



DEMOCRATIC SERVICES
SESSIONS HOUSE
MAIDSTONE

Tuesday, 10 June 2008

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, 19 June 2008 at **10.00 am** to deal with the following business. **The meeting is scheduled to end by 4.30 pm.**

1. Declarations of Interest
2. Minutes of the meeting held on 15 May 2008 and if in order, to be approved as a correct record. (Pages 1 - 8)
3. Chairman's Announcements
4. Questions
5. Report by Leader of the Council (Oral)
6. KCC Annual Plan 2008-09 (Pages 9 - 10)
7. Establishment of Joint Working with Canterbury City Council, Dover District Council, Shepway District Council and Thanet District Council (Pages 11 - 36)
8. Localism - A Strategy for Success (Pages 37 - 50)
9. Annual Report of the Standards Committee (Pages 51 - 54)
10. Proposed Changes to the Constitution
 - Policy Framework
 - Gating Orders
11. Minutes for Information
 - Planning Applications Committee - 13 May 2008
 - Regulation Committee - 20 May 2008

Peter Sass
Head of Democratic Services and Local Leadership
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KENT COUNTY COUNCIL

MINUTES of a Meeting of the Kent County Council held at County Hall, Maidstone on Thursday, 15 May 2008.

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, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mr I S Chittenden, Mr L Christie, Mr G Cowan, Ms C J Cribbon, Mr A D Crowther, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Dr M R Eddy, Mr K A Ferrin, MBE; Mr C G Findlay, Mr M J Fittock, Mr J B O Fullarton, 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, Mr A J King, MBE; Mr R E King, Mr S J G Koowaree, Mr C J Law, Mr J F London, Mr R L H Long, Mr K G Lynes, Mr T A Maddison, Mr R F Manning, Mr R A Marsh, Mr J I Muckle, Mrs M Newell, Mr W V Newman, DL, Mr M Northey, Mr R J E Parker, Mr R J Parry, Mr A R Poole, Mr L B Ridings, Dr T R Robinson, Mrs E D Rowbotham, Mr G Rowe, Mr J E Scholes, Mr J D Simmonds, Mr D Smyth, Mr M V Snelling, Mrs P A Stockell, Mr R Truelove, Mrs E Tweed, Mr M J Vye, Mr C T Wells, and Mr F Wood-Brignall.

IN ATTENDANCE:- The Chief Executive, Mr P Gilroy, OBE and the Director of Law and Governance, Mr G Wild.

UNRESTRICTED ITEMS

1. Election of Chairman

(Mr L Ridings, the present Chairman presided for this item)

(1) Mr P B Carter moved, Mr M Hill seconded:-

that Mr P W A Lake be elected Chairman of the Council.

Carried without a vote

(2) Mr Lake thereupon took the chair, made his declaration of acceptance of office and returned thanks for his election.

(3) Mr Lake then paid tribute to Mr Ridings and thanked him for the manner in which he had carried out his duties as Chairman of the Council from May 2007 to the present day.

(4) Mr Ridings suitably responded.

2. Election of Vice-Chairman

- (1) Mr M Harrison moved, Mr A King seconded:-

that Mr J A Davies be appointed Vice-Chairman of the Council.

Carried without a vote

- (2) Mr Davies thereupon made his declaration of acceptance of office and returned thanks for his appointment.

3. Declarations of Interest

Mr I Chittenden, Mr R King and Mr R Parker made declarations of interest as Governors of the Board of Kent TV.

4. Minutes

- (1) Mr L Christie moved Dr M Eddy seconded that under Minute 2 – Declarations of Interest all the words be deleted and “There were none” be substituted therefor and a new Item 7(a) be inserted to read Mr M Snelling made a declaration of interest in respect of Item 6 on the agenda as a non-executive Director of Kent Top Temps.

Carried unanimously

- (2) RESOLVED that the Minutes of the meeting held on 3 April 2008 are correctly recorded subject to the addition of (1) above and that they be signed by the Chairman.

