of the previous meeting for approval and signing
 - b. Reports seeking a decision from the committee

- c. Any item which a Member of the Committee wishes included on the agenda, provided it is relevant to the terms of reference of the Committee and notice has been give to the Clerk at least nine working days before the meeting.

The Chairman may decide that there are special circumstances that justify an item of business, not included in the agenda, being considered as a matter of urgency. He must state these reasons at the meeting and the Clerk shall record them in the minutes.

7. **Chair and Vice Chair's Term of Office.** The Chair and Vice Chair's term of office shall terminate on 1 April in each year and they shall each be reappointed or replaced by another member, according to the decision of the HWB, at the first meeting of the HWB succeeding that date.
8. **Absence of Members and of the Chair.** If a member is unable to attend a meeting, then the relevant Constituent Member shall, where possible, provide an appropriate alternate member to attend in his/her place. Where possible, the Clerk of the meeting will be notified of any absence and/or substitution within 5 working days of the meeting. The Chair shall preside at HWB meetings if s/he is present. In her/his absence the Vice-Chair shall preside. If both are absent the HWB shall appoint, from amongst its members Acting Chair for the meeting in question.
9. **Voting.** The HWB will operate on a consensus basis. Where consensus cannot be achieved the subject (or meeting) will be adjourned. The matter will then be reconsidered; if at that point a consensus can still not be reached the matter will be put to a vote. All matters to be decided by the HWB shall be decided by a simple majority of the members present, but in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote. All votes shall be taken by a show of hands unless decided otherwise by the Chair.
10. **Quorum.** A third of [Constituent Members/members] shall form a quorum for meetings of the HWB. No business requiring a decision shall be transacted at any meeting of the HWB which is inquorate. If it arises during the course of a meeting that a quorum is no longer present, the Chair shall either suspend business until a quorum is re-established or declare the meeting at an end.
11. **Adjournments.** By the decision of the Chair of the HWB, or by the decision of a majority of those present at a meeting of the HWB, meetings of the HWB may be adjourned at any time to be reconvened at any other day, hour and place, as the HWB shall decide.
12. **Order at Meetings.** At all meetings of the HWB it shall be the duty of the Chair to preserve order and to ensure that all members are treated fairly. S/he shall decide all questions of order that may arise.
13. **Suspension/disqualification of Members.** At the discretion of the Chair, any body with a representative on the HWB will be asked to reconsider the position of their nominee if they fail to attend two or more consecutive meetings without good reason or with the prior consent of the Chair or they breach the appropriate code of conduct.

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KENT COUNTY COUNCIL

GOVERNANCE AND AUDIT COMMITTEE

MINUTES of a meeting of the Governance and Audit Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Thursday, 30 June 2011.

PRESENT: Mr R L H Long, TD (Chairman), Mr A R Chell, Mr K A Ferrin, MBE, Mr C Hibberd, Mr D A Hirst, Ms A Hohler, Mr S Manion (Substitute for Mr M V Snelling), Mr R A Marsh, Mr R J Parry, Mr T Prater Mr R Tolputt

ALSO PRESENT: Miss S J Carey, Mr D Wells Mrs E Robinson

OFFICERS: Mr A Wood (Acting Corporate Director of Finance and Procurement), Mr D Tonks (Head of Audit & Risk), Mr N Vickers (Head of Financial Services), Mrs C Head (Chief Accountant), Mr P Mulholland (Group Leader, Property and Commercial), Ms J Hill (Performance Manager) Mr A Tait (Democratic Services Officer)

ALSO IN ATTENDANCE: Mr D Wells and Mrs E Robinson from the Audit Commission.

UNRESTRICTED ITEMS

16. Membership

(Item 2)

The Committee noted the appointment of Ms A Hohler and Mr R A Marsh in place of Mr P W A Lake and Mr J F London.

17. Minutes - 16 March 2011

(Item 5)

RESOLVED that subject to an amendment to Minute 4 (2) to clarify that the regular updates should take place at each meeting, the Minutes of the meeting held on 16 March 2011 are correctly recorded and that they be signed by the Chairman.

18. Committee Work Programme

(Item 6)

(1) The Head of Audit and Risk presented a forward work programme to the Committee for approval.

(2) The Committee agreed to the inclusion of an informal meeting for Members of the Committee to consider the savings programme with particular reference to those Project Initiation Documents where those responsible for the savings were at risk of failure to meet their targets or where an unforeseen impact on front line services had resulted. The preferred date was late July 2011.

