



Summons to and
Agenda for the
Annual Meeting on
25 June 2009
At **10.00 am**



DEMOCRATIC SERVICES
SESSIONS HOUSE
MAIDSTONE

Tuesday, 16 June 2009

To: All Members of the County Council

Please attend the Annual Meeting of the County Council in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 25 June 2009 at **10.00 am** to deal with the following business. **The meeting is scheduled to end by 1.00 pm.**

A G E N D A

1. Election of Chairman
2. Election of Vice Chairman
3. Declarations of Interest
4. The Returning Officer to submit the returns of persons elected to be County Councillors until 2013 **(Pages 1 - 14)**
5. Minutes of the meeting held on 30 April 2009, if in order, to be approved as a correct record **(Pages 15 - 24)**
6. Chairman's Announcements
7. Election of Leader
8. Appointment of the Leader of the Opposition
9. Report by Leader of the Council (Oral)
10. Report of the Selection and Member Services Committee (to follow)
11. Report of the Independent Remuneration Panel (to follow)
12. Terms of Reference of the Standards Committee **(Pages 25 - 26)**
13. Annual Report of the Standards Committee **(Pages 27 - 42)**
14. Protocol for the spending of the highways fund devolved to individual Members **(Pages 43 - 46)**
15. Report on the Senior Management Structure of the Children, Families and Education Directorate **(Pages 47 - 54)**

16. Item for Time Limited Debate

Mrs T Dean will propose and Mr M J Vye will second:-

“That this Council supports the Government’s intention to engage in consultation on altering the form of Local Government elections to one which reflects residents’ choice rather than the first past the post system.”

17. Minutes for Information

(Pages 55 - 62)

- (a) Regulation Committee – 19 May 2009
- (b) Planning Applications Committee – 26 May 2009



Peter Sass
Head of Democratic Services and Local Leadership
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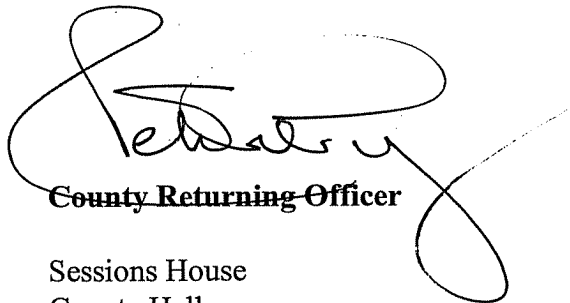
COUNTY OF KENT
ELECTION OF COUNTY COUNCILLORS

To the Head of Democratic Services of Kent County Council

I, PETER GILROY, County Returning Officer for the County of Kent,
DO HEREBY RETURN the attached list of names as the persons being duly elected
as County Councillors for the various Electoral Divisions at the election held on 4
June 2009.

Dated this 5th day of June 2009.

Signed:



County Returning Officer

Sessions House
County Hall
Maidstone
Kent, ME14 1XQ



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Electing Your County Council

Return of Candidates Elected

Date of Election – 4 June 2009

Electoral Division	Candidate Elected	Elizabeth M	Candidates Address	Description
Ashford Central	TWEED	Elizabeth M	46 High Street, Charing, Ashford, Kent, TN27 0HX	Conservative Party Candidate
Ashford East	KOOWAREE	George	28 Tadworth Road, Kennington, Ashford, Kent, TN24 9LA	Liberal Democrats
Ashford Rural East	WICKHAM	Andrew	Pevington Farm, Egerton Road, Pluckley, Ashford, Kent, TN27 0PL	Conservative Party Candidate
Ashford Rural South	ANGELL	Michael J	Magpie House, Magpie Hall Road, Stubbs Cross, Kingsnorth, Ashford, Kent, TN26 1HF	Conservative Party Candidate
Ashford Rural West	KING	Richard E	Iden Farm Cottage, Iden Lane, Egerton, Ashford, Kent, TN27 9AR	Conservative Party Candidate
Ashford South	WEDGBURY	Jim	27 Primrose Drive, Park Farm. Kingsnorth, Ashford, Kent, TN23 3NP	Conservative Party Candidate

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Tenterden	HILL	Mike	Milician House, Woodchurch Road, Tenterden, Kent, TN30 7AD	Conservative Party Candidate
Canterbury City North East	GIBBENS	Graham Kenneth	Lychgate, The Terrace, St. Stephens, Canterbury, Kent, CT2 7AJ	The Conservative Party Candidate
Canterbury City South West	VYE	Martin John	The Dacha, Patrixbourne Rd., Bridge, Canterbury, CT4 5BL	Liberal Democrat
Canterbury South East	NORTHEY	Michael John	82 Barton Road, Canterbury, Kent, CT1 1YH	The Conservative Party Candidate
Canterbury West	SIMMONDS	John David	43 Downs Avenue, Whitstable, Kent, CT5 1RR	The Conservative Party Candidate
Herne and Sturry	MARSH	Robert Alan	Swale Reach House, Wraik Hill, Whitstable, Kent, CT5 3BY	The Conservative Party Candidate

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Herne Bay	LAW	Jean Patricia	29 Alexandra Road, Whitstable, Kent, CT5 4LR	The Conservative Party Candidate
Herne Bay	HIRST	David Alan	Palm Tree Farm, Upper Hadres, Canterbury, Kent, CT4 6EJ	The Conservative Party Candidate
Whitstable	DANCE	Mark Charles	76 St Marys Grove, Seasalter, Whitstable, CT5 4AB	The Conservative Party Candidate
Whitstable	HARRISON	Michael John	4 Tower Hill, Whitstable, Kent, CT5 2BW	The Conservative Party Candidate
Dartford East	COLE	Penny	New Blossom, Woodland Avenue, Hartley, Longfield, Kent, DA3 7DB	The Conservative Party Candidate
Dartford North East	SANDHU	Avtar	21 York Road, Dartford, Kent, DA1 1SQ	The Conservative Party Candidate
Dartford Rural	KITE	Jeremy Alan	Sherwood, New Barn Road, Longfield, Kent, DA3 7LG	The Conservative Party Candidate

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Dartford West	OZOG	Jan Michael	51 Dartford Road, Dartford, Kent, DA1 3EG	The Conservative Party Candidate
Swanscombe and Greenhithe	LEES	Richard John	51 Caspian Way, Swanscombe, Kent, DA10 OLD	Swanscombe and Greenhithe Residents Association
Wilmington	ALLEN	Ann Dorothy	43 Leyton Cross Road, Wilmington, Dartford, Kent. DA2 7AW	The Conservative Party Candidate
Deal	ROOK	Julie Ann	2 Wesleyan House, Union Road, Deal, Kent, CT14 6EA	The Conservative Party Candidate
Deal	SMITH	Kit	37 Admiralty Mews, The Strand, Walmer, Deal, Kent, CT14 7AZ	The Conservative Party Candidate
Dover North	MANION	Steve	The Dell, 206 Mongeham Road, Great Mongeham, Deal, Kent, CT14 9LP	The Conservative Party Candidate
Dover Town	COLLOR	Nigel John	114 Maison Dieu Road, Dover, Kent, CT16 1RR	The Conservative Party Candidate

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	FRAYNE	Roger	10 Lorne Road, Dover, Kent, CT16 2AA	The Conservative Party Candidate
Dover West	COPE	Bryan Richard	6 East Cliff, Dover, Kent, CT16 1LX	The Conservative Party Candidate
Sandwich	RIDINGS	Leyland Bradshaw	3 Strand Street, Sandwich, Kent, CT13 9DZ	The Conservative Party Candidate
Gravesham East	CUBITT	John Martin	144 Darnley Road, Gravesend. Kent. DA11 0SN	Conservative Party
Gravesham East	SWEETLAND	Bryan John	52 Downs Road. Istead Rise. Gravesend, Kent DA13 9HG	Conservative Party
Gravesham Rural	SNELLING	Michael Victor	5 Dormers Drive, Meopham, Kent DA13 0ES	Conservative Party
Northfleet and Gravesend West	CHRISTIE	Leslie	C/o County Hall, Sessions House, Maidstone ME14 1XQ	The Labour Party Candidate
Northfleet and Gravesend West	CRASKE	Harold John	6 Pepper Hill, Painters Ash, Northfleet, Kent, DA11 8EY	Conservative Party

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Date of Election – 4 June 2009

Maidstone Central	DALEY	Dan	9 Frinstead Walk, Allington, Maidstone, Kent ME16 0NN	Liberal Democrat
Maidstone Central	ROBERTSON	Malcolm	16 Ernest Drive, Maidstone, Kent ME16 0QS	Liberal Democrat
Maidstone North East	CHITTENDEN	Ian Stephen	2 Blakeney Close, Maidstone, Kent ME14 4QF	Liberal Democrat
Maidstone Rural East	WHITTLE	Jenny	The Cottage, Sutton Street, Bearsted, Maidstone, Kent ME14 4HP	The Conservative Party Candidate
Maidstone Rural North	CARTER	Paul Benedict Crossland	Langley Park House, Sutton Road, Langley, Maidstone, Kent ME17 3NQ	The Conservative Party
Maidstone Rural South	HOTSON	Eric Ernest Charles	White Willows, High Street, Staplehurst, Tonbridge, Kent, TN12 0BL	The Conservative Party
Maidstone Rural West	STOCKELL	Paulina Annette Veronica	Farthing Green Barn, New Barn Road, Hawkenbury, Staplehurst, Kent TN12 0EE	The Conservative Party Candidate

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Date of Election – 4 June 2009