5. Chairman’s Announcements

Mr C F J Young

- (1) The Chairman announced the death on 7 April 2008 of Mr C F J Young, Labour County Councillor for Margate Central Electoral Division from 1985 to 1993.

- (2) The Council stood in silence as a mark of respect.

- (3) RESOLVED that this Council desires to record the sense of loss it feels on the death of Mr C F J Young and extends to his relatives its deepest sympathy on their sad bereavement.

Visitors from Seattle

The Chairman welcomed Council Member Larry Gossett and Auditor Cheryle Broome from King County, Seattle, who were currently working in Kent.

Petition re A258

The Chairman formally handed a petition received on safety on the A258, to Mr K A Ferrin, Cabinet Member for Environment, Highways & Waste.

Awards

The Chairman informed Members that Kent County Council had received a Public Sector Joint Working Award for Kent Better Homes Active Lives Project and also we had won the category for "Total Reward" at the Public Sector People Managers' Association Award Ceremony on 30 April. The Council recorded its thanks to all staff involved in these achievements.

6. Questions

Under Procedure Rule 1.18, 10 questions were asked and replies were given. 2 questions remained unanswered at the end of thirty minutes and written answers were given. Question 2 fell as Mr Pascoe was not in attendance at the meeting.

7. Report by Leader of the Council

The Leader of the Council updated the Council on the Highway Repair programme, Localism, the Sub-National Review, Commercial Services, Building Schools for the Future and successes in the Kent Economy.

8. Kent's Second Local Area Agreement

(1) Mr P Carter moved Mr N Chard seconded that:

- (a) the progress on the continued development of Kent Agreement 2 be noted;
- (b) delegation for sign off of the Kent Agreement 2 submission be given to the Chief Executive in consultation with the Leader of the Council and Group Leaders' be agreed; and
- (c) County Council staff and other partner agencies as well as the Members of KCC's Informal Member Group be thanked for their work in the development of the Kent Agreement 2.

(2) Dr M R Eddy moved Mr D Smyth seconded as an amendment:-

Recommendation (b):

change to 'To AGREE that delegation for sign off of the Kent Agreement 2 submission is given to the Chief Executive subject to detailed consultation with and following agreement by the Leader of the Council and Group Leaders'.

And to add the following:

Recommendation (d):

'To REQUIRE that throughout the life cycle of KA2 the six-monthly performance management reports referred to in section 11 of the present paper are brought to the next meetings of KCC's Cabinet and full Council for information and discussion, following their reception by the Kent Public Service Board, along with details of any actions to be taken in response to the findings of these reports'.

Recommendation (e):

'To REQUIRE that the POCs be updated at each meeting on KA2 performance within the various directorates throughout the lifecycle of the Agreement, by Managing Directors and key officers tasked with leading on individual indicators'.

Recommendation (f):

'To REQUIRE that in future all KCC members be given advance notice of and open invitations to meetings of their local LSPs and that, whether they attend these meetings or not, they should be formally notified by KCC representatives on their local LSPs of the outcomes from each meeting regarding progress on and performance management of local action plans under KA2'.

- (3) Mr Carter, with the consent of his seconder and the Council, agreed to accept the key principles of this amendment subject to Recommendation (f) being amended to read:

“request the LSPs that, in future, all KCC members be given advance notice of and explore the possibility of open invitations being made to meetings of their local LSPs and that, whether they attend these meetings or not, they should be formally notified by KCC representatives on their local LSPs of the outcomes from each meeting regarding progress on and performance management of local action plans under KA2’.”

- (4) Dr Eddy with the consent of his seconder and the Council agreed to accept the amendment set out in (3).

This was carried without a vote and became the substantive motion

- (5) Mr M Vye seconded by Mr L Christie moved that the question be put.