(3) RESOLVED that subject to (2) above, the forward work programme for 2011 be agreed.

19. Treasury Management Annual Review 2010/11

(Item 7)

(1) The Head of Financial Services gave a report summarising Treasury Management activities in 2010/11. This included a high rating from Internal Audit, which had been reported to the quarterly Treasury Advisory group.

(2) The Head of Financial Services replied to questions from Members of the Committee by saying that it was anticipated that, assuming that the County Council maintained its Preferred Creditor status, it was projected that 95% of its investment in Icelandic Banks would be recovered. He also informed the Committee that the Treasury Advisory Group would meet in late July to consider whether the County Council should undertake short-term borrowing from Santander UK.

(3) RESOLVED that approval be given to the report for submission to the County Council.

20. External Audit Governance report

(Item 8)

(1) The draft Annual Governance report had been circulated to the Committee prior to the meeting.

(2) Mr Darren Wells from the Audit Commission said that the draft report gave assurance that there were no serious governance issues that needed to be addressed.

(3) In response to a question on unadjusted misstatements in the financial statements (Appendix 3 of the Annual Governance Report), the Acting Corporate Director of Finance and Procurement informed the Committee that these would only be corrected if it transpired that other adjustments would also be needed. This was because the corrections would have to be made throughout the accounts. There would be no reduced external audit opinion if the corrections were not made.

(4) The Committee agreed by 9 votes to 2 with 1 abstention that the decision on whether to make the corrections would be delegated to the Acting Corporate Director of Finance and Procurement in consultation with the Chairman and the Liberal Democrat Group Spokesman.

(5) RESOLVED that:-

(a) the draft Annual Governance report be noted for assurance; and

(b) the decision on whether to correct the misstatements in the financial statements be delegated to the Acting Corporate Director of Finance and Procurement in consultation with the Chairman and Liberal Democrat Group Spokesman once the Annual Governance report has been completed.

21. Internal Audit Annual Report

(Item 9)

(1) The Head of Audit and Risk summarised the output of the Internal Audit annual plan, commenting on the performance of the Internal Audit section. The report gave substantial assurance that the Council's system of internal control was operating effectively.

(2) The Head of Audit and Risk was asked whether the two overdue recommendations set out in paragraph 3.7 of the annual report had been implemented. He offered to reply to Committee Members once these had been followed up. He also reported that all recommendations were followed up as part of routine reporting to the Committee. .

(3) RESOLVED that the Internal Audit report for 2010/11 be noted for assurance.

22. Draft Statement of Accounts 2010/11

(Item 10)

(1) The Acting Corporate Director of Finance and Procurement presented the Draft Statement of Accounts for 2010/11. This was the first time they had been prepared on an International Financial Reporting Standards (IFRS) basis.

(2) The Liberal Democrat Group Spokesman asked for a report on the viability of Oakwood House to be presented to either the Trading Activities Sub-Group or the Committee.

(3) RESOLVED that:-

(a) approval be given to the draft Statement of Accounts for 2010/11 subject the Chairman and Liberal Democrat Group Spokesman being informed of any changes which may be made to the Accounts following completion of the external Audit; and

(b) the recommendations made in the Annual Governance Report (Minute 20) be noted.

23. Company Protocol

(Item 11)

(1) The Group Leader, Property and Commercial reported on behalf of the Director of Governance and Law presented the Company Protocol to the Committee for assurance. The Committee asked to receive a report on the effectiveness of the protocol in a year's time.

(2) RESOLVED that: -

(a) the Company Protocol be noted for assurance; and

(b) a report on the effectiveness of the Protocol be submitted to the Committee in a year's time.

24. Review of Complaints

(Item 12)

(1) The Performance Improvement Manager reported that the manner in which the County Council dealt with complaints from the public and the Local Government Ombudsman would be improved by providing a single address, telephone number and e.mail address contact. This would enable reorganising the logging and tracking of complaints within one team.

(2) RESOLVED that the report be noted.

25. Debt Management

(Item 13)

(1) The Acting Corporate Director of Finance and Procurement reported the County Council's debt position. He explained that the Debt Management Team's focus was to ensure that debts did not become six months old.

(2) The Acting Corporate Director of Finance and Procurement offered to provide Members of the Committee with an explanation for the Chief Executive's department's write offs totalling £43,625 shortly after the meeting.