Maidstone South	CHELL	Alan Robert	14 Sheppey Road, Maidstone, Kent ME15 9SL	The Conservative Party
Maidstone South East	COOKE	Gary	Hillside, Broad Street Hill, Hollingbourne, Maidstone, Kent ME17 1QY	The Conservative Party Candidate
Darent Valley	GOUGH	Roger William	Treetops, East Hill Road, Knatts Valley, Sevenoaks, Kent TN15 6YB	The Conservative Party Candidate
Sevenoaks Central	LONDON	John Frederick	18 Knole Way, Sevenoaks, Kent, TN13 3RS	The Conservative Party Candidate
Sevenoaks East	CHARD	Nick	42 High St., Sevenoaks, TN13 1JG	The Conservative Party Candidate
Sevenoaks North East	BRAZIER	David Lionel	Lower Slides, North Ash Road, New Ash Green, Longfield, Kent DA3 8JE	The Conservative Party Candidate
Sevenoaks South	LAKE	Peter William Ariel	Yeomans, Walters Green Road, Penshurst, Tonbridge TN11 8HD	Conservatives
Sevenoaks West	PARRY	Richard James	Highfield house, Burntwood Road, Sevenoaks, TN13	The Conservative Party Candidate

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Date of Election – 4 June 2009

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Swanley	BROOKBANK	Robert	36 Goldsel Rd., Swanley, Kent, BR8 8EZ	The Conservative Party Candidate
Elham Valley	CAREY	Susan Joan	North House, 116A North Road, Hythe, Kent, CT21 5DY	Conservative Party Candidate
Folkestone North East	PASCOE	Dick	Seaview, Crete Road East, Folkestone, CT18 7EG	Conservative Party Candidate
Folkestone South	TOLPUTT	Roland	Cirilla, Radnor Cliff Crescent, Folkestone, CT20 2JQ	Conservative Party Candidate
Folkestone West	PRATER	Tim	98a Sandgate High Street, Sandgate CT20 3BY	Liberal Democrats
Hythe	CAPON	Christopher John	Cambridge Villa, 16 Seabrook Road, Hythe, Kent, CT21 5NA	Conservative Party Candidate
Romney Marsh	RICHARDSON	Willie	Mizpah, Battery Road, Lydd- on-Sea, Romney Marsh, Kent, TN29 9NJ	Conservative Party Candidate

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Faversham	GATES	Tom	Abbey Green House, 62A Abbey Street, Faversham, Kent, ME13 7BN	The Conservative Party Candidate
Sheerness	PUGH	Ken	4 Lynmouth Drive, Minster- on-Sea, Sheerness, Kent, ME12 2HS	The Conservative Party Candidate
Sheppey	CROWTHER	Adrian Derwent	Yondar-Anelise, 25 The Leas, Minster-on-Sea, Isle of Sheppey, Kent, ME12 2NL	The Conservative Party Candidate
Swale Central	WHITING	Mike	7 Rooks View, Bobbing, Sittingbourne, Kent ME9 8GB	The Conservative Party Candidate
Swale Central	WILLICOMBE	Alan Thomas	61 Chegworth Gardens, Sittingbourne, Kent ME10 1RJ	The Conservative Party Candidate
Swale East	BOWLES	Andrew Harry Thomas	27 Highfield Close, Canterbury, CT2 9DX	The Conservative Party Candidate
Swale West	FERRIN	Keith Anthony	Heatherbank, Woodgate Lane, Maidstone Road, Borden, Sittingbourne, Kent ME9 7QB	The Conservative Party Candidate

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Birchington and Villages	HIBBERD	Charles	Sea Tower, Spencer Road, Birchington, Kent CT7 9EY	The Conservative Party Candidate
Broadstairs and Sir Moses Montefiore	BAYFORD	Robert William	Dunollie, Second Avenue, Kingsgate, Broadstairs, Kent, CT10 3LL	Conservative Party
Broadstairs and Sir Moses Montefiore	HAYTON	Bill	6 Borrowdale Avenue, Ramsgate, CT11 0PS	Conservative Party
Margate and Cliftonville	WELLS	Chris	3 Foreland Heights, Broadstairs, Kent CT10 3FU	Conservative Party
Margate and Cliftonville	JARVIS	Michael James	4 Pine Tree Close. Birchington, Kent CT7 9DT	Conservative Party
Margate West	BURGESS	Robert Barry	3 Gilbert Road. Ramsgate, Kent CT11 7QR	The Conservative Party Candidate
Ramsgate	KIRBY	John Derek	38 Goodwin Road, Ramsgate, Kent, CT11 0JJ	Conservative Party
Ramsgate	GREEN	Elizabeth	27 La Belle Alliance Square, Ramsgate, Kent, CT11 8HZ	The Labour Party Candidate

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Malling Central	DEAN		Trudy	49 Offham Road, West Malling, Kent ME19 6RB	Liberal Democrat
Malling North	HOHLER		Sarah Virginia	Mingram Oast, Plaxdale Green Road. Stansted, Sevenoaks TN15 7PG	Conservatives
Malling Rural East	LONG		Richard Langford Hanslip	12 Stacey Road, Tonbridge, Kent TN10 3AR	Conservatives
Malling Rural North East	HOMWOOD		Peter John	Morningside, 33 Old Chatham Road, Blue Bell Hill, Aylesford, Kent ME20 7EZ	The Conservative Party Candidate
Malling West	DAGGER		Valerie Jasmine	Martins, Reeds Lane, Shipbourne, Tonbridge, Kent TN11 9RR	Conservatives
Tonbridge	HORNE		Godfrey Allan	44 Royal Avenue, Tonbridge, Kent, TN9 2DB	Conservatives
Tonbridge	SMITH		Christopher Paul	43 Knowsley Way, Hildenborough, Tonbridge, Kent, TN11 9LQ	Conservatives

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Cranbrook	MANNING	Roger Frank	Bramley Dial, Cranbrook Road, Benenden, Cranbrook, Kent TN17 4ET	The Conservative Party Candidate
Tunbridge Wells East	LYNES	Kevin Graham	5 The Down Cottages, Lamberhurst, Kent TN3 8EX	The Conservative Party Candidate
Tunbridge Wells North	BULLOCK	Roy	Walsynghams, Old Town Hill, Lamberhurst, Kent TN3 8EN	The Conservative Party Candidate
Tunbridge Wells Rural	KING	Alex	Philpotts Gate, Slip Mill Road, Hawkhurst, Kent TN18 4JT	The Conservative Party Candidate
Tunbridge Wells South	SCHOLES	James Edward	14 Claremont Gardens, Tunbridge Wells, Kent TN2 5DD	The Conservative Party Candidate
Tunbridge Wells West	DAVIES	John Aeron	Tile Hatch, Bishops Down Park Road, Tunbridge Wells, Kent TN4 8XS	The Conservative Party Candidate

KENT COUNTY COUNCIL

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 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 Home, 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. 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.

9. 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.

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 serving 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:

30 APRIL 2009

- (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

By: Peter Sass - Head of Democratic Services and Local Leadership

To: County Council – 25 June 2009

Subject: Terms of Reference of the Standards Committee

Summary: The County Council is invited to approve minor changes to the Terms of Reference of the Standards Committee, as recommended by the Committee following the receipt of a report by Kent Audit on the locally managed framework for dealing with complaints about the conduct of Members.

Unrestricted

Background

1. During the latter part of 2008 and early 2009, KCC's internal audit team, Kent Audit, reviewed the Council's mechanisms for dealing with complaints that a Member has breached the Code of Conduct.

Audit outcome

2. The final report of the audit team was considered by the Standards Committee at its meeting on 30 April 2009. The assessed audit assurance was "High" for each of the four main risks identified, giving an overall rating of "High", which is the best possible outcome from the review. In addition, no formal audit recommendations were made.

Terms of Reference of the Standards Committee

3. However, one of the areas commented upon by the auditors was the Terms of Reference of the Standards Committee and the need for appropriate amendments to be made that clearly reflect the role the Committee now has in assessing, reviewing and determining complaints about the Conduct of Members. Accordingly, the Committee agreed that its existing Terms of Reference, which are contained in Appendix 2 of Part 2 of the Constitution (page 31), should be amended as follows (alterations in bold type):

- (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

Recommendation:

4. The County Council is invited to approve the changes to the Terms of Reference of the Standards Committee, as indicated in paragraph 3 above.

Peter Sass
Head of Democratic Services and Local Leadership
June 2009

From: Roberta MacCrone – Independent Chairman of the Standards Committee

Peter Sass - Head of Democratic Services and Local Leadership

To: County Council – 25 June 2009

Subject: **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 at its June meeting commenting upon the Committee's activities over the previous 12 months. It is also the convention that the Chairman 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 the Standards Board for England as good practice and this is the seventh 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 and Local Leadership
01622 694002

Background Documents: None

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Kent County Council's Standards Committee

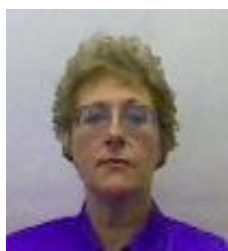
Annual Report – 2008/09

Introduction

This is the seventh Annual Report of the Standards Committee and covers the period from June 2008 to June 2009.

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 2008/09 was as follows:

Ms Roberta MacCrone (Independent Chairman)
Ms Nadra Ahmed (Independent Member)
Mr L Christie (Labour Member)
Mr D Daley (Liberal Democrat Member)
Mr Peter Gammon (Independent Member)
Mr J London (Conservative Member)



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

The Committee has met on three occasions during the last 12 months (25 November 2008, 27 April and 28 May 2009).

The role of the Standards Committee

The Committee's terms of reference are attached at **Appendix 1** and include a suggested change that is subject to the approval of the County Council at its meeting today as a separate agenda item.

