

## KENT COUNTY COUNCIL

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### CABINET

MINUTES of a meeting of the Cabinet held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 11 October 2010.

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

IN ATTENDANCE: Ms K Kerswell (Group Managing Director), Mr M Austerberry (Executive Director, Environment, Highways and Waste), Ms A Honey (Managing Director Communities), Ms L McMullan (Director of Finance), Mr O Mills (Managing Director - Adult Social Services), Ms R Turner (Managing Director Children, Families and Education) and Ms M Peachey (Kent Director Of Public Health)

### UNRESTRICTED ITEMS

#### **1. Minutes of the Meeting held on 13 September 2010**

*(Item 3)*

(1) The Minutes of the meeting held on 13 September 2010 were agreed and signed by the Chairman as a true record.

(2) Mrs Hohler referred to paragraph 4 of the minutes (*Core Monitoring report*) and updated Cabinet on the current position since the unannounced inspection in August of the Council's Duty and Initial Assessment teams. A cross party, multi agency steering group had now been established and an Improvement Programme was in place following the priority action and areas for further development highlighted from the unannounced inspection. Also an announced inspection would commence from 11 October and would end on 23 October 2010. The letter reporting on that inspection was expected on 19 November 2010 and that would be reported to the next appropriate meeting of Cabinet. In the meantime there would be an update on these measures to the County Council at its meeting on 14 October when the annual report and business plan of the Safeguarding Children Board and the Council's response to the report received in April on Safeguarding Children in Kent would both be discussed.

#### **2. Revenue & Capital Budget Monitoring Exception Report**

*(Item 4 – Report by Cabinet Member for Finance; and Director of Finance)*

(1) Mr Simmonds said that overall the budget position was generally good but there were some pressures within the revenue budget that would need to be managed as the year progressed in order for there to be a balanced budget by year end. Mr Hill spoke about the importance of the proposed virement of £75k in order to contribute to the Contemporary Coast marketing campaign, which would also publicise the newly opened Turner.

(2) Cabinet resolved:

(i) that note the latest forecast revenue and capital budget monitoring position for 2010-11 be noted,.

(ii) a virement of £75k be agreed from the under spending within the Finance portfolio to the Arts Unit within the Communities portfolio, to contribute towards the Contemporary Coast marketing campaign.

(iii) the changes to the capital programme be noted.

(iv) that £3.367m of re-phasing on the capital programme be agreed and moved from 2010-11 capital cash limits to future years.

(v) agreement be given to the removal of Grove Green Library from the capital programme: and,

(vi) agreement be given to the increase of £0.855m to the containerisation budget for the East Kent joint arrangement which is to be found from within the existing capital programme.

### **3. Treasury Management**

*(Item 5 – Report by Cabinet Member for Finance; and Director of Finance)*

(1) A report on treasury management matters is submitted to Cabinet every quarter and this report provided an update on a number of issues since the last report in June 2010. Mr Simmonds outlined the Councils current strategy on borrowing and Counterparties, and also reported on the current position with regard to the on going actions being taken by the Council in respect of deposits with Icelandic Banks, including the joint legal action being taken in the Icelandic courts. On this it was agreed that a further report would be submitted to Cabinet at its next meeting.

(2) Cabinet resolved:

(i) that the report be noted; and,

(ii) agreement be given to the process detailed in the report for reinstating the use of Santander UK plc for deposits should this be deemed appropriate in the future; and,

(iii) .an update on the on going action being taken with respect to deposits in Icelandic Banks be submitted to the next meeting.

### **4. The Protocol for Emergency Accommodation between Kent Local Housing Authorities and other referring agencies**

*(Item 6 – Report by Cabinet Member for Communities) (Angela Slaven was present for this item)*

(1) The report presented for approval the protocol for emergency accommodation between Kent local housing authorities and other referring agencies.

(2) During the course of discussion Mr Hill spoke of the importance of the Protocol and its development which had been undertaken by the Joint Housing and Planning Board which represented health, housing, social care, Supporting People, Probation and the prison service in Kent. In supporting the principles of the Protocol Mr Lynes spoke of the pressure placed on services particularly in east Kent as a result of the number of placements made by authorities from outside the county, and particularly some London Boroughs. It was said, and agreed that a report on that issue would be submitted to Cabinet at an appropriate time when the data from the work being undertaken by the Margate Task Force became clearer.

(3) Cabinet resolved to agree the content of the report and noted a further on matters related to east Kent would be submitted as and when appropriate.

## **5. Change to Keep Succeeding**

*(Item 7– Report by Leader of the Council; and Group Managing Director)*

(1) The Chairman declared consideration of this matter to be urgent on the grounds that members had before them a supplementary report which contained relevant information which members needed to consider at this meeting and prior to this matter also being reported to the Scrutiny Board and the Cabinet Scrutiny Committee.

(2) This report together with the supplementary report outlined the work to date on a programme to ensure that the County Council continued to deliver successfully in the face of the most significant changes facing local government in the external financial and policy context.

