

# KENT COUNTY COUNCIL

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MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 30 April 2009.

## PRESENT:

Mr P W A Lake (Chairman)  
Mr J A Davies (Vice-Chairman)

Mrs A D Allen, Mrs C Angell, Mr M J Angell, Mr A R Bassam, Mr T J Birkett, Mr R H C Bliss, Mr A H T Bowles, Mr D L Brazier, Mr J R Bullock, MBE, Mr R B Burgess, Mr C J Capon, Ms S J Carey, Mr P B Carter, Mr N J D Chard, Mr A R Chell, Mr I S Chittenden, Mr L Christie, Mr B R Cope, Mr G Cowan, Ms C J Cribbon, Mr A D Crowther, Mr J Curwood, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mrs T Dean, Dr M R Eddy, Mr K A Ferrin, MBE, Mr C G Findlay, Mr M J Fittock, Mr J B O Fullarton, Mr T Gates, Mr G K Gibbens, Mr R W Gough, Mrs E Green, Ms A Harrison, Mr M J Harrison, Mr C Hart, Mr W A Hayton, Mr C Hibberd, Mr P M Hill, OBE, Mr D A Hirst, Mrs S V Hohler, Mr G A Horne MBE, Mr E E C Hotson, Mr I T N Jones, DL, Mr R E King, Mr A J King, MBE, Mr S J G Koowaree, Mrs J Law, Mr J F London, Mr R L H Long, TD, Mr T A Maddison, Mr R A Marsh, Mr J I Muckle, Mrs M Newell, Mr W V Newman, DL, Mr M J Northey, Mr R J E Parker, Mr R J Parry, Mr R A Pascoe, Mr A R Poole, Mr L B Ridings, Dr T R Robinson, Mrs E D Rowbotham, Mr G Rowe, Mr J D Simmonds, Ms B J Simpson, Mr D Smyth, Mr M V Snelling, Mrs P A V Stockell, Mr R Tolputt, Mr R Truelove, Mrs E M Tweed, Mr M J Vye, Mr C T Wells, Mr B P Wood and Mr F Wood-Brignall

IN ATTENDANCE: Peter Gilroy (Chief Executive) and Geoff Wild (Director of Law and Governance)

## UNRESTRICTED ITEMS

### 1. Apologies

The Chief Executive reported apologies for absence from Mr Lynes, Mr Manning and Mr Scholes.

### 2. Chairman's Announcements

#### Former Members – Mrs Patricia Nesham and Mr Tim Brinton

- (1) The Chairman formally advised the Council of the death on 2 March 2009 of Mrs Patricia Nesham, former Conservative County Councillor for the Swale East Division (from 1970 until 1988) and the first lady Chairman of the County Council from 1985 to 1987. The Chairman also announced the death of Mr Tim Brinton on 22 March 2009, former Conservative County Councillor for the Tenterden Division (from 1975 until 1981) and former Conservative MP for Gravesend from 1979 until 1987.
- (2) A number of Members paid tribute to both Members for their service on behalf of the people of Kent.

- (3) The County Council stood in silence as a mark of respect for both former Members.

RESOLVED that this Council desires to record the sense of loss it feels on the death of Mrs Nesham and Mr Brinton and extends to their families its heartfelt sympathy with them in their sad bereavement.

### **Winners of the LGC Awards – Kent Legal Services**

- (4) The Chairman stated that, after 10 years of being Runners-up and Highly Commended, Kent Legal Services were finally made the Winners of the LGC Awards at a ceremony on 25 March 2009 at the Grosvenor House Hotel, London, in the UK's most prestigious local government awards ceremony. This award gives formal recognition of the team's excellence and innovation. The Award was displayed on the table in front of the Dais.

### **Kent Card**

- (5) The Chairman advised that the KCC Kent Card had been awarded the Visa Europe Best Corporate Social Responsibility Programme award. The award was given by members of the Visa Europe boards to "recognise excellence and innovation.