(3) RESOLVED that the report be noted.

26. Annual Audit Fee 2011/12

(Item 14)

(1) The Head of Audit and Risk presented a report on the Audit Commission's proposed audit fees for the County Council in 2011/12.

(2) RESOLVED that approval be given to the fee proposed.

27. Kent Superannuation Fund Audit Plan 2011/12

(Item 15)

(1) The Head of Audit and Risk presented a report on the work that the Audit Commission intended to undertake on the Superannuation Fund, including the amount of fee to be charged.

(2) RESOLVED that approval be given to the fee proposed.

28. Update on progress of Savings Programme

(Item 16)

(1) The Acting Corporate Director of Finance and Procurement presented a report on the process used by the County Council to ensure delivery of the 2011/12 budget savings. He said that it was essential to ensure that both the £95 million to be saved and the £909 million remaining should be treated as equal priorities.

(2) The Acting Corporate Director of Finance and Procurement continued by explaining the risk rating system (Blue, Green, Amber and Red) that had been adopted in respect of each line of the Medium Term Financial Plan (MTFP). Blue represented savings already achieved; Green where savings were almost certain to be achieved; Red where plans had not yet been finalised or where delivery was not fully in the County Council's control; and Amber, which was anything between Red and Green. The "Red" savings currently totalled £5 million of which some 50% could be delivered as planned. The remainder would need to be reconfigured and presented to Cabinet. He was cautiously optimistic that a balanced budget would be achieved.

(3) Members of the Committee expressed the view that they would like to have an overview of the entire savings process and that this would best be achieved by having an oversight of all the Red (and possibly Amber) Project Initiation Documents (PIDs). The Committee therefore agreed to arrange an informal meeting towards the end of July to consider the savings programme in greater detail and the scope of future reports to the Committee. The Finance and Procurement Portfolio Holder and Deputy would be invited to attend.

(4) Mr K A Ferrin asked that all Members of the Committee be sent a copy of the PID list as well as the individual PIDs when they were produced.

(5) RESOLVED that:-

- (a) the progress against the delivery of savings be noted; and
- (b) an informal meeting for Members of the Committee, the Finance and Procurement Portfolio Holder and Deputy be held (if possible in late July) to enable the savings programme to be considered in greater detail.

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KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 10 May 2011.

PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R Brookbank, Mr A R Chell, Mrs V J Dagger, Mr J A Davies, Mr T Gates, Mr W A Hayton, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr R J Lees, Mr R F Manning, Mr R J Parry, Mr R A Pascoe, Mr M B Robertson, Mr C P Smith
Mr A T Willicombe

ALSO PRESENT: Mr K H Pugh Mrs P A V Stockell

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Team Leader - Waste Developments), Mr J Crossley (Team Leader - County Council Development), Ms A H Hopkins (Principal Planning Officer - Enterprise and Environment), Mr N Sarrafan (County Transport & Development Manager) Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

35. Minutes - 12 April 2011

(Item A3)

RESOLVED that, subject to an amendment of Minute 25 to read that Mr W A Hayton had replaced Mr K Smith on the Committee, the Minutes of the meeting held on 12 April 2011 are correctly recorded and that they be signed by the Chairman.

36. Site Meetings and Other Meetings

(Item 5)

(1) The Committee was informed that Mr C Hibberd had arranged a site tour of the East Kent Access works on 8 June 2011.

(2) The Committee agreed to hold a tour of permitted development sites on Tuesday, 28 June 2011 and that its next training session would take place on Tuesday, 26 July 2011 on Highways considerations.

37. Application TM/10/2029 - Westerly extension to Hermitage Quarry, Hermitage Lane, Aylesford; Gallagher Aggregates Ltd

(Item C1)

(1) Mr P J Homewood made a declaration of prejudicial interest in that he had a close personal association with the applicant. He left the Chamber and took no part in the discussion of this item.

(2) Mrs V J Dagger and Mr J D Kirby informed the Committee that they were members of the Kent Wildlife Trust. They had, however, had no previous involvement with the application and were both able to approach it with a fresh mind.