(3) Mr Carter said making no changes to the way the Council operated was not an option and it needed to develop and focus its services against the background of the expected reductions in grants arising from the Comprehensive Spending Review. This therefore presented a significant opportunity to reshape and configure the services which the County Council provided by breaking down silos, avoiding duplication and moving to a 'one organisation' authority. Katherine Kerswell spoke of the need for the Council to redesign its services in order to meet the challenges which lay ahead. That work needed to cover changes in available finances as well as in responsibilities and would be reflected in the Council's Medium Term Plan which under the heading 'Bold Steps for Kent' would promote the Council's three prime ambitions focused around delivering quality and service. To advance this ambitious programme, service pathways would have to be redesigned in order to meet the future needs of the Council and its customers and the proposal was therefore to reshape the Council's 4 service Directorates and to bring back office support into one corporate directorate. These changes were needed to keep and grow the success which the Council already enjoyed and she commended to Cabinet the move to formal consultation on the proposals detailed in the reports before Cabinet.

(4) During the course of discussion Mrs Hohler spoke about the feedback from staff during the informal consultative stage which indicated an appetite for change with a general view of wanting to 'put the customer first'. Mr Chard spoke of the challenges which lay ahead and the need for change in order to meet those challenges. Mr Simmonds spoke of the financial challenges and the need to harness the experience of staff who had seen the Council through challenging reviews. Mr

King spoke of the need for change and the need for the council to be responsive to those changes. Mr Carter concluded the discussion by reminding the meeting that this was the start of a formal consultation of the change proposals and that final decisions would be taken by the full Council at its meeting in December.

(5) Cabinet resolved to note the reports before it and endorsed the draft structure proposals for formal consultation until 3 December 2010. The outcome of the consultation process would then be reported for decision to the meeting of the County Council taking place on 16 December 2010.

## **6. Towards 2010 Closedown Report**

*(Item 8 – Report by Leader of the Council; and Group Managing Director)(Sue Garton, Performance and Evaluation Manager was present for this item)*

(1) In September 2006, KCC set itself 63 challenging and ambitious targets in the *Towards 2010* plans for Kent. The four year term had now ended and this report attached the draft of the *Towards 2010* Closedown Report for comment and consideration by Cabinet prior to its submission to County Council for approval on 14 October.

(2) During the course of discussion Cabinet members spoke about the success of *Towards 2010* relevant to their portfolios. Mr Carter said the close down report showed what a success *Towards 2010* had been and he placed on record his thanks and that of the Cabinet for the part staff had played in that success. The Closedown report would now be discussed at the meeting of the County Council on 14 October 2010.

(3) Cabinet Resolved to note the excellent progress made against the 63 *Towards 2010* targets since September 2006 and the arrangement for publishing the Closedown report. Cabinet also recommended the final draft of the Closedown report to the County Council for approval at its meeting on 14 October 2010.

## **7. KCC Annual Performance Report 2009/10**

*(Item 9 – Report Cabinet Member for Corporate Support Services and Performance Management; and Group Managing Director) (Sue Garton, Performance and Evaluation Manager was present for this item)*

(1) This report attached a copy of the draft Annual Performance Report (APR) 2009/10. The APR would also be submitted to the County Council on 14 October for members to note the achievements made in 2009/10.

(2) Cabinet Resolved to note the report and the achievements outlined in the Annual Performance Report for 2009/10.

## **8. KCC Equality Strategy 2010-2013**

*(Item 10 – Report by Cabinet Member for Regeneration and Economic Development; and Managing Director, Kent Adult Social Services)*

(1) Mr Lynes said the development of this important strategy was evolving and therefore it had to be seen as work in progress and as it was taken forward there

would be a need to keep the Policy aligned with other complimentary policies and priorities. Mr Lynes also proposed and Mrs Hohler seconded that for clarity an addition be made to the recommendations formally approving the Kent County Council Equality Statement 2010 which accompanied the Cabinet Report. This was agreed.

(2) Mr Mills said that there would be an opportunity to review the Equality Strategy in line with the Kent Ambitions and Bold Steps over the next 12 months. And Katherine Kerswell said she would be working with the Corporate Management Team on ways to ensure the principles of the Equality Strategy and the Annual Equality Policy Statement became part of day to day working life.

(3) Cabinet resolved:

(i) to approve behalf on behalf of the authority, the Equality Strategy 2010-13, along with the single equality scheme subject to any necessary refinements,

(ii) agreed that performance monitoring against action plans to deliver the Single Equality Scheme should be part of the business plan half and full year reporting; and,

(iii) that the KCC Equality Statement 2010 be approved

## **9. Unlocking Kent's Cultural Potential: A Cultural Strategy for Kent**

*(Item 11 - Report by Cabinet Member for Communities; and Managing Director, Communities)(Mr D Crilley and Ms S Staples were present for this item)*

(1) Mr Hill introduced this report and said this important strategy would form one of the delivery mechanisms for Kent's Regeneration Framework. Mr Crilley and Ms Staples highlighted key areas of the Strategy which had been developed in collaboration with a number of partners and therefore following its consideration by Cabinet would be reported to the Kent Partnership Board for approval.