During the year, the Committee considered a report in relation to the current and possible future role of the Committee, with particular regard to the promotion of high ethical standards. The Committee considered the results of a benchmarking survey undertaken by Lancashire County Council into the role of Standards Committee, together with a Standards Board for England publication on the role and makeup of Standards Committees. A number of key conclusions were drawn from this benchmarking analysis:

- The Committee's existing role in promoting high standards of conduct by both elected and co-opted Members is a positive one
- The Committee's annual report to the County Council is good practice
- The new responsibilities for local investigations have been introduced smoothly
- There is excellent cooperation with the Independent Remuneration Panel
- There is a constructive working relationship with the three political Group Leaders in relation to the work of the Committee
- Compared to some other authorities, there is a partial crossover at KCC between the work of the Standards Committee and the Governance and Audit and Selection and Member Services Committees. Members agreed that they were not seeking to replicate any of the work of these Committees
- Members noted that the quarterly Standards Board Bulletin is sent in hard copy to all Members of the Council, together with a covering letter summarising the key points
- Members agreed to the introduction of a Committee work programme, together with regular monitoring of the current stage of any complaints investigated by the Assessment or Review Sub Committee
- There should be a standing item each year to review the Register of Members' Interests, Gifts and Hospitality, starting in the new Council term
- The three Group Leaders should be invited to attend a meeting of the Standards Committee at least once a year, possibly in connection with the Committee's review of registered and/or declared interests or other appropriate matters

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 passed from the Standards Board for England to the local authority on 8 May 2008.

At its meeting on 22 May 2008, the Standards Committee agreed to set up two Sub Committees; one to make an initial assessment of a complaint that a Member has breached the Code of Conduct and one to review any decision by the Assessment Sub Committee to take no action, if so requested by the complainant. The Standards Committee has also approved the criteria it uses to assess complaints (**Appendix 2**) and the criteria are subject to regular review by the Committee in the light of experience of dealing with complaints.

During the year, Kent Audit undertook a review of the arrangements for dealing with complaints about the conduct of Members, which resulted in an overall assurance rating of "high", with no formal recommendations for any further action. The Committee responded positively to the two advisory comments contained in the

report, namely a proposed revision to its Terms of Reference and wider publicity for the work of the Committee in relation to dealing with complaints.

In relation to the issue of wider publicity for the work of the Committee, with specific reference to the assessment of complaints about the conduct of Members, the Committee was keen to see an appropriate balance between properly informing members of the public about the complaints process and not encouraging spurious complaints about Members. Following discussion, it was suggested that the Chairman of the Committee and the Head of Democratic Services and Local Leadership should agree an appropriate form of words for the "Around Kent" publication, for the edition that is published containing the names, photographs and contact details for the new Council following the elections. KCC's website already contains good information about the complaints process.

During the last 12 months, the Assessment and Review Sub Committees have dealt with eight complaints about the conduct of Members, as follows:

Reference	Complainant	Assessment outcome	Review outcome	Comments
KCC/1/2008	Member of the public	No action	Not requested	None
KCC/2/2008	Member of the public	No action	Not requested	None
KCC/3/2008	A local head teacher	No action	Not requested	None
KCC/4/2008	A Borough Councillor	No action	Referred to Monitoring Officer: Member agreed to issue apology to complainant	None
KCC/1/2009	A Borough Councillor	Referred to Monitoring Officer for conciliation	N/A	Complainant refused to take part in conciliation talks
KCC/2/2009	Member of the public	No action	Not requested	N/A
KCC/3/2009	Member of the public	Formal investigation commenced	Pending	N/A
KCC/4/2009	Member of the public	No action	Pending	N/A

The Monitoring Officer has ensured that relevant details of the complaints dealt with by the Committee are submitted to the Standards Board for England on a quarterly basis.

Training and Development

The Committee has played a key role in assisting the Selection and Member Services Committee with the preparations for Member Induction and Development. The Committee has approved the format for the ethical standards training, which involves key presentations, a DVD and a workshop discussion. The Member Induction and Development programme includes five sessions for ethical standards training and the Committee very much hopes that both new and returning Members will undertake the training.

Committee Members have also participated in relevant training events, in order to further improve their effectiveness on the Committee. The Committee's training this year has included sessions on the locally managed framework for complaints and attendance at the Standards Board for England (SBE) road show, held in London in June 2008. Places have also been reserved for Members to attend the SBE annual conference in October this year.

Revised Code of Conduct

At its meeting in November 2008, the Committee considered a consultation paper from the Department for Communities and Local Government (DCLG), on proposed revisions to the Code of Conduct. The main area of change is that the Government proposes that the Code should apply to Members when acting in a non-official capacity.

At the time of writing, the publication of the revised Code of Conduct is awaited.

Future work programme for the Committee

As indicated above, the Committee now has its own work programme, which consists of regular monitoring reports, together with specific pieces of work in relation to the promotion of ethical standards. The Committee has recently submitted its annual return to the Standards Board for England (SBE), which describes the activities and role of the Committee. The SBE has undertaken to publish a report highlighting best practice from Standards Committees across the UK, which will be used to influence the future work programme of the Committee.

Members' Annual Reports

The Independent Remuneration Panel met on 8 May 2009, to consider Members' Annual reports for 2008/09. The Panel was very pleased with the overall response rate this year, with 81 reports being received before the Panel met, compared to 78 Members having completed their 2007/08 reports before the Panel met last year. The Panel noted the sickness of two Members, together with the vacant seat in the Maidstone Rural East Division.

The Panel was also pleased with the high overall standard and that the vast majority of Members had taken the need to account for their time on County Council work seriously. For the first time this year, 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. Sadly, the Panel noted that there were still a handful of reports that were so lacking in any detail that they presented little idea of the activities of the Members concerned, from the perspective of their constituents.

Many Members sent an annual letter to their constituents, including details of how they spent the Local Community Grant, and some Members mentioned that they maintain their own websites to provide information to constituents and a means of contact. The Panel considered that this was excellent practice.

(Attached at Appendix 3 to this report is a summary of where the Members' individual community grants were spent).

The following issues were raised by the Panel:

- (a) Approximately one quarter of Members did not provide sufficient detail of how their individual Member grant allocation had been spent.
- (b) The Panel intends to undertake a full review of the annual report format and guidance notes on the completion of annual reports during the autumn. Group Leaders will be invited to comment on the changes that they would like to see, in order to inform the review.
- (c) The Panel was concerned that some Members had stated that there was no training and development available to them. The Panel is aware that a significant amount of work is currently being undertaken with regard to Member Induction and Development and it hopes to see much more detail about training and development in next year's annual reports.

Conclusions

Kent County Council's Standards Committee is in good shape for the future. 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 is an exemplar for ethical standards and conduct.

Roberta MacCrone
Independent Chairman
June 2009

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.

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

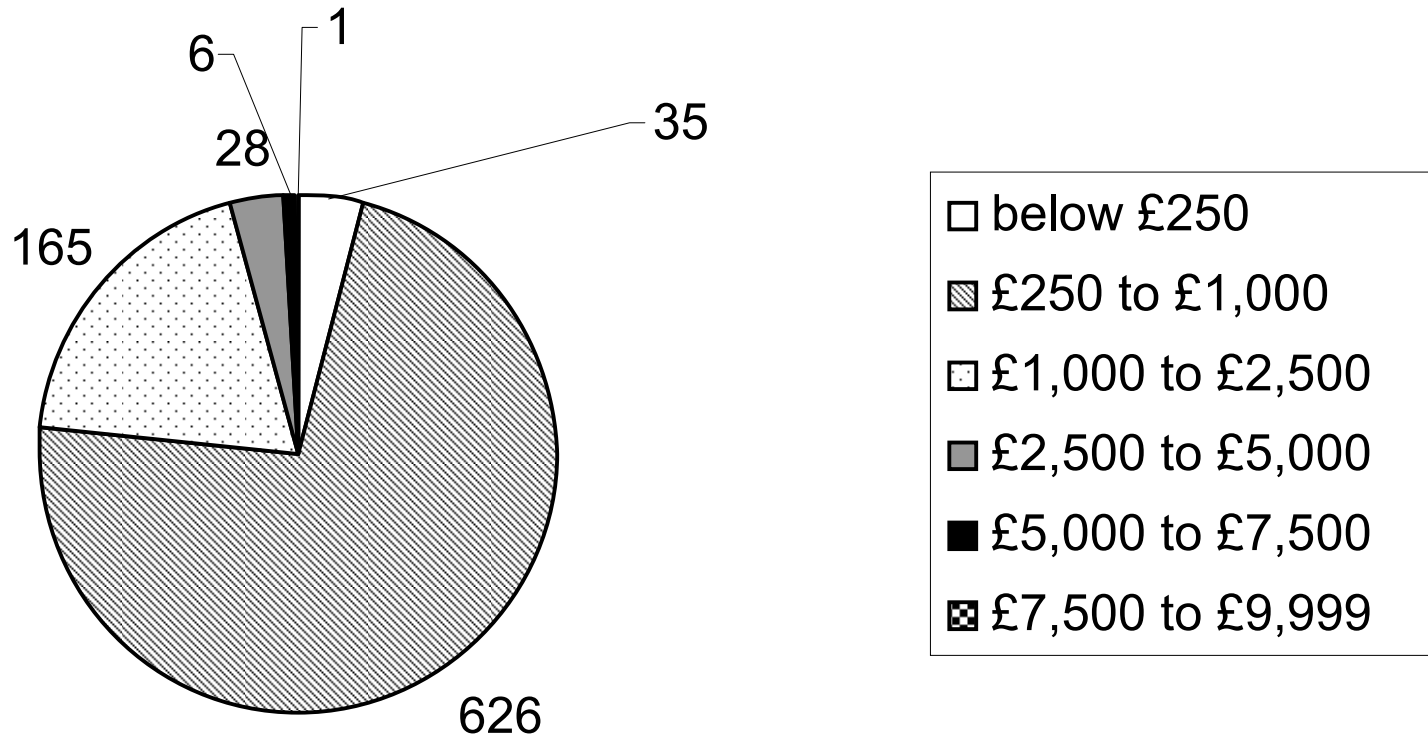
1. Does the complaint relate to dissatisfaction with a Council decision, rather than the conduct of a particular Member?