- (3) Mr R E King and Mr M B Robertson both informed the Committee that their wives were members of the Kent Wildlife Trust. Neither of them had had any previous involvement with the application and they were both able to approach it with a fresh mind.
- (4) Each Member of the Committee had received hundreds of e-mails and several letters from objectors to the application as well as a letter from the applicants since publication of the Committee report.
- (5) Correspondence from Mrs T Dean objecting to the application was tabled. In addition, the Head of Planning Applications Group informed the Committee of 19 letters of representation received by Officers since publication of the report. She also reported the formal views of Kent Highways Services raising no objection to the application.
- (6) The Head of Planning Applications Group tabled an amended paragraph 139 to the report which now read that the proposal met the requirements of "MPS2" rather than "Policy ENV21 of the Kent Structure Plan." She also asked the Committee to note that reference to Policy ENV21 of the Kent Structure Plan should be deleted from paragraph 128 of the report.
- (7) Mrs P A V Stockell was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.
- (8) Mrs Sarah Cooper (Save Oaken Wood Action Group), Mr Chris Hall (Barming Parish Council), Mrs Fay Gooch (local Borough Councillor), Ms Christina Byrne (Kent Woodland Trust) and Mr Peter Budgen (local resident) addressed the Committee in opposition to the application. Mr Harry Rayner (Tonbridge and Malling CPRE) spoke in support. Nick Yandle (Chief Executive - Gallaghers) spoke in reply.
- (9) On being out to the vote, the recommendations of the Head of Planning Applications Group were agreed by 10 votes to 6 with 1 Abstention.
- (10) RESOLVED that the application be referred to the Secretary of State for Local Government and Communities and that, subject to him giving no direction to the contrary, permission be granted to the application subject to the prior satisfactory completion of a legal agreement to secure the Draft Heads of Terms set out in Appendix 4 to the report and to conditions, including conditions covering amongst other matters the standard time condition; noise and dust controls; hours of working; a scheme of working and restoration; the blasting regime; lorry sheeting; the imposition of a maximum number of HGV movements during any one calendar month to 30 during peak hours; a restriction on the highest monthly average of vehicle movements to 300 with no single day exceeding 600 movements (300 in/300 out); depth of working and ground water monitoring; and archaeological evaluation.

38. Application DO/10/954 - Waste management proposals including Materials Recycling Facility, Inert Materials Processing Facility, Soil Washing Plant and Anaerobic Digestion Plant at Sites A and B, Ramsgate Road, Richborough, Sandwich; Thanet Waste Services

(Item C2)

(1) The Head of Planning Applications Group reported that the Local Member, Mr L B Ridings had indicated that he fully supported the application. She also reported correspondence from Mr K Smith (in his capacity as a Member of the Internal Drainage Board) raising concerns about the effect on the flood plain.

(2) RESOLVED that permission be granted to the application subject to conditions including conditions covering the standard notification of commencement time condition; waste throughputs; waste handling; hours of operation (construction and operational); the development taking place in accordance with the layout plans contained within the planning application; daily vehicle movements; code of construction practice, noise restrictions and monitoring; a dust and odour management plan; a detailed drainage plan; a conservation management plan; a detailed contaminated land assessment; a programme of archaeological works; and avoidance of mud on roads.

39. Proposal TM/11/192 - Fencing with vehicular and pedestrian gates at The Malling School, Beech Road, East Malling; Governors of The Malling School

(Item D1)

(1) Correspondence from the Local Member, Mrs T Dean was tabled, requesting deferment pending a Members' site visit and objecting to the proposal in the event that no such visit took place. Correspondence from the Principal of The Malling School was also tabled.

(2) RESOLVED that:-

(a) permission be granted to the proposal as now amended subject to conditions, including conditions covering the standard time condition for implementation; the development being completed in accordance with the approved plans; a scheme of landscape planting being adopted, to include planting on the margins of the lake; and the fencing being painted dark green; and

(b) the applicants be advised by Informative to enter into dialogue with local representatives regarding the use and access to the land to be unfenced on the western end of the school land; and be reminded of the need to observe any existing covenants and/or access rights relating to School owned land, and of the need to ensure that maintenance agreements are abided by.

40. Proposal SW/10/1334 - Refurbishment of existing school buildings at Danley Middle School as part of the proposed Halfway House Primary School relocation at Halfway Road, Minster on Sea, Sheerness; KCC Education, Learning and Skills

(Item D2)

(1) Mr A T Willicombe informed the Committee that he was acquainted with Mr P Hayes, one of the objectors to the proposal. As this was not a close personal association, he was able to approach the proposal with an open mind.