For -42

Mrs A D Allen, Mrs C Angell, Mr M J Angell, Mr T Birkett, Mr P B Carter, Mr I Chittenden, Mr L Christie, Ms C J Cribbon, Mr A D Crowther, Mr D S Daley, Mr M C Dance, Dr M R Eddy, Mr K A Ferrin, Mr C G Findlay, Mr M J Fittock, Mr G K Gibbens, Mr R W Gough, Ms E Green, Mr C Hart, Mr P M Hill, Mr I T N Jones, Mr A J King, Mr R E King, Mr R L H Long, Mr K G Lynes, Mr T Maddison, Mr R F Manning, Mr J I Muckle, Mrs M Newell, Mr W V Newman, Mr R J E Parker, Mr A R Poole, Mr L Ridings, Dr T Robinson, Mrs E Rowbotham, Mr G Rowe, Mr D Smyth, Mrs P Stockell, Mr R Truelove, Mrs E Tweed, Mr M J Vye, Mr C J Wells,

Against - 16

Mr A H T Bowles, Mr J R Bullock, Mr C J Capon, Miss S J Carey, Mr M J Harrison, Mr W A Hayton, Mr D A Hirst, Mrs S V Hohler, Mr E E C Hotson, Mr C J Law, Mr R A Marsh, Mr M Northey, Mr R J Parry, Mr J E Scholes, Mr J D Simmonds and Mr F Wood-Brignall

Abstain - 5

Mr R B Burgess, Mrs V J Dagger, Mr J B O Fullarton, Mr C Hibberd and Mr M V Snelling.

(6) The Chairman then put the substantive motion to the vote:

For - 68

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 D L Brazier, Mr R B Burgess, Mr C J Capon, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mr I S Chittenden, Mr L Christie, Mr G Cowan, Ms C J Cribbon, Mr A D Crowther, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Dr M R Eddy, Mr K A Ferrin; Mr C G Findlay, Mr M J Fittock, Mr J B O Fullarton, 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, Mr A J King, Mr R E King, Mr S J G Koowaree, Mr J F London, Mr R L H Long, Mr K G Lynes, Mr T A Maddison, Mr R F Manning, Mr R A Marsh, Mr J I Muckle, Mrs M Newell, Mr W V Newman, DL, Mr M Northey, Mr R J E Parker, Mr R J Parry, Mr A R Poole, Mr L B Ridings, Dr T R Robinson, Mrs E D Rowbotham, Mr G Rowe, Mr J D Simmonds, Mr D Smyth, Mr M V Snelling, Mrs P A Stockell, Mr R Truelove, Mrs E Tweed, Mr M J Vye, Mr C T Wells, and Mr F Wood-Brignall.

Against – 3

Mr J R Bullock, Mr A H T Bowles and Mr J E Scholes.

Abstain - 0

Carried

(7) RESOLVED that

- (a) the progress on the continued development of Kent Agreement 2 be noted;
- (b) delegation for sign off of the Kent Agreement 2 submission be given to the Chief Executive in consultation with the Leader of the Council and Group Leaders';
- (c) all County Council staff and other partner agencies as well as the Members of KCC's Informal Member Group be thanked for their work in the development of the Kent Agreement 2;
- (d) throughout the life cycle of KA2 the six-monthly performance management reports referred to in section 11 of the present paper are brought to the next meetings of KCC's Cabinet and full Council for information and discussion, following their reception by the Kent Public Service Board, along with details of any actions to be taken in response to the findings of these reports'.

- (e) the POCs be updated at each meeting on KA2 performance within the various directorates throughout the lifecycle of the Agreement, by Managing Directors and key officers tasked with leading on individual indicators'; and
- (f) the LSPs be requested that, in future, all KCC members be given advance notice of and explore the possibility of open invitations being made to meetings of their local LSPs and that, whether they attend these meetings or not, they should be formally notified by KCC representatives on their local LSPs of the outcomes from each meeting regarding progress on and performance management of local action plans under KA2'.

9. Quarterly Report on Urgent Key Decisions

RESOLVED that the report be noted.