### **Beacon Award for securing legacy for the Olympic and Paralympic Games**

- (6) The Chairman advised that Kent County Council had been awarded Beacon Status for its work on securing Legacy from the Olympic and Paralympic Games. The Beacon Scheme was organised by the IDeA to recognise excellence in public sector services.
- (7) It was noted that Tessa Jowell, Olympics Minister, presented the award to Kent at an 'Oscars-style ceremony' in London in March attended by eight other government Ministers. Only four other authorities in the UK achieved Beacon status for their work on the Olympic Games and Kent achieved the top score of 'Outstanding'. This is the first Beacon ever awarded to KCC. The work on the 2012 Games is cross-directorate in KCC, but is led by the Sport, Leisure and Olympics service of the Communities Directorate
- (8) A short DVD was shown to Members, which demonstrated some of Kent's projects around 2012 and, in particular, how Kent's people were being inspired by the Olympic Games and in many cases how their lives have been transformed by KCCs work with and through its partners.

### **Petition on school transport in Edenbridge**

- (9) The Chairman advised that he had received a petition in relation to school transport issues in Edenbridge and he formally handed this petition to Mr K Ferrin, Cabinet Member for Environment, Highways and Waste for attention.

### **Retiring Certificates**

- (10) The Chairman advised that, during the luncheon interval, he would be presenting certificates to those Members not seeking re-election to the County Council in June.

### **Variation in the Order of Business**

- (11) The Chairman advised Members that he proposed to vary the order of business to take item 10 (Rail Services in Kent Select Committee report) immediately after item 6 (Oral report of the Leader), because Mr Ferrin had to leave the meeting at lunchtime to attend a hospital appointment; and also that he proposed to take items 13 and 14 immediately before item 12.

### **Suspension of Procedure Rules**

- (12) The Chairman stated that, because of the amount of business on the agenda today, he proposed to suspend Procedure Rule 1.30 so that all speakers to any Motion on the agenda would only be able to speak for up to 3 minutes each (with the exception of item 6 – The Leader's oral report, where the length of speeches will be as usual).
- (13) The County Council consented to the Chairman's suggestion.

### **Swine Flu**

- (14) The Chief Executive gave an update on the current situation with regard to the outbreak of swine flu, which included the latest information from the County Council's emergency planning team and the Director for Public Health.

### **Kent Youth County Council**

- (15) The Chairman advised all Members that the Kent Youth County Council would be present later in the day to listen to the debate on the Select Committee report on activities for young people – following which there would be an opportunity for Members to talk informally with KYCC representatives in the Council Chamber. There would then be tea and cakes in Sessions Hall, where the band Eleven Eleven would be performing their winning song in the Kent TV Sound Clash competition.

### **Mrs Mary Cooper**

- (16) Mrs Dean stated that this was the last County Council meeting for Mrs Mary Cooper, who was moving to a different role within the Chief Executive's Directorate as Member Liaison Manager. The Chairman thanked Mrs Cooper for her hard work in supporting County Council meetings and Members gave Mrs Cooper a round of applause.

### **3. Declarations of Interest**

Mr Carter declared a personal and prejudicial interest in item 3 on the agenda (Motion of No Confidence) and stated that he would leave the Chamber during consideration of the item.

### **4. Motion of No Confidence in the Leader of the Council - Dr M Eddy will move, Mr L Christie will second:**

- (1) At the commencement of this item, the Chairman advised Members that he had received a copy of a letter that morning from the Audit Commission, advising the Council that it proposed to remove reference to the word "negligent" from its description of Kent County Council's treasury management activity in Icelandic banks. The Chairman asked Dr Eddy if he wished to either withdraw or amend his Motion. Dr Eddy stated that he did not wish to withdraw his Motion, but agreed that the word "negligent" in the fourth line be replaced with the word "careless". Mr L Christie, as seconder to the Motion, confirmed that he was content with the alteration to the Motion.
- (2) Dr M Eddy moved, Mr L Christie seconded:-

"that this Council agrees the Leader of this Council has not, in the matter of this Council's deposits in Icelandic banks and the subsequent Audit Commission report Risk and Return in which this Council has been termed 'careless', acted in accordance with Article 2 of the Constitution, nor the Code of Member Conduct and General Principles governing the Conduct of Members (The Relevant Authorities [General Principles] Order 2001), as set out in this Council's Constitution, Appendix 6, Part 1.

that specifically this Council agrees:

- He has not sufficiently consulted with and been accountable to non-executive Members (Article 2, section 2.3, para.2 refers)
- He has not sufficiently supported and contributed to the probity of Council financial and other transactions (reference as above)
- He has not done whatever he is able to do to ensure that this authority uses its resources prudently (as in General Principles, No.10)
- He has not promoted the General Principles governing the Conduct of Members, particularly the tenth Principle, by leadership and by example, and nor has he acted in a way that secures and preserves public confidence (as in General Principles, No.11)

and that for the reasons stated above, this Council has no confidence in his Leadership and agrees that he is dismissed with immediate effect from the position of Leader of this Council."