(2) Mr K H Pugh was present for this item pursuant to Committee Procedure 2.24 and spoke.

(3) Correspondence from Minster-on-Sea Parish Council was tabled asking why correspondence between the Parish Council and the Cabinet Portfolio Holder for Education, Learning and Skills and with the Secretary of State for Education had not been included in the Committee report. The Head of Planning Applications Group explained that this was because she had not been made aware of it.

(4) In agreeing the recommendations of the Head of Planning Applications Group, the Committee asked for the inclusion of an Informative asking the School to consider positioning the fence in a way that did not jeopardise use on either side of it for sports purposes.

(5) RESOLVED that:-

- (a) the application be referred to the Secretary of State for Communities and Local Government and that, subject to him giving no direction to the contrary, permission be granted to the proposal subject to conditions, including conditions covering the standard time condition; the development being carried out in accordance with the submitted details and plans; the submission of material samples; the provision and maintenance of a drop off area and vehicle and cycle parking arrangements at the site prior to occupation of the building; provision on site of facilities to accommodate operatives and construction vehicles loading, off loading or turning; details of parking on site for construction site personnel, operatives and visitors; precautions on site to guard against transfer of mud and similar substances onto the public highway; provision of an adequate surface and drained vehicle parking space and of a vehicle loading/off loading and turning space area before the use commences; provision of cycle parking space before the building is occupied; completion of the access details shown to the satisfaction of the Local Planning Authority prior to the occupation of the site; revision of the school travel plan; submission of a full lighting scheme for the site and for lighting to be sited and angled to fall wholly within the school site; submission of boundary treatment proposals; and implementation of the mitigation measures detailed in the application in relation to reptiles, nesting birds, great crested newts, bats (including further bat survey work), toads and hedgehogs, plus the enhancement of the site for biodiversity; and
- (b) the applicants be informed by Informative of the Committee's view that the School should consider positioning the fence in a way that does not jeopardise use on either side of it for sports purposes.

41. County matter applications dealt with under delegated powers
(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils and Government Departments;
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Regulations 1999 (None).

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PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 14 June 2011.

PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R Brookbank, Mr A R Chell, Mr J A Davies, Mr T Gates, Mr W A Hayton, Mr C Hibberd, Mr J D Kirby, Mr S J G Koowaree (Substitute for Mr M B Robertson), Mr R J Lees, Mr R F Manning, Mr R A Pascoe, Mr C P Smith Mr A T Willicombe

ALSO PRESENT: Mr L Christie

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Team Leader - Waste Developments), Mr J Crossley (Team Leader - County Council Development), Mr R White (Transport and Development Business Manager) Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

35. Minutes - 10 May 2011

(Item 5)

(1) In respect of Minute 11/11, The Head of Planning Applications Group informed the Committee that the second court action brought by CALA Homes against the Secretary of State's advice regarding the South East Plan had been unsuccessful at the Court of Appeal Stage. This meant that the advice given to Committee Members in February 2011 was still relevant.

(2) The Head of Planning Applications Group reported in respect of Minute 11/1 that the applicants for the Straw Mill Hill, Tovil application (MA/10/167) had appealed the Committee's decision to refuse permission. The Planning Inspectorate had advised that the appeal would take the form of a Hearing rather than an Inquiry.

(3) The Head of Planning Applications Group reported in respect of Minute 11/37 that the Secretary of State had issued a holding direction pending a decision on whether to call in the Hermitage Quarry application (TM/10/2029).

(4) RESOLVED that the Minutes of the meeting held on 10 May 2011 are correctly recorded and that they be signed by the Chairman.

36. Site Meetings and Other Meetings

(Item A5)

The Committee noted that there would be a tour of permitted development sites on Tuesday, 28 June 2011 and a training session on highways considerations on Tuesday, 26 July 2011.

37. Application CA/10/1571 - Retrospective application for material change of use from B2 (general industrial) to scrap metal recycling facility at Unit 7b, Goose Farm, Shalloak Road, Broad Oak, Canterbury; Mr O Woodmansee
(Item C1)

RESOLVED that permission be granted to the application subject to conditions including conditions covering the use of the site being carried out in accordance with the details set out in the planning permission; a restriction on vehicle movements to and from the site to no more than a combined total of 12 per day; hours of operation being limited to 0830 to 1730 Monday to Friday and 0800 to 1300 on Saturday with no transfer of waste into the external storage skip taking place on Saturdays; noise rating levels at the nearest residential property not exceeding existing background noise levels from the facility; no burning of any material on site; and all metal processing activity only occurring within the building.