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?

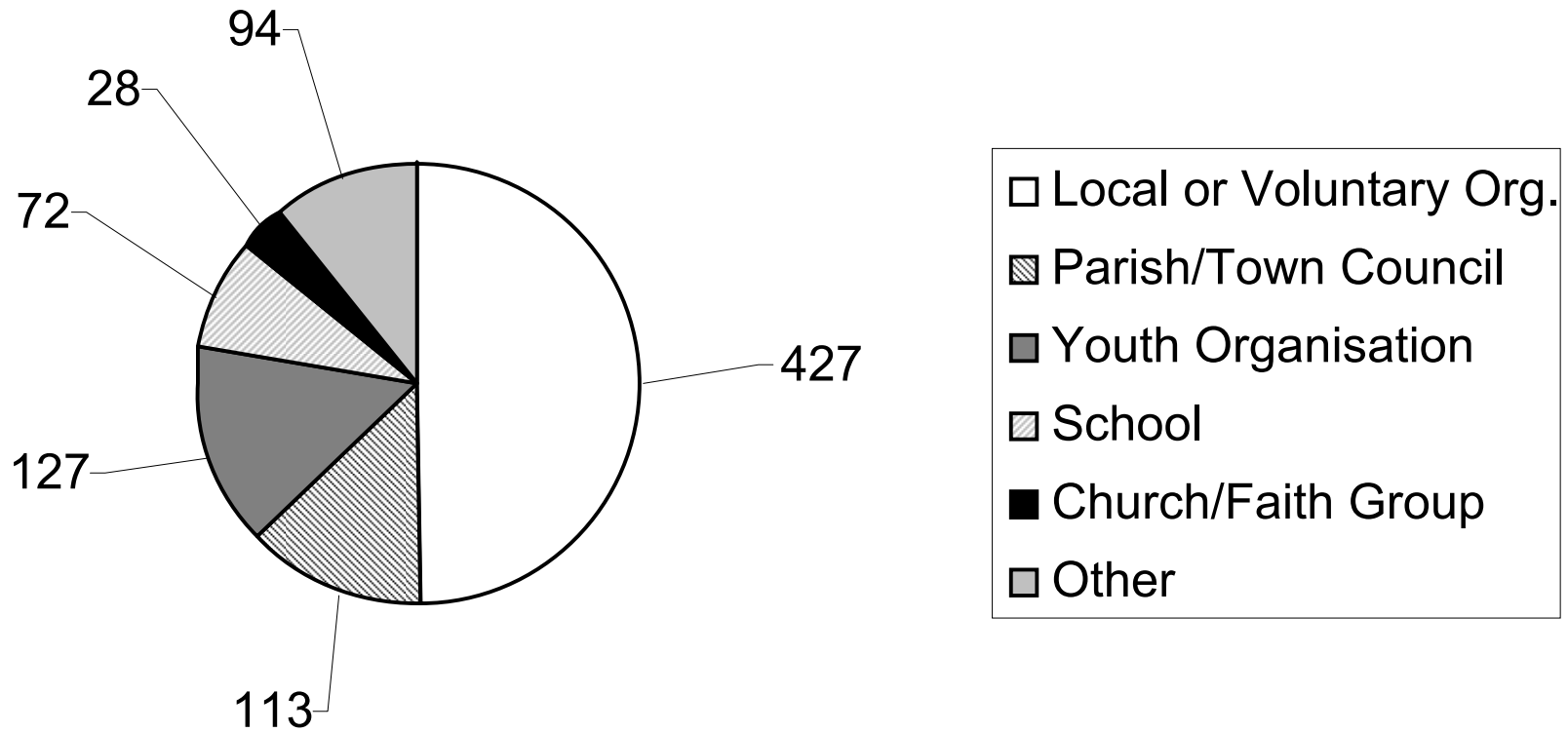
Note: If a matter is referred for investigation or other action, it does not mean that the Sub Committee assessing the complaint has made up its mind about the allegation. It simply means that the Sub Committee believes that the alleged misconduct, if proven, may amount to a failure to comply with the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

Peter Sass
Head of Democratic Services and Local Leadership
November 2008

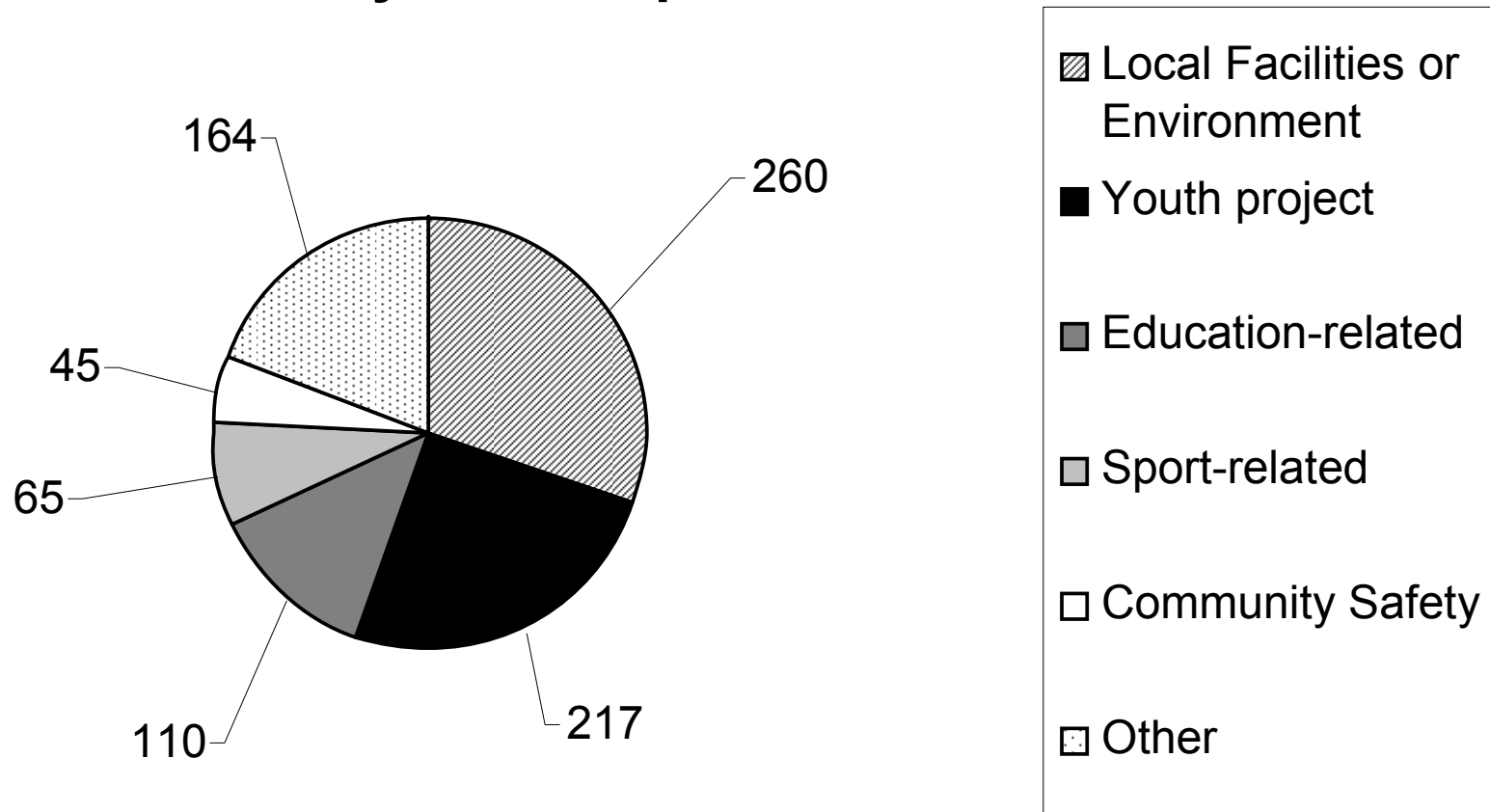
Analysis of Member Grants by size 2008/9



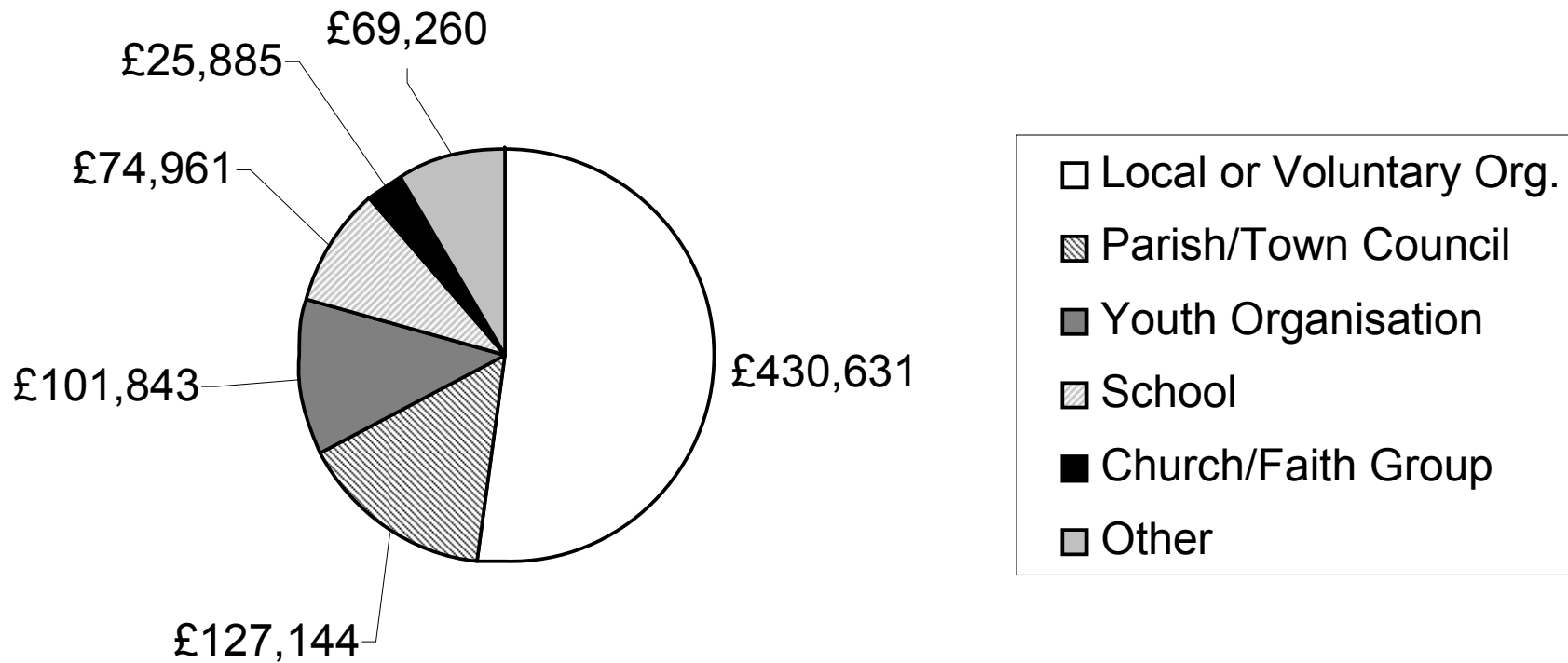
Beneficiary Groups from Member Community Grant April 2008 to March 2009