10. Mosquito Devices

RESOLVED that:-

- (a) the issues concerning the use of Mosquito Devices be noted;
- (b) the use of mosquito devices be banned on Kent County Council property;
- (c) potential users of mosquito devices be informed of the dangers presented to children and young people by these devices; and
- (d) Central Government be lobbied to enforce a national ban on use of the devices.

11. Minutes for Information

Pursuant to Procedure Rules 1.10 and 1.19A the Minutes of the Planning Applications Committee were noted.

12. Presentation on Kent TV

(Mrs T Oliver, Head of Strategic Development Unit/Interim Head of Corporate Communications; Mr J McGee and Mr N Dake from Kent TV, were in attendance for this item)

The Council received a presentation on the new channels and sub-channels now being shown on Kent TV.

13. Motion for Time Limited Debate

- (1) Dr M R Eddy moved Mr D Smyth seconded:-

That this County Council notes the lack of detailed information supplied to Members regarding progress on Enhanced Two-Tier Working and requires written updates from the Leader and Chief Executive to be incorporated into the agenda of each full Council meeting so that progress may be discussed and put to the Council for approval.

- (2) Mr A King moved Mr K Lynes seconded as an amendment that all the words after 'Council' in the first line be deleted and the following substituted therefor:

reaffirms its continuing support for the Kent Commitment and the efforts of the Leader and Chief Executive of the County Council and their district colleagues in delivering effective enhanced two tier working across Kent with regular updates through Corporate POC.

- (3) The Chairman put to the vote the amendment set out in (2) above:

For – 36

Mrs A D Allen, Mr M J Angell, Mr A H T Bowles, Mr D L Brazier, Mr J R Bullock, Mr R B Burgess, Mr C J Capon, Mr P B Carter, Mr A D Crowther, Mr M C Dance, Mr C G Findlay, Mr J B O Fullarton, Mr G K Gibbens, Mr R W Gough, Mr M J Harrison, Mr W A Hayton, Mr C Hibberd, Mr P M Hill, Mr D A Hirst, Mrs S V Hohler, Mr A J King, Mr R E King, Mr C J Law, Mr J F London, Mr K G Lynes, Mr R A Marsh, Mr M Northey, Mr R J Parry, Mr L B Ridings, Dr T R Robinson, Mr J E Scholes, Mr J D Simmonds, Mr M V Snelling, Mrs E Tweed, Mr C J Wells and Mr F Wood-Brignall.

Against - 18

Mrs C Angell, Mr A R Bassam, Mr T Birkett, Mr I Chittenden, Mr L Christie, Mr G Cowan, Dr M R Eddy, Mr M J Fittock, Ms E Green, Mr C Hart, Mr S J G Koowaree, Mr T Maddison, Mr R F Manning, Mrs M Newell, Mr W V Newman, Mr R J E Parker, Mr G Rowe and Mr D Smyth.

Abstain - 0

This was carried and became the substantive motion

- (4) The Chairman then put to the vote the substantive motion

For- 42

Mrs A D Allen, Mr M J Angell, Mr A R Bassam, 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 P B Carter, Mr I Chittenden, Mr A D Crowther, Mr M C Dance, Mr C G Findlay, Mr J B O Fullarton, Mr G K Gibbens, Mr R W Gough, Mr M J Harrison, Mr W A Hayton, Mr C Hibberd, Mr P M Hill, Mr D A Hirst, Mrs S V Hohler, Mr A J King, Mr R E King, Mr C J Law, Mr J F London, Mr K G Lynes, Mr R F Manning, Mr R A Marsh, Mr M Northey, Mr R J Parry, Mr L B Ridings, Dr T R Robinson, Mr G Rowe, Mr J E Scholes, Mr J D Simmonds, Mr M V Snelling, Mrs P Stockell, Mrs E Tweed, Mr C J Wells and Mr F Wood-Brignall.