38. Application SW/10/774 - Biomass Combined Heat and Power Plant including external and covered waste wood storage area, associated weighbridge, parking and underground pipework to pumping station at Ridham Dock, Iwade, Nr Sittingbourne; Biomass Power Plant Ridham Ltd
(Item C2)

(1) Correspondence from the Local Member, Mr M J Whiting was tabled. This welcomed the development in principle but raised three areas of concern. These were the number of additional lorry movements; the absence of a full investigation of the possibilities offered by the rail head and sea port which lay within close proximity to the site; and local concerns about the combined stack emissions from all of the developments at Ridham Dock.

(2) The Head of Planning Applications Group reported correspondence from an adjoining Local Member, Mr A D Crowther supporting the application whilst pointing out that that the strip of water separating the Isle of Sheppey from the mainland was the "Swale" rather than the "River Swale."

(3) On being put to the vote, the recommendations of the Head of Planning Applications Group were agreed by 13 votes to 1.

(4) RESOLVED that subject to:-

(a) the Applicant providing an alternative 0.9 hectare site for the creation of a reed bed habitat to mitigate the loss of reed bed habitat on the development site within 6 months the Committee's resolution; and

(b) the satisfactory completion of a Legal Agreement to secure the Draft Heads of Terms as set out in Appendix 2 to the report: -

permission be granted to the application subject to conditions, including conditions covering hours of working; waste throughput; dust management; noise restrictions; flood risk; a surface water drainage scheme; archaeology; lighting; ecology; mud on the road; vehicle parking turning and surface details;

details of alternative users of power generation; construction materials and colour; together with an informative requiring the applicant to investigate the use of alternative rail and waste sources.

39. Proposal SE/11/122 - Six bay modular building at Weald Community Primary School, Long Barn Road, Sevenoaks; KCC Education, Learning and Skills

(Item D1)

(1) Mr R E Brookbank made a declaration of personal interest as he had participated in the development of the Sevenoaks Local Development Framework in his capacity as a Member of Sevenoaks DC.

(2) RESOLVED that:-

- (a) permission be granted to the proposal subject conditions, including conditions requiring the mobile classroom to be removed from the site no later than 5 years from the date of the permission be granted; the painting of the mobile classroom in dark green; boundary planting; and the submission of a school travel plan; and
- (b) the applicant be advised by Informative that the permission granted for the mobile classroom is for a temporary period and that the applicant should urgently seek to address the issue of finding a permanent solution.

40. Proposal GR/11/181 - First floor extension above existing food technology rooms to provide two additional classrooms at Northfleet School for Girls, Hall Road, Northfleet; Governors of Northfleet School for Girls

(Item D2)

(1) Mr L Christie was present for this item pursuant to Committee Procedure 2.24 and spoke. He also made a declaration of personal interest as his wife was the Chair of Governors at Northfleet School for Girls.

(2) The Head of Planning Applications Group reported the views of Gravesham Borough Council, raising no objection to the proposal whilst suggesting some possible amendments.

(3) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the development being constructed using the materials set out in the drawings received; and hours of working during construction.

41. Proposal TW/11/121- Three bay modular building at Langton Green Primary School, Lampington Row, Langton Green, Tunbridge Wells; KCC Education, Learning and Skills

(Item D3)

(1) Mr J A Davies made a declaration of personal interest as the Local Member and as an Authority Governor of Langton Green Primary School. As he had already given his views, he addressed the Committee in his capacity as Local Member but took no part in the decision-making process.

(2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering a requirement for the mobile classroom to be removed from the site no later than 5 years from the date of the permission; the colour of the cedar cladding; and design specifications for the windows and fascias on the exterior of the building.

42. Proposal DO/10/1183 - Retention of mobile classroom unit at The Downs CEP School, Owen Square, Walmer, Deal; KCC Property Group
(Item D4)

(1) Correspondence from the Local Member, Mr K Smith was tabled, requesting that (as the total period of temporary permissions for the mobile classroom would now extend to over a quarter of a century) the report, together with his correspondence be sent to the Interim Corporate Director of Education, Learning and Skills. This was agreed.