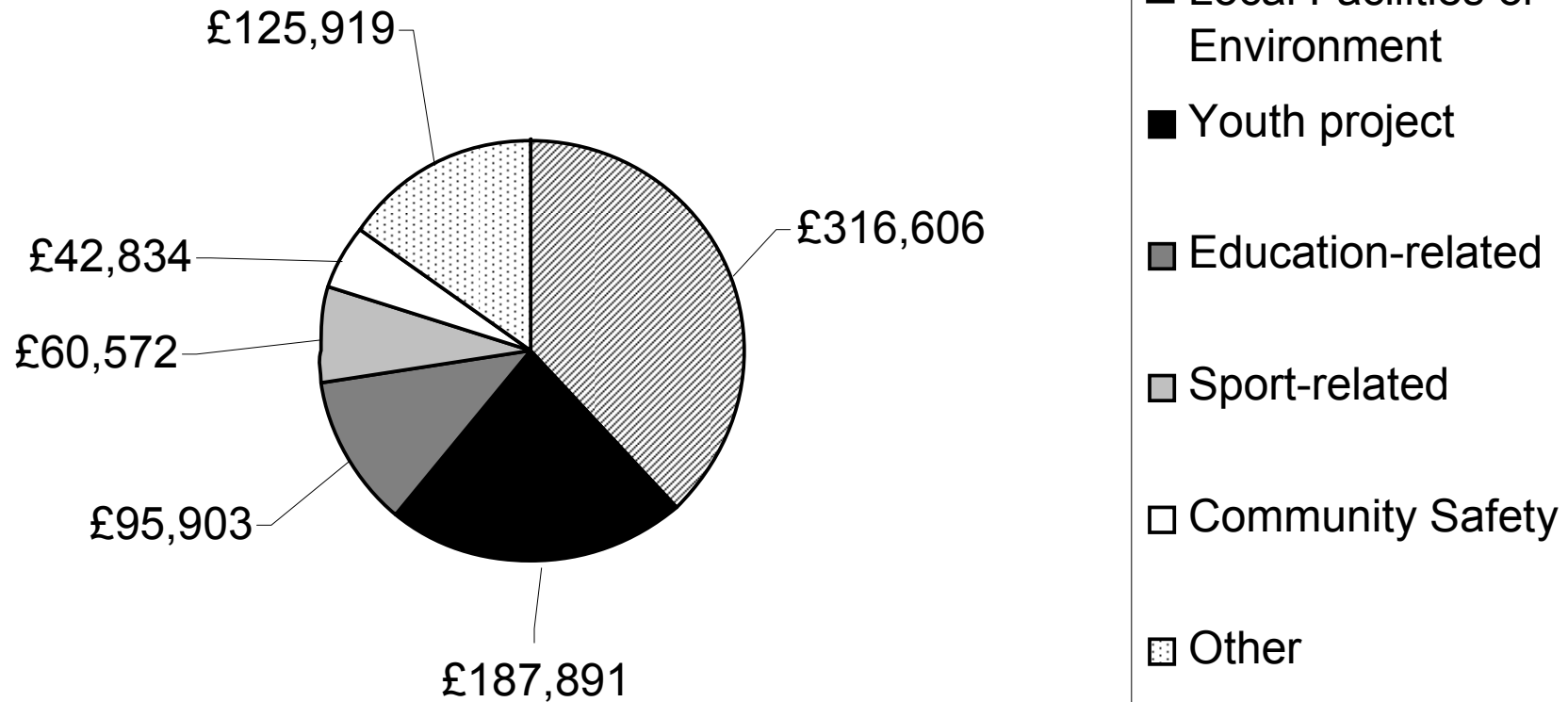
Types of Activity supported by Member Community Grant, April 2008 to March 2009



Value of Member Community Grant Projects, by type of recipient, April 2008 to March 2009



Value of Member Community Grant Projects, by type of activity, April 2008 to March 2009



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By: Mike Austerberry – Executive Director of Environment, Highways and Waste

To: County Council – 25 June 2009

Subject: Member Highway Fund – proposed protocol

Classification: Unrestricted

Summary: This report invites the County Council to approve the procedure and protocol for the highways budget devolved to elected Members to spend in their own electoral divisions. The proposed protocol is attached at appendix 1

FOR DECISION

Background

(1) This report provides the principles of the establishment of a Member Highway Fund which was announced at County Council in February 2009. The £2.1 million fund will provide £25,000 per Member to spend on local highway issues. It is proposed that the fund should commence following ratification of the operating principles at the meeting of the County Council on 25 June 2009.

General Operating Principles

(2) The general operating principles of the Members Highway Fund are:

- The scheme will operate on an initial two year pilot (until 31 March 2011).
- To resolve local highway issues.
- Spending must be legal and comply with existing KCC policies set out in the KHS Business Plans.
- All spending must be approved by the Cabinet Member for Environment, Highways and Waste with decisions being taken in accordance with the Council's Constitution. The expenditure of the Cabinet Member's own fund must be approved by the Leader.
- A Member's allocation may be pooled with other Members but must meet the full cost of the project. If costs overrun, this will be rolled forward to be the first call on the Members' following year's allocation.
- Spending can be on either capital or revenue
- Funding may be rolled over one financial year only.
- Members will complete a form to seek approval for spending. This form must include any declaration of specific personal or prejudicial interests.
- All requests to spend will initially be scoped and assessed by officers within Kent Highway Services as to their compliance with the general operating principles of the scheme and reported to the Cabinet Member monthly.

- Decisions by the Cabinet Member will be taken in accordance with the Council's Constitution and therefore open to scrutiny. Works cannot be commenced until the decision/scrutiny process is complete.
- The Executive Director of Environment, Highways and Waste or a nominated representative in consultation with the Cabinet Member be authorised to approve expenditure under the terms of this scheme up to a maximum of £1000 towards the cost of undertaking relevant investigations, traffic counts or speed surveys.
- Planned and completed capital works under this scheme should be included with existing Joint Transportation Board report appendices.
- An annual report will be made to the Highways Advisory Board detailing all spending under this scheme.
- Each Member should include details of their Highway Fund spend in their Annual Reports.
- All works will be commissioned by KHS.

(3) Information on common problems, together with potential solutions and price estimates will be available to assist Members in prioritising their expenditure. It is proposed that Kent Highway Services Liaison Officers will provide the first point of contact for Members, with access to specialist officers to deal with technical issues arising from the Member Highway Fund.

Recommendations:

1. The County Council is recommended to approve the introduction of the Member Highway Fund at £25,000 per member per year; and
2. The County Council approves the attached protocol.

David Hall
 Head of Transport and Development
 01622 221081
david.hall@kent.gov.uk

Member Highway Fund – Protocol

The purpose of the fund is to resolve local highway issues. This should be spending in addition to KHS's normal activities, and should not duplicate work already planned by Kent Highway Services (KHS). It can be used to enhance works already planned.

All proposed spending must comply with the law and existing KCC policies, and not prejudice road safety. It should contribute to the overall objectives of Kent County Council, and represent value for money. Members should be aware of the KHS Business Plan, and the targets and objectives applying to KHS.

As there is only provision for ongoing maintenance of works normally maintained by KHS, any proposal which does not meet this criterion is excluded.

In the 2009/10 financial year, each Member of the Council can recommend highway spending up to a total of £25,000. There is a simple but formal application procedure. Members must use this in every case. Members *recommend* which applications should receive funding; only the Cabinet Member for Environment, Highways & Waste can *decide* whether an application is funded

Members should bear in mind that KCC has formal processes to consider and approve spending, in line with the KCC Constitution. The process does not provide instantaneous decisions, as it is subject to the usual rules of Scrutiny. If the Cabinet Member's decision on the proposed spending of the fund is called in for scrutiny, this may inevitably involve some delay.

Special procedures apply to any spending recommended by the Cabinet Member. In such cases, the Leader of the Council must approve and sign the formal approval to the spending.

Under the Code of Member Conduct, every Member is personally responsible for declaring any prejudicial or personal interest that they may have in the matter they are putting forward. If a Member holds a position of general control or management or has some other close association with an organisation that is to directly benefit from the proposal, then the Member is likely to have a prejudicial interest. For example, membership of the governing body of a school which would directly benefit from a proposal should normally be regarded as creating a prejudicial interest. **Where there is any doubt on the matter of prejudicial or personal interest, Members should seek guidance from Democratic Services**

All spending must be approved by the Cabinet Member (or delegated representative) before any studies or works take place. The Cabinet Member will give reasons for any spending request that is not agreed. Studies and works can only be commissioned by KHS.