(2) During discussion Mr Simmonds and Mr Lynes both spoke of the importance of the Council supporting the development of this strategy and the role it would have in promoting Kent as a centre for cultural and arts development.

(3) Cabinet endorsed the Cultural Strategy for Kent as set out in Appendix 1 to the Cabinet Report and commended it to the Kent Partnership Board for final approval.

## **10. "Equity and Excellence: Liberating the NHS"**

*(Item 12 – report by Mr Paul Carter, Leader of the Council, Mr Roger Gough, Cabinet Member for Corporate Services and Performance Management and Katherine Kerswell, Group Managing Director)(Mr M Ayre and Tish Gailey were present for this item)*

(1) Mr Gough highlighted the key points which the Council proposed to make in response to the Governments White Paper 'Equality and Excellence: Liberating the NHS' and its associated consultation reports. He spoke particularly about the

changes in structure proposed for the NHS and the increasing role KCC would likely have both in terms of being involved in the development of joint delivery strategies and in its scrutiny role. He also spoke about KCC initiatives such as 'Health watch' which was forming the model for similar services being rolled out across the country.

(2) Mr Carter spoke of the need for the County Council to be active in supporting the changes to health care in Kent and Mr Gibbens spoke about the new Health and Wellbeing Boards which he said would play a critical role as the health agenda in Kent was taken forward. For that reason he proposed and it was agreed that at the appropriate time there should be a further report to Cabinet on this matter. Mr Gough said there would also be other matters which as appropriate would need to be the subject of a more detailed report to a future Cabinet meeting. Mr Marsh spoke about the structural changes proposed for the NHS PCTs and the opportunities presented by the move to have local health care provision delivered via GP based consortia.

(3) Cabinet resolved

(i) to agree the commentaries appended to the Cabinet report as representing the views of Kent County Council in respect of the Coalition Government's White Paper "*Equity and excellence: liberating the NHS*" and its associated consultation reports.

(ii) to agree to the wide publication of its response and to it being drawn to the attention of Gps and other stakeholders; and

(iii) to note that as appropriate further reports would be submitted to future Cabinet meetings.

## **11. Follow up items and decisions from Cabinet Scrutiny Committee - 15 September 2010 and recommendations from the Policy Overview and Scrutiny Committees - September cycle of meetings**

*(Item 13 - Report by Deputy Leader; and Head of Democratic Services and Local Leadership)*

(1) The report set out the decisions from the Cabinet Scrutiny Committee held on 15 September 2010 and items which the Committee had raised previously for follow up.

(2) Cabinet resolved that the actions and comments detailed in the report be noted. Cabinet also agreed to change the layout of future reports so each item was covered by an individual report as opposed to being part of a schedule.

## **EXEMPT ITEMS**

**The following is an unrestricted minute of a report which was declared exempt pursuant to the provisions of the Local Government Act 1972 (as amended)**

## **12. East Kent Joint Waste Project - Contract Award and Associated Partner Authority Arrangements**

*(Item 15 –Report by Cabinet Member for Environment, Highways and Waste; and Executive Director, Environment, Highways, and Waste) (Mrs L Davies, Director-Environment and Waste was present for this item)*

(1) The East Kent Waste Project is a collaborative groundbreaking initiative designed to deliver more cost effective waste collection, recycling and composting services and improved recycling performance in East Kent. The Cabinet report detailed the rationale for the project and also the necessary formal steps to secure the final arrangements for the collaboration between Kent County Council (KCC) and the four East Kent authorities of Dover, Shepway, and Thanet District Councils and Canterbury City Council. The project would deliver cost effective waste collection, recycling and composting services and improved recycling performance, That would be achieved through enhanced joint working to deliver modern services, whilst minimising exposure to escalating costs.

(2) The Cabinet report also gave details of the options available to the Council and relevant information to be considered in reaching a decision. It also set out a summary of the financial, legal, governance and risk management issues together with an evaluation of the contract award.

(3) Cabinet resolved:

(i) to agree to the award (in conjunction with Dover District Council and Shepway District Council) of a 10 year contract for the provision of waste collection, transfer and processing services for East Kent (East Kent Joint Waste Contract 2010) to Bidder F, the award of which to be conditional upon the completion of the Three-Way Inter Authority Agreement (accompanying and giving operational effect to the contract) and the Five-Way Inter Authority Agreement (which ties all four East Kent Councils into the same waste collection method and financial arrangements with KCC);

(ii) that subject to him being satisfied as to the detailed terms and conditions, the Executive Director of Environment, Highways and Waste Directorate in consultation with the Director of Law and Governance and the relevant Cabinet Member(s), be delegated authority :

(a) to enter into, on behalf of Kent County Council, the East Kent Joint Waste Contract 2010; and

(b) to enter into and settle and agree the terms, including the prescribed contract management functions, of the Three-Way Inter Authority Agreement between Kent County Council, Dover District Council and Shepway District Council