(2) RESOLVED that:-

(a) permission be granted to the proposal, subject to conditions including conditions covering a temporary time consent for 5 years, keeping the situation under review and maintaining eligibility for replacement accommodation; and the development being completed in accordance with the approved plans; and

(b) the Interim Corporate Director of Education, Learning and Skills be informed by Informative of the view of the Committee and the Local Member, Mr K Smith that whilst the funding issues constraining inclusion of The Downs CE Primary School in the Modernisation Programme are understood, the building has been on site for a number of years and its condition is likely to deteriorate. Therefore the School should continue to have its condition assessed, and at the end of this consent period be able to demonstrate specifically what steps are being taken to address the situation.

43. County matter applications dealt with under delegated powers
(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

(a) County matter applications;

(b) consultations on applications submitted by District Councils and Government departments (None);

- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Regulations 1999.

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KENT COUNTY COUNCIL

REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 17 May 2011.

PRESENT: Mr M J Harrison (Chairman) Mr A D Crowther (Vice-Chairman)
Mr R Brookbank, Mr C J Capon, Mr H J Craske, Mr J M Cubitt, Mr J A Davies,
Mr K A Ferrin, MBE (Substitute for Mr A H T Bowles), Mr T Gates,
Mr S J G Koowaree, Mr R J Lees, Mr S Manion, Mr R F Manning, Mr J M Ozog,
Mr J N Wedgbury Mr M J Whiting

ALSO PRESENT: Mr P J Homewood

IN ATTENDANCE: Mr G Rudd (Assistant Democratic Services Manager),
Mr C Wade (Countryside Access Principal Case Officer), Miss M McNeir (Public
Rights Of Way and Commons Registration Officer), Mrs S Thompson (Head of
Planning Applications Group), Mr R Gregory (Principal Planning Officer -
Enforcement) Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

10. Terms of Reference

(Item 3)

The Committee noted its new Term of Reference (b):

“all Commons Registration functions under Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008.”

11. Minutes

(Item 4)

RESOLVED that the Minutes of the Committee meeting held on 25 January 2011, the Member Panel meetings held on 8 February 2011 and 22 February 2011 and the Mental Health Guardianship Panel meeting held on 21 January 2011 are correctly recorded and that they be signed by the Chairman.

12. Update on Home to School Transport Appeals (Oral Report)

(Item 5)

(1) Mr S C Manion and Mr J N Wedgbury made declarations of Personal Interest as their children were or were about to receive transport assistance.

(2) The Assistant Democratic Services Manager tabled a brief report setting out the number of Home to School Transport Appeals heard between 1 January and 30 April 2011. He also tabled a response from the Director of Governance and Law on a question of the legal basis for Transport appeals.

(3) The Committee noted that any review of Home to School Transport policy would be commissioned by the Education, Learning and Skills Policy Overview and Scrutiny Committee.

(4) RESOLVED that the report be noted.

13. Update from the Commons Registration Team

(Item 6)

(1) The Public Rights of Way and Commons Registration Officer informed the Committee that a half day seminar for District Councils was being arranged on the topic of Village Greens. She would inform all Members of the Committee of the details once they were finalised.

(2) RESOLVED that:-

(a) the report be received; and

(b) a proposal be initiated under section 19 of the Commons Act 2006 to correct an error in the Register of Village Greens in relation to VG235 at Wittersham.

14. Update on recent Public Rights of Way cases

(Item 7)

(1) The Public Rights of Way Principal Case Officer updated the Committee on the cases of the Claimed Public Footpaths on the former Bayham Estate in Tunbridge Wells and on the proposed diversion of Public Footpath SD284 at West Kingsdown.

(2) RESOLVED that the report be received

15. Update on Planning Enforcement Issues

(Item 8)

(1) Mr P J Homewood was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.

(2) The Head of Planning Applications Group reported the receipt of a letter of response from the Minister for Decentralisation, The Rt Hon Greg Clark MP to representations made by the County Council seeking improved planning enforcement powers in the context of the Localism Bill. The Chairman offered to provide each Member of the Committee with a copy of the letter.

(3) The Committee agreed to endorse the Head of Planning Applications Group's draft Policy 1 (set out in Paragraph 13 of the report) for inclusion within the Emerging Minerals and Waste Development Framework.