Members are asked to identify the problems, so that officers can then suggest a range of possible solutions. KHS will produce a guidebook to the commonest examples.

Spending will either be revenue or capital. Revenue funding can be used to buy additional routine work, for tasks such as grass cutting, the use of a gang, or road safety education. These are mostly at a fixed price. It can also be used to buy staff time, including from

partner organisations where these are willing to take part.

Capital works include infrastructure projects (including design costs) such as resurfacing, integrated transport schemes or streetlights. These generally need to be priced individually, because circumstances vary so much between different locations, in particular the cost of traffic management to ensure that the works can be undertaken in safety. An investigation fee will be charged for such work.

Members are recommended to select works as early as possible, as many require planning and time to obtain the extra resources needed; capital works cannot be guaranteed if identified after 31 October 2009. Please note priority will be given to completing works already planned by KHS.

Revenue works generally have shorter lead-in times, although there may be seasonal constraints. However, the majority of capital projects will be implemented during 2010-11, because of the time necessary to ensure proper design and consultation, including complying with the Traffic Management Act.

Members have the option to roll this year's money into next year (2010/11), or to pool funds in order to pay for schemes costing more than £25,000. This includes joining other Member funding subject to all the same processes and regulations. However, as this is a two-year pilot, there is no option to roll funds over into a third year. If costs overrun, this will be rolled forward to be the first call on the following year's allocation.

Details of spending will be reported annually to the Highways Advisory Board, and will appear in the appendices of reports presenting spending details to Joint Transportation Boards.

In the event of a dispute, the matter will be resolved by the Cabinet Member for Environment, Highways & Waste, and the Director of Environment, Highways & Waste, and the Director of Kent Highway Services (or their nominated representatives).

This protocol will be reviewed by the Cabinet Member for Environment, Highways and Waste once the Member Highway Fund is operational.

Decision-making criteria:

Priority will be given to projects that:

- Support KCC's "Towards 2010" strategy and/or
- Support Key Performance Indicators and/or
- Support Local Transport Plan Shared Objectives and/or
- Underpin the "Vision for Kent" and Public Service Agreement

By: Peter Gilroy, Chief Executive
Rosalind Turner, Managing Director for Children, Families and Education

To: Kent County Council, 25 June 2009

Subject: Senior Management Structure of Children, Families and Education
Directorate

Classification: Unrestricted

Summary: This paper reports the outcome of the review of the senior management structure for the Children, Families and Education Directorate outlined in the previous document "Preparing the County Council for future challenges" approved by Council on 11th December 2008. It seeks formal approval for a streamlined senior team structure, which sees a reduction of two Director posts, and is the essential first step in delivering a better integrated, more efficient organisational structure to support the aims of the Directorate. Two of the new Director posts will be subject to a recruitment and selection process

Introduction

1. (1) The Children, Families and Education Directorate was formed in 2006 by combining the early years, childcare and education functions of Kent County Council with children and families social care services, in line with the recommendations of the Children Act 2004. In addition, agreement was gained with the two Primary Care Trusts in Kent to include a Senior Commissioner for Children and Young People's Health within the management structure.

(2) The Children Act 2004 requires each local authority to have a single Director and single Cabinet member to hold overall accountability for all children's services, although the responsibilities must necessarily be carried out in partnership across the local authority, particularly with Communities Directorate, Kent Adult Social Services and in relation to regeneration, economic development and public health.

(3) CFE has core statutory responsibilities to ensure that every child has access to high quality education from ages 3 -19 years. CFE provide essential support and challenge for Leadership and Governance for schools and colleges, and have a key role in developing excellent teaching and learning.

(4) CFE also has statutory responsibilities for Safeguarding and Child Protection and ensuring those children with special needs or disabilities have equal access to learning and other opportunities.

(5) The CFE Directorate works through, and supports the coordination of, the Kent Children's Trust Partnership, with the aim of providing a coherent service for children, young people, families and carers across all agencies. The Children's Trust Partnership is supported by statutory and voluntary organisations across the county and has set out its aims and objectives with the Kent Children and Young People's

Plan. The plan for 2008-2011 sets out 8 strategic priorities, based on extensive needs assessment.

(6) The Children's Trust combines the efforts of all agencies in order to provide focused, integrated service delivery at local level, as envisaged in the Every Child Matters framework with its five outcome themes:

- Be Healthy
- Stay Safe
- Enjoy and Achieve
- Make a positive contribution
- Achieve Economic Well-being

(7) The strategy and delivery for integrated children's services is currently focused around 23 Local Children's Services Partnerships (LCSP), based on clusters of schools. The local partnerships coordinate and support the 100 local Children's Centres for under-5s and their families, work alongside Kent's 600 schools and provide educational support services, and are working towards an integrated approach for young people, delivered in partnership with the Communities Directorate, Connexions and other key providers such as Further Education Colleges and community groups.

(8) The CFE Directorate also coordinates and supports the Kent Safeguarding Board, which works closely with the Children's Trust to ensure that child protection and broader safeguarding concerns have a high priority within the new combined arrangements.

(9) The CFE Directorate and its partners across Kent County Council and Kent Children's Trust received a very good report from the Joint Area Review inspection conducted in June 2008, with an overall good grade for outcomes, and excellent capacity to improve.

Review of CFE and the Children's Trust Partnership

2. (1) At the time of forming Children, Families and Education, several different services were brought together with a primary focus on getting the Children's Trust Partnership and Safeguarding Board established, along with the 23 Local Children's Services Partnerships (LCSPs) and setting up new processes such as the Common Assessment Framework. Core service and statutory functions were stabilised and good performance maintained during a period of great change, along with a high degree of scrutiny through the Joint Area review. The school transformation, reorganisation and capital programmes have been sustained, a continued focus on post-16 education and progression, and many new services established, particularly through extended schools and children's centres.

(2) Following a period of development and consolidation and the departure of several senior members of the CFE Directorate team, a review of the senior management structure was proposed as described in the paper "Preparing the County Council for future challenges" approved by Council on 11th December 2008. Following arrival in post on 11 May 2009, the new Managing Director has quickly completed this part of the review and will extend it to look at the operations of the Children's Trust and Local Children's Services Partnerships (LCSPs), to ensure that

the service can maximise the benefits of integration and can meet the challenges ahead.

(3) It is vital to maintain a focus on improved outcomes for children and young people, and to ensure that the service supports the overall ambitions and challenges for Kent as a whole, particularly the economic regeneration strategy. We need to look ahead at forthcoming opportunities and challenges. For example, the transfer of functions from the Learning and Skills Council to Kent County Council in relation to 16-19 education, alongside Kent's ambitions in relation to apprenticeships, employment and skills gives us a real opportunity to combine efforts across the County Council, with partners in schools, further education, across the public sector and with businesses.

(4) It is also important to ensure that the process of change and supporting partnership working does not outweigh the effectiveness of the service, and that the service is sustainable in the face of national and local economic challenges. Referrals to children's social services, for example, have increased by 45% over the past year, which may be a combination of increased awareness of risk following Haringey and other national cases, increased pressure on families due to the economic downturn, and also possibly due to increased need being uncovered through closer local working.

(5) Although there has been additional investment in front line social workers, a significant proportion of the increased referrals do not meet thresholds for children in need or at risk. Therefore they must be responded to by the combined efforts of local services and new investment such as children's centres, extended school services, child and adolescent mental health services in improving life chances. This requires a serious focus on a prevention strategy which makes clear what resources are available and how to access them. CFE and the Children's Trust Partnership must set out a clear framework for service users, underpinned by agreed responsibilities for all agencies including GPs, health providers, the police, social care, schools, youth services and the voluntary sector. Prevention must also harness the energy and enthusiasm of local people and connect closely with the aspirations of local communities. This work to develop this preventative strategy has already started.

(6) In the light of the above, a proposed review of the Children's Trust and LSCPs was discussed at the Children's Trust Board meeting on 12 June. In addition, a review of CFE services and structure will be conducted in line with the overall County Council financial and business planning for 2010/11 onwards.

Proposed Senior Management Structure for CFE

3. (1) In order to drive the improvements and to meet the challenges and opportunities set out above, a new management structure is proposed for Children, Families and Education. This will be a much slimmer structure, which will ensure a continued focus on the three main pillars of a combined service for children and families:

- primary health care (in conjunction with, and funded by, the Primary Care Trusts)
- educational provision and attainment (including operational support for schools),

- Safeguarding and child protection, health and child development.

(2) It is important that the services work laterally as part of a combined senior management team, as well as providing linear accountability chain for these key statutory functions. This will complement the efforts of local partnerships and maximise the benefits of bringing the service together.

(3) Therefore it is proposed to combine some functions, for example bringing together services for children with special educational needs and disabilities under one Service Director for Vulnerable Children, who will also have the responsibility for safeguarding and child protection.

(4) It is also proposed to bring together educational advisory and support services for 3-19 year olds, (and up to 24 for care leavers and those with disabilities), under a Service Director for Learning, along with operational support for early years, childcare, schools and further education providers. This function will support the corporate drive around apprenticeships, skills and employment.

(5) Given the scale of the Directorate, CFE also needs to ensure continued support for resourcing and infrastructure, capital programmes, commissioning, quality assurance, partnership working and change management. These posts can be reviewed over time once the capital programmes are well underway. Also, the proposed commissioning and Quality Assurance function could possibly be combined with primary health care at a future date, but given the high degree of change and focus required currently across both the local authority and health in establishing commissioning and service improvement, this is not yet feasible.