Motion signed by Dr M Eddy, Mr L Christie, Mr R Parker, Mr D Smyth and Mr R Truelove

- (3) After some discussion, Mrs P Stockell moved, Mrs A Allen seconded that the Question be put in accordance with Procedure Rule 1.35 (a).
- (4) The Chairman put to the vote the Procedural Motion set out in paragraph (3) when the voting was as follows:-

For – 52

Mrs A D Allen, Mr M J Angell, Mr A R Bassam, Mr R Bliss, Mr A H T Bowles, Mr D L Brazier, Mr J R Bullock, Mr R B Burgess, Mr C J Capon, Miss S J Carey, Mr N J D Chard, Mr A R Chell, Mrs V J Dagger, Mr M C Dance, Mr B R Cope, Mr A D Crowther, Mr J Curwood, Mr K A Ferrin, Mr C G Findlay, Mr J B O Fullarton, Mr T Gates, Mr G K Gibbens, Mr R Gough, Mr M J Harrison, Mr W A Hayton, Mr P Hill, Mr D A Hirst, Mrs S V Hohler, Mr G A Horne, Mr E E C Hotson, Mr A J King, Mr R E King, Mrs J Law, Mr J F London, Mr R L H Long, Mr R A Marsh, Mr M Northey, Mr R J Parry, Mr R Pascoe, Mr L B Ridings, Dr T R Robinson, Ms B Simpson, Mr J D Simmonds, Mr M V Snelling, Mrs P Stockell, Mr R Tolputt, Mr R Truelove, Mrs E Tweed, Mr M J Vye, Mr C Wells, Mr B Wood and Mr F Wood-Brignall.

Abstain – 2

Mr I Chittenden and Mr D S Daley.

Against – 22

Mrs C Angell, Mr T Birkett, Mr L Christie, Mr G Cowan, Ms C J Cribbon, Mrs T Dean, Dr M Eddy, Mr M J Fittock, Mrs E Green, Ms A Harrison, Mr C Hart, Mr I T N Jones, Mr S J G Koowaree, Mr T Maddison, Mr J I Muckle, Mrs M Newell, Mr M V Newman, Mr R J E Parker, Mr A R Poole, Mrs E Rowbotham, Mr G Rowe and Mr D Smyth.

*Carried*

- (5) As the procedural motion was agreed, the mover of the motion was given an opportunity to sum up the debate and then the Chairman put to the vote the original Motion of No Confidence, when the voting was as follows:-

For – 20

Mrs C Angell, Mr T Birkett, Mr L Christie, Mr G Cowan, Ms C J Cribbon, Ms A Harrison, Dr M Eddy, Mr M J Fittock, Mrs E Green, Mr C Hart, Mr I T N Jones, Mr T Maddison, Mr J I Muckle, Mrs M Newell, Mr W V Newman, Mr A R Poole, Mr R J E Parker, Mrs E Rowbotham, Mr D Smyth and Mr R Truelove.

Abstain – 7

Mr I Chittenden, Mr D S Daley, Mrs T Dean, Mr S J G Koowaree, Mr G Rowe, Mr M Vye and Mr B Wood.

Against – 50

Mrs A D Allen, Mr M J Angell, Mr A R Bassam, Mr R Bliss, Mr D L Brazier, Mr A H T Bowles, Mr J R Bullock, Mr R B Burgess, Mr C J Capon, Miss S J Carey, Mr N J D Chard, Mr A R Chell, Mr B R Cope, Mr A D Crowther, Mr J Curwood, Mrs V J Dagger, Mr M C Dance, Mr K A Ferrin, Mr C G Findlay, Mr J B O Fullarton, Mr T Gates, Mr G K Gibbens, Mr R A Gough, Mr M J Harrison, Mr W A Hayton, Mr C Hibberd, Mr P Hill, Mr D A Hirst, Mrs S V Hohler, Mr G A Horne, Mr E E C Hotson, Mr A J King, Mr R E King,

Mrs J Law, Mr J F London, Mr R LH Long, Mr R A Marsh, Mr M Northey, Mr R J Parry, Mr R Pascoe, Mr L B Ridings, Dr T R Robinson, Mr J D Simmonds, Ms B Simpson, Mr M V Snelling, Mrs P Stockell, Mr R Tolputt, Mrs E Tweed, Mr C Wells and Mr F Wood-Brignall.