(4) RESOLVED that:-

- (a) the Head of Planning Applications Group's draft Policy 1 (set out in Paragraph 13 of the report) be endorsed for inclusion within the Emerging Minerals and Waste Development Framework; and
- (b) the actions taken or contemplated on the respective cases set out in paragraphs 5 to 26 of the report be endorsed, together with those contained within Schedules 1, 2 and 3 as set out in Appendices 1, 2 and 3 of the report.

EXEMPT ITEMS
(Open Access to Minutes)

(Members resolved under Section 100A of the Local Government Act 1972 that the public be excluded from the meeting for the following business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 5 and 6 of Part 1 of Schedule 12A of the Act.)

16. Enforcement Strategy for Four Gun Field, Otterham Quay Lane, Upchurch
(Item 11)

- (1) The Head of Planning Applications Group reported the latest enforcement strategy concerning the Four Gun Field site in Otterham Quay Lane, Upchurch.
- (2) RESOLVED that the enforcement strategy outlined in paragraphs 7 to 20 of the report be endorsed, with particular emphasis on the aspects set out in paragraphs 18 and 19.

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SUPERANNUATION FUND COMMITTEE

MINUTES of a meeting of the Superannuation Fund Committee held in the Medway Room, Sessions House, County Hall, Maidstone on Friday, 20 May 2011.

PRESENT: Mr J E Scholes (Chairman), Mr J Burden, Mr P Clokie, Mr D Daley, J A Davies, Mrs J De Rochefort, Ms A Dickenson, Mr M J Jarvis, Mr J F London, Mr R A Marsh, Mr S Richards, Mr M V Snelling and Mrs M Wiggins.

ALSO PRESENT: Mr D Boyd and Mr A Elliott of Hymans Robertson, Miss S J Carey and Mr J Simmonds.

IN ATTENDANCE: Mr A Wood (Acting Corporate Director of Finance and Procurement), Mr N Vickers (Head of Financial Services), Ms K Gray (Senior Accountant Investments), Ms A Mings (Treasury & Investments Manager) and Mr G Rudd (Assistant Democratic Services Manager).

UNRESTRICTED ITEMS

20. Membership

The Committee noted that Mr K Bamber was no longer Medway Representative, Mr R Packham was no longer District Council Representatives and that Mr G Rudd would liaise to seek replacement members.

21. Declarations of Interests by Members in items on the Agenda for this meeting.

(Item A2)

Mr D Daley declared a non – pecuniary interest as a Maidstone Borough Councillor regarding the Maidstone Borough Council Parking Services application to join the Pension Fund referred to in item D3.

22. Minutes

(Item A3)

RESOLVED that the Minutes of the meeting held on 4 March 2011 are correctly recorded and that they be signed by the Chairman.

23. External Audit Plan

(Item D1- report by the Chairman of the Superannuation Fund Committee and the Acting Corporate Director of Finance and Procurement. Mr D Wells of the Audit Commission was in attendance for this item)

RESOLVED that the report be noted;

24. Superannuation Fund Business Plan 2011-12

(Item D2- report by the Chairman of the Superannuation Fund Committee and the Acting Corporate Director of Finance and Procurement)

RESOLVED that the business plan be agreed

25. Application for Admission to the Fund

(Item D3- report by the Chairman of the Superannuation Fund Committee and the Acting Corporate Director of Finance and Procurement)

RESOLVED that:-

- (a) the application for admission to the Kent County Council Pension Fund by APCOA be agreed;
- (b) the application for admission to the Kent County Council Pension Fund by Children and Families Limited be agreed;
- (c) the application for admission to the Kent County Council Pension Fund by the successful contractor from the three companies tendering for the KCC highways contract be agreed; and
- (d) that once legal agreements have been prepared for the above matters, the Kent County Council seal can be affixed to the legal documents.

26. Minutes

(Item C1)

RESOLVED that the exempt Minutes of the meeting held on 4 March 2011 are correctly recorded and that they be signed by the Chairman.

27. DTZ Property Strategy

(Item C2)

- (1) Mr P O’Gorman, Mr C Sim and Mr C Saunders of DTZ were in attendance for this item.
- (2) RESOLVED that the report be noted.

28. Hymans Robertson Investment Strategy

(Item C3 -report by the Chairman of the Superannuation Fund Committee and the Acting Corporate Director of Finance and Procurement)

(1) Mr D Boyd and Mr A Elliott, of Hymans Robertson were in attendance for this item.

(2) The Committee noted items in the report and agreed on how it wished to proceed with its Investment Strategy.

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