(6) The proposed structure is set out in diagrammatic form at Appendix 1. Most of the proposed posts in the new structure will be filled as shown by existing members of the senior management team. As a result of the decision of the current Director of Children's Social Care to retire from KCC at the end of this year, the post of Director for Vulnerable Children will be subject to an external and internal recruitment process as will the new post of the Director for Learning.

(7) Until the two new Director posts are recruited, the existing interim structure will remain, but moves will start to develop the new streamlined structure with the aspiration of it being fully operational by December at the latest.

Implications

4. (1) Financial implications:

As Members will be aware the 2009-10 CFE budget agreed by County Council on 19 February 2009 included a saving of £400k within Strategic Management (Page 50, Medium Term Plan 2009-12). This saving assumed that any future restructuring of senior management would include the removal of two posts at Director level together with associated support staff and on-costs. The proposals in this report delete two Director level posts and this ensures that the planned saving will be delivered. As we have been running with three vacancies at Director level for some time the full £400k saving will be achieved in 2009-10.

(2) HR implications:

The proposals will mean changes to the responsibilities of the Director of Commissioning, Specialist Services, who has agreed to take on new responsibilities as Service Director for Commissioning, Quality Assurance and Partnerships. The new structure will mean changes in line management for several managers and this will be fully communicated once Council have agreed the proposals. Any subsequent changes to alignment of services, organisation structures, and/or individual posts at other tiers in CFE Directorate will be the subject of full consultation under the usual personnel procedures.

Consultations

5. (1) This report has been discussed with the CFE Cabinet Member, the Leader of the County Council, the Chief Executive, Chief Officer colleagues, CFE SMT, East Kent PCT Chief Executives, the Chair of Kent Children’s Trust and the Chair of Kent Safeguarding Board.

(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.

Conclusion

6. (1) The CFE Directorate was established three years ago, and the senior management structure was put together by bringing together existing services and teams. This has served the County well in order to maintain stability and continuity in service delivery, and while the Children’s Trust Partnership became established.

(2) It is now timely to revise the CFE senior management structure to ensure it is efficient, effective and can meet the challenges and opportunities ahead for children, families and education.

(3) There will be a root and branch review of the CFE Directorate, in line with Kent County Council financial and business planning for 2010/11 onwards.

(4) There will also be a review of the Children’s Trust and Local Children’s Services Partnerships to maximise effectiveness, improved outcomes for children and young people, and to ensure sustainability.

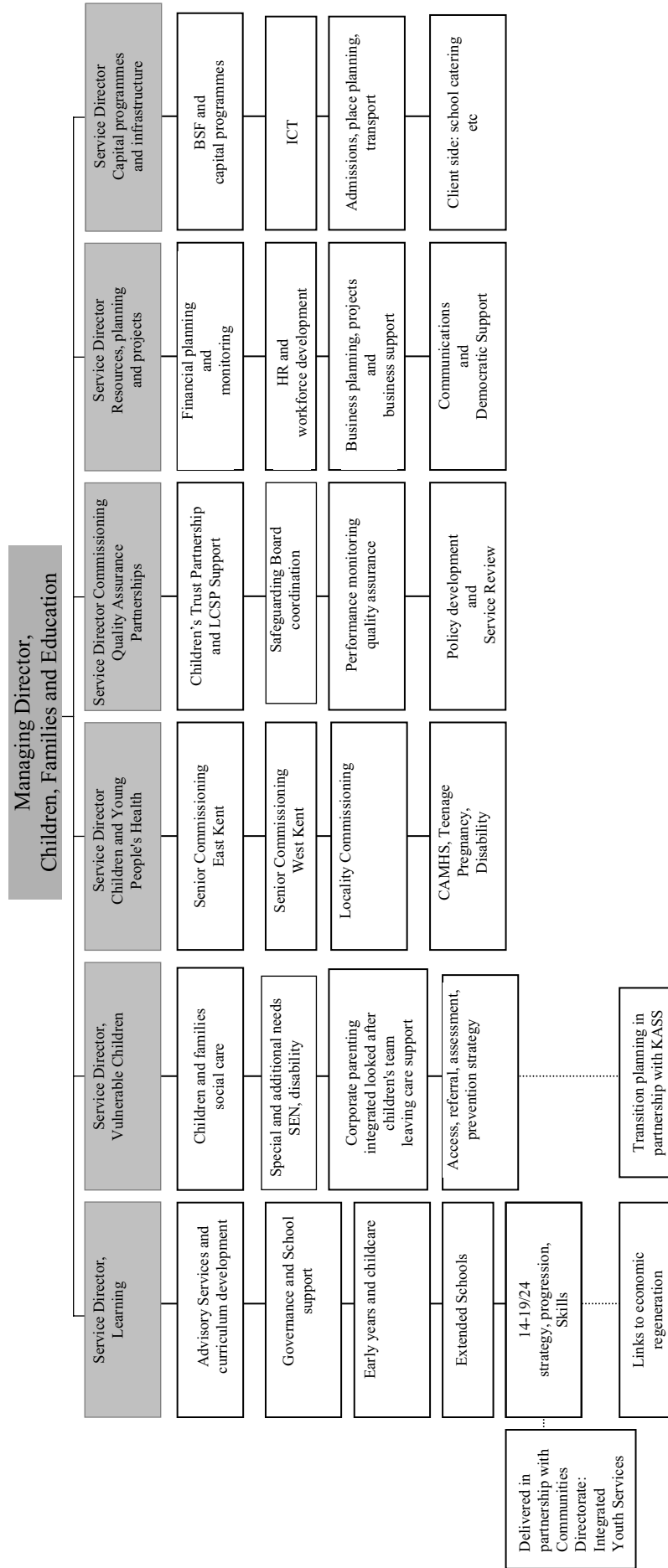
Recommendations

7. Council is asked to approve the proposed senior management structure for CFE set out in Appendix 1.

Background Documents: Previous Council and cabinet reports establishing, and reporting on, CFE and the Children’s Trust, including “Preparing the County Council for Future Challenges”, December 2008. The JAR and APA reports Safeguarding Reports Children Act 2004 and other recent legislation for education, childcare, skills etc Kent Children and Young People’s Plan

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Proposed Senior Management Structure for Children, Families and Education Directorate



NB Structure below Senior Directors show functional responsibilities not actual posts. These will be developed during the second stage of the review

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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, 19 May 2009.

PRESENT: Mr M J Harrison (Chairman) Mr A D Crowther (Vice-Chairman) Mr A R Bassam, Mr T J Birkett, Mr C J Capon, Mr I S Chittenden, Mr L Christie, Mr J Curwood, Mr J A Davies, Mr C Hibberd (Substitute for Mr A H T Bowles), Mr M J Northey (Substitute for Mr W A Hayton), Mrs P A V Stockell and Mr F Wood-Brignall

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr R Gregory (Principal Planning Officer Enforcement), Mr C Wade (PROW Team Manager (definition)), Mr G Rusling (Public Rights of Way Service Delivery Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**8. Membership**
(Item. 1)

(1) The Committee noted that Dr T R Robinson had replaced Mr R A Pascoe as a Member of the Committee.

(2) The Committee recorded its thanks to Mr A R Bassam, Mr I T N Jones and Mr F Wood-Brignall for all their work on the Committee's behalf, particularly in respect of their work on Member Panels and Home to School Transport Appeal Panels.

9. Minutes
(Item. 4)

(1) The Minutes of the Member Panel held on 12 May 2009 were tabled.

(2) RESOLVED that the Minutes of the meetings of the Committee held on 27 January 2009 and of the Member Panels held on 16 February 2009 and 12 May 2009 are correctly recorded and that they be signed by the Chairman.

10. Gating Orders
(Item. 5)

RESOLVED that the report be noted.

11. Update on Village Green issues
(Item. 6)

(1) The PROW Team Manager (definition) informed the Committee that the County Council had been directed by the High Court to make an Order to modify the Definitive Map and Statement by showing the Old Coach Road claimed route on the former Bayham Estate, Tunbridge Wells at footpath status. This overturned in part the decision taken by the Member Panel on 5 April 2005.

(2) RESOLVED that the report be noted.

12. Update on Planning Enforcement Issues

(Item. 7)

(1) Mr R W Gough was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.

(2) The Committee noted that the Head of Planning Applications Group would be reporting in greater detail on Swale enforcement cases including Raspberry Hill Park Farm, Iwade to the next meeting of the Committee.

(3) RESOLVED to endorse the actions taken or contemplated on the respective cases set out in paragraphs 5 to 29 of the report and those contained within Schedules 1 to 3 in Appendices 1 to 3 of the report.

EXEMPT ITEMS

(Open Access to Minutes)

(Members resolved that under Section 100A of the Local Government 1972 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)

13. Update on Planning Enforcement issues at Four Gun Field, Upchurch

(Item. 10)

(1) The Head of Planning Applications Group reported the latest enforcement position concerning Four Gun Field, Otterham Quay Lane, Upchurch.

(2) RESOLVED that the Officers of the Planning Enforcement Team be thanked for their efforts and achievements in relation to the site and that the enforcement strategy outlined in paragraphs 4, 5, 10 and 11 of the report be endorsed.

14. Update on Planning Enforcement issues at Deal Field Shaw, Charing

(Item. 11)

(1) The Head of Planning Applications Group reported on the latest enforcement position concerning the Deal Field Shaw (Shaw Grange) former landfill site, Charing.

(2) The Committee expressed the view that all monies set aside for restoration of the site should be used for that purpose.

(3) RESOLVED that the enforcement and site strategy set out in paragraphs 5 to 10 of the report be endorsed.