*Lost*

**5. Minutes of the meeting held on 19 February 2009, if in order, to be approved as a correct record.**

The Chairman advised that the name of Mrs Law should appear in the list of Members present at the County Council meeting on Thursday 19 February and he apologised to Mrs Law for this error.

With regard to the recording of Declarations of Interest at the previous meeting, Mr Gibbens stated that his wife was a founder member of the Canterbury District Credit Union as their "Lode" officer, not Local Officer.

RESOLVED that, subject to the above amendments, the minutes of the meeting held on 19 February 2009 are correctly recorded and that they be signed by the Chairman.

**6. Questions**

Under Procedure Rule 1.18, 10 questions were asked and replies were given. Three questions remained unanswered at the end of thirty minutes and written answers were given.

**7. Report by Leader of the Council (Oral)**

- (1) The Leader commented on the key aspects of the previous 4 years of his Administration, where some 13 different service-specific inspections had culminated in the CPA Corporate Assessment in 2008 where KCC had been adjudged by the Audit Commission to be a 4 star (excellent) authority. Mr Carter stated that KCC remained the largest continuously best performing Council in the Country. He also spoke about the key achievements in the Towards 2010 Strategy; the excellent budget management and the savings made in the last 4 years.
- (2) With regard to the Icelandic investments, the Leader stated that the Ernst and Young report on the Heritable Bank had confirmed that KCC would get back between 70% and 80% of its total investment and somewhat more if economic conditions improved. He also stated that the Council was regarded as a preferred creditor for the 2 Icelandic banks.
- (3) The Leader mentioned the highly effective partnership arrangements with key partners such as the police, fire and health, together with the 12 District and Borough Councils in Kent; the reward money for the Local Area Agreement 1 and the quality leadership and management of the authority and the hard work and dedication of all of its staff.

**8. Presentation of the Kent Invicta Award**

The Chairman presented Sir Graeme Odgers with the Kent Invicta Award for his fundraising activities for KHoCA, a charity that raises money for the mentally disabled in Kent whose aim is to empower men, women and children to live dignified, fulfilling and rewarding lives. Sir Graeme also received a cheque for £5,000 which will be donated to KHoCA.

## **9. Select Committee: The Future of Rail Services in Kent**

The Chairman stated that he had decided to vary the order of business to take item 10 (Rail Services in Kent – Select Committee report), at this stage of the meeting. He also referred to a tabled addendum report.

RESOLVED: that:-

- (a) the Select Committee report and its recommendations be endorsed by the County Council
- (b) the Select Committee be thanked for an excellent report;
- (c) the witnesses and others who provided evidence and made valuable contributions to the work of the Select Committee be thanked; and
- (d) the County Council note the preparatory work already undertaken on a detailed implementation/action plan which will be reported to the appropriate Policy Overview Committee following the County Council elections.

## **10. Urgent Motion - Royal Gurkha Rifles**

- (1) The Chairman stated that he proposed to take an urgent Motion on the Royal Gurkha Rifles and that the reason for urgency was in order to inform the Government of the views of this Council on the issue of residency for former Gurkhas following the Government's decision earlier that week.

- (2) Mr M Hill moved, Mrs T Dean seconded:-

“That this Council wishes to place on record its admiration for the many years of gallant and loyal service which the Gurkhas have given this country. Gurkhas have a long historical association with Kent, one of the two battalions of Royal Gurkha Rifles, is UK based at Shorncliffe, Folkestone. We ask the government to urgently re-examine their recent decision to disallow a large number of Gurkhas residence in the UK, as this authority believes this decision to be entirely unacceptable.”

- (3) Dr M Eddy moved, Mr D Smyth seconded an amendment that the Motion be altered as follows:

“That this Council wishes to place on record its admiration for the many years of gallant and loyal service which the Gurkhas have given this country. Gurkhas have a long historical association with Kent, one of the two battalions of Royal Gurkha Rifles, is UK based at Shorncliffe, Folkestone. We ask the government to urgently re-examine their recent guidance, which may

disallow a large number of Gurkhas servicing before 1997 residence in the UK, as this authority believes this guidance to be entirely unacceptable

- (4) Mr M Hill, with the consent of his seconder agreed to accept the amendment in paragraph (3) without the need for a vote and this now became the substantive motion.
- (5) In her speech, Mrs T Dean referred to the need to mention the Queen's Gurkha regiment based in Maidstone in addition to the Royal Gurkha Rifles at Shorncliffe. This addendum to the substantive motion was agreed by Mr M Hill.
- (6) RESOLVED: That this Council wishes to place on record its admiration for the many years of gallant and loyal service which the Gurkhas have given this country. Gurkhas have a long historical association with Kent, one of the two battalions of Royal Gurkha Rifles, is UK based at Shorncliffe, Folkestone and the Queen's Gurkha regiment based in Maidstone. We ask the government to urgently re-examine their recent guidance, which may disallow a large number of Gurkhas serving before 1997 residence in the UK, as this authority believes this guidance to be entirely unacceptable.

## **11. Appointment of Honorary Aldermen**

RESOLVED that the criteria for appointing Honorary Alderman of the Council be approved as set out below:

- 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;

## **12. Scrutiny of Crime and Disorder Matters**

RESOLVED that:-

- (1) the Communities Policy Overview Committee be designated as KCC's Crime and Disorder Committee.
- (2) the terms of reference for the Communities POC (Appendix 2: Part 2 paragraph 1.5) be amended by the addition of the following:-  
  
*"... to discharge the function of the scrutiny of authorities responsible for Crime and Disorder strategies in accordance with Section 19 of the Police and Justice Act 2006."*
- (3) the Council notes that a protocol for the operation of the Crime and Disorder responsibilities of the Communities Policy Overview Committee will be submitted to the Communities Policy Overview Committee and Policy Overview Co-ordinating Committee for initial consideration prior to a further report to the County Council later in the year.

## **13. Monitoring and Outcomes from Select Committee Topic Review Programmes**

During the debate on this item, a number of Members expressed concern about those Select Committee recommendations that had been endorsed by the County Council but either not taken forward to implementation or not progressed as quickly as Members would have expected. Accordingly, during his speech, the Leader of the Council suggested that a meeting should be arranged early in the new Council term involving the Chairmen of all of the previous Select Committees, so that a report can be prepared for Cabinet's consideration.

RESOLVED: that:-

- (1) the report be noted and the impact and added value that the outcomes of the Select Committee reports provided for Kent residents also be noted;
- (2) the Head of Democratic Services and Local Leadership be requested to arrange a meeting of all previous Select Committee Chairmen to consider those issues that had not been taken forward and to prepare a report for the Cabinet's consideration early in the new Council term.

## **14. Select Committee: Autism Spectrum Disorder**

RESOLVED: that:-

- (1) the Select Committee report and its recommendations be endorsed;
- (2) the Select Committee be thanked for an excellent report on a complex, challenging and emotive issue; and
- (3) the witnesses and others who provided evidence and made valuable contributions to the work of the Select Committee

#### **15. Minutes for Approval - Governance and Audit Committee**

RESOLVED: that, pursuant to Procedure Rule 1.23 (3) the Minutes of the Governance and Audit Committee meetings held on 2 December 2008 and 4 March 2009 be noted.

#### **16. Minutes for Information**

Pursuant to Procedure Rules 1.10 and 1.23 (4), the Minutes of the Planning Applications Committee (9 December 2008, 22 January, 17 February and 17 March 2009) and the Regulation Committee (27 January 2009) were noted.

#### **17. Select Committee: Provision of Activities of Young Persons**

At the beginning of the debate on this item, the Chairman welcomed members of the Kent Youth County Council, who were present to listen to the debate on this item and who would then be joining Members at the end of the formal proceedings to discuss relevant issues informally with Members.

RESOLVED: that:

- (1) the Select Committee report and its recommendations be endorsed;
- (2) the Select Committee be thanked for an excellent report on a complex, challenging and emotive issue; and
- (3) the witnesses and others who provided evidence and made valuable contributions to the work of the Select Committee be thanked