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, 26 May 2009.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mr A R Chell, Mr J A Davies, Mr T Gates, Mr W A Hayton, Mrs S V Hohler, Mr G A Horne MBE, Mr S J G Koowaree, Mr J F London, Mr T A Maddison, Mr J I Muckle, Mrs P A V Stockell, Mr A R Poole and Mr F Wood-Brignall

ALSO PRESENT: Ms S J Carey

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

UNRESTRICTED ITEMS

24. Minutes - 17 March 2009
(Item A3)

- (1) RESOLVED that the Minutes of the meeting held on 17 March 2009 are correctly recorded and that they be signed by the Chairman.
- (2) The Chairman thanked Mr A R Bassam and Mr F Wood-Brignall for all their work on the Committee's behalf.

25. Site Meetings and other meetings
(Item A4)

The Committee noted that the Induction Training for all Members and Substitute Members of the Committee would be held at Shorne Wood Country Park on Monday, 29 June 2009. In addition, the following dates were set aside for site visits: -

Tuesday, 14 July 2009;
Wednesday, 22 July 2009; and
Tuesday, 18 August 2009.

26. Application SH/08/963 - Amendment to Condition 10 of Permission SH/99/1003/MR69 to vary the restoration proposals shown on Drawing P2/177/8/1 (Final Restoration at Denge Pit, Kerton Road, Lydd; Cemex UK Material Ltd
(Item C1- Report by Head of Planning Applications Group)

RESOLVED that permission be granted to the application subject to conditions covering (amongst other matters) the development being carried out in accordance with the submitted plans and associated details; no works or storage of materials

infringing on the Dungeness, Romney Marsh and Rye Bay SSSI or SAC; and all other conditions attached to Permission SH/99/1003/MR69 remaining in full force and effect.

27. Application SW/09/16 - Use of land for the processing and storage of waste road materials for re-use in highways construction schemes at Land to the rear of Highways Depot, Canterbury Road, Faversham; Kent Highways Services

(Item C2- Report by Head of Planning Applications Group)

(1) Mr T Gates made a declaration of personal Interest as he had discussed related matters at a previous stage. He addressed the Committee in his capacity as local Member but took no part in the decision-making process.

(2) The Head of Planning Applications Group reported the receipt of correspondence from the Environment Agency withdrawing its concerns over providing that the draft Condition on land contamination set out in paragraph 32 of the report was agreed.

(3) The Committee agreed to set out the times of use in paragraph 28 of the report within the Conditions attached to the Permission.

(4) RESOLVED that subject to the receipt of any further views from the Environment Agency permission be granted to the application subject to Conditions including conditions covering amongst other matters the use of the site ceasing within 5 years of the date of the permission or upon the provision of an alternative facility elsewhere, whichever is the earlier; details of site restoration upon vacation of the site; the development being carried out in accordance with the permitted details; hours of operation; restrictions on the number of days a crusher can be used (maximum 70 days per annum between the hours of 0700 and 1800 Monday to Friday and 0700 and 1300 on Saturdays); installation of the storage bays; submission of a scheme of landscaping and tree planting; details of tree protection; retention and protection of parking and turning areas; details of dust suppression and control measures to reflect compliance with the relevant mitigation measures outlined in Minerals Policy Statement 2 Annex 1B with regards to dust, and subsequent implementation of the approved details; submission of further work and remediation with regards to land contamination (as set out in paragraph 32 of the report); and measures to prevent mud on the highway.

28. Proposal SH/09/122 - Change of use from part area of playing field to car park at Stelling Minnis CEP School, Bossingham Road, Stelling Minnis; Governors of Stelling Minnis CEP School

(Item D1- Report by Head of Planning Applications Group)

(1) Miss S J Carey was present for this item pursuant to Committee Procedure Rule 2.24 and spoke.

(2) RESOLVED that permission be granted to the proposal subject to Conditions including the standard time condition for it to be implemented; the introduction of native hedgerow planting around the periphery of the new parking area, which would join up with the existing hedgerow along

Bossingham Road, for the purpose of screening the car park, to accord with the Kent Downs AONB Landscape Character Assessment and Kent Downs AONB Landscape Design Handbook; the edge of the car park being a minimum distance of 1m from the inner boundary of the existing hedgerow to ensure no damage to its roots; the proposed footpath being diverted for the first 20m from Bossingham Road to avoid root damage to the existing maple tree and then diverting back to the line of the proposed footway; and wheel washing facilities being provided on site during construction to prevent the deposit of mud on the highway.

29. Proposal TM/09/1 - Replacement of boundary fencing with associated gates along Tudeley Lane at The Weald of Kent Grammar School for Girls, Tudeley Lane, Tonbridge; Governors of The Weald of Kent Grammar School for Girls and KCC Children, Families and Education
(Item D2- Report by Head of Planning Applications Group)

(1) Mr L Prebble, a local resident addressed the Committee in opposition to the Proposal. Mr T Norton (Assistant School Manager – Weald of Kent Grammar School for Girls) spoke in reply.

(2) In the light of concerns raised by Mr Prebble over the lack of detail within the report on the gates, the Head of Planning Applications Group recommended an additional Condition requiring the detail of the design of the gates to be to the satisfaction of the County Planning Authority.

(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; tree protection and methodology for working in close proximity to trees; and the detail of the design of the gates being to the satisfaction of the County Planning Authority.

30. Proposal DA/09/193 - New academy, re-provision of outdoor playing pitches, new 6 court multi-use games area, 159 car parking spaces, drop-off zone, landscaping and associated ancillary works at Longfield Academy, Main Road, Longfield; KCC Children, Families and Education
(Item D3- Report by Head of Planning Applications Group)

(1) Mr A R Bassam made a declaration of Personal Interest as the former Chairman of Governors of the Axton Chase School. He took no part in the decision-making process.

(2) Mr T A Maddison and Mr J I Muckle explained that they both knew Dr Howard Storate, MP who had objected to the Proposal. They did not declare an Interest as Dr Storate had objected in his capacity as a Member of Parliament.

(3) A letter from Mr P Ramsey dated 12 May 2009 had previously been circulated to all Members of the Committee together with correspondence from Mr C Anderson dated 19 May 2009, which appended letters from Synergy Planning and Property Consultants dated 20 March 2009 and 16 April 2009.

(4) The Head of Planning Applications Group reported late correspondence from Southfleet Parish Council, a local resident in Essex Drive and further correspondence from and on behalf of local residents in Main Road.

(5) Mr P Ramsey, a local resident and Mr A Street from Synergy (on behalf of Mr G Anderson, a local resident) spoke in opposition to the Proposal. Mr J Thatham of Jestico and Whiles and Mr F Green, Chief Executive – Leigh Academies spoke in reply.

(6) On being put to the vote, the recommendations of the Head of Planning Applications Group were carried by 11 votes to 1 with 1 Abstention.

(7) RESOLVED that the application be referred to the Secretary of State for Communities and Local Government as a departure from the Development Plan and that subject to her decision 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 submission of details of all materials to be used externally; details of all external lighting; a scheme of landscaping, including hard surfacing, its implementation and maintenance; provision of a landscaped buffer zone adjacent to the eastern car parking area; measures to protect those trees to be retained; a habitat/biodiversity enhancement strategy, including monitoring and management; protection of badgers from construction activities; submission of protected species surveys and subsequent mitigation; no tree removal during the bird breeding season; the development according with the recommendations of the ecological survey; details of fencing, gates and means of enclosure, including colour finishes; archaeological works; “Secured by Design” principles being adopted; a BREEAM rating of ‘Very Good’ being achieved; the playing field being provided and marked out as shown on the proposed site plan; the submission of a playing field improvement scheme; details of the protective fencing to be erected around the existing playing field during construction; protection and future retention of playing fields; a community use agreement relating to use of the indoor and outdoor facilities, including hours of use; implementation and ongoing review of a revised School Travel Plan; the development being carried out in accordance with the Flood Risk Assessment; further works with regards to contaminated land; noise restrictions on fixed plant; no flood lighting being erected on the multi-use games area, or elsewhere on the site without the written permission of the County Planning Authority; hours of working during construction and demolition being restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; the provision of a construction management plan, including access, parking and circulation within the site for contractors’ and other vehicles related to construction and demolition operations; and measures to prevent mud and debris being taken onto the public highway.

31. Proposal SW/09/286 - Renewal of planning consent for existing mobile classroom at Tunstall CE (Aided) Primary School, Tunstall, Sittingbourne; Governors of Tunstall CE (Aided) Primary School
(Item D4- Report by Head of Planning Applications Group)

(1) Mr D Nutting, Chairman of the Tunstall Village Memorial Hall Committee spoke in opposition to the Proposal.

(2) The Head of Planning Applications Group reported correspondence from Tunstall CE Aided School setting out its progress in respect of its School Travel Plan and its efforts to implement the proposed actions within the Plan including explaining to parents that it did not own the adjoining Tunstall Village Memorial Hall car park.

(3) The Committee agreed to strengthen the Informative set out in the Head of Planning Applications Group's recommendations by stressing the need for the School Travel Plan to be fully implemented.

(4) RESOLVED that:-

(a) temporary permission be granted to the proposal subject to Conditions, including conditions covering the consent being temporary for period of 3 years from the date of the permission; and removal of the classroom unit from the site at the expiration of the 3 year period and the subsequent restoration of the site thereafter; and

(b) Informatives be added to the decision notice advising the applicants that the County Planning Authority would wish to see urgent action taken to resolve the temporary classroom accommodation at Tunstall Primary School during the three-year timescale of the permission, requesting that the applicant keeps all interested parties regularly apprised of the progress in bringing a scheme forward, and that as part of the process of preparing a School Travel Plan (for implementation in full), the School engage with the local community in an attempt to address any concerns over the traffic generated by the use.

32. County matters dealt with under delegated powers
(Items E1-E6 – Reports by Head of Planning Applications Group)

(1) Mr J F London made a declaration of Interest in respect of Permission SE/08/3170. He took no part in any discussion of this matter, which in any case did not require any decision on the Committee's part other than to note that Permission had been granted.

(2) 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 or Government Departments;

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