15 May 2008

Against - 11

Mr T Birkett, Mr L Christie, Mr G Cowan, Dr M R Eddy, Mr M J Fittock, Mr C Hart, Mr S J G Koowaree, Mr W V Newman, Mr R J E Parker, Mr D Smyth and Mr R Truelove.

Abstain – 1

Mrs M Newell

Carried

- (5) RESOLVED that this County Council reaffirms its continuing support for the Kent Commitment and the efforts of the Leader and Chief Executive of the County Council and their district colleagues in delivering effective enhanced two tier working across Kent with regular updates through Corporate POC.

08/c&g/countycouncil/051508/minutes

By: Paul Carter, Leader of the County Council
Peter Gilroy, Chief Executive

To: County Council – 19 June 2008

Subject: KCC Annual Plan 2008/09

Classification: Unrestricted

Summary:

This report attaches the final draft of the KCC Annual Plan 2008/09 for approval.

FOR DECISION

1. Introduction

The Local Government Act 1999 introduced the statutory requirement for authorities to produce a Best Value Performance Plan (BVPP). The contents are strictly prescribed. Kent's BVPP is known as the KCC Annual Plan. The statutory deadline for publication is 30 June. This will be the last year that authorities will be required to prepare a BVPP.

The principal audiences are KCC's staff and Members as well as partners, groups and organisations with an interest in our activities. It is nevertheless a public document and potentially an important means of communicating with local people directly.

The Constitution states that the Leader shall submit a draft Annual Plan to County Council. This meeting of the Council to approve the plan has been arranged to allow Members to see as near final a draft as possible.

2. Purpose of the KCC Annual Plan

The KCC Annual Plan goes further than the statutory minimum BVPP content requirements. It brings existing KCC planning processes together in one document and is an important mechanism for incorporating elements of Towards 2010, The Kent Agreement, Supporting Independence Programme, Vision for Kent and other Directorate priorities, for example.

It acts as a bridge between KCC's strategic objectives and corporate priorities and its service and financial plans, and avoids duplicating large amounts of detailed information contained elsewhere. It reports upon progress made against many priorities for the previous financial year as well as setting new targets for the current year and beyond. Much of the information included is therefore taken from existing Member approved information sources.

The KCC Annual Plan is also a central part of the Authority's performance management processes bringing together performance information and comparing KCC with other authorities.

The Annual Plan follows the Towards 2010 format with Directorate and Portfolio information being allocated under Towards 2010 headings.

3 Completion of the Plan

This year the Annual Plan will be published on CD. The CD will also include the Vision for Kent, Towards 2010, The Kent Agreement and the Supporting Independence documents to enable easy reference. A published hard copy of the Annual Plan will also be available on request.

The final published version will be in colour and will contain relevant illustrations.

4. Approval and publication

Cabinet will consider the KCC Annual Plan on 16 June 2008 and its views will be reported orally at this meeting. There will also be an oral report on the view of the Governance and Audit Committee Group of Members who met on 4 June to consider the Plan's compliance with statutory requirements.

For the last four years the draft Annual Plan has been presented to Policy Overview Co-ordinating Committee (POCC) to enable Members to make any comments they think are appropriate prior to its approval at County Council.

This year the process has been amended and instead the draft Annual Plan was submitted to each Policy Overview Committee (POC). This enabled each committee to focus specifically on areas which are the responsibility of their committee in relation to the policy objectives and performance targets set.

Following approval, copies will be sent to all Members of the County Council, the Authority's principal partners and relevant voluntary organisations, senior KCC managers and our external auditors, amongst others. The Plan will also be available on KCC's web-site before the end of June 2008. This will be a web-based version to enable better access to the public and other interested parties. A copy will also be available on KNET to allow access to all our staff.

5. External Audit

The requirement for such Plans to be externally audited currently remains. KCC's previous external auditor's reports on the last eight years Plans have been unqualified with no statutory recommendations in the last seven years.

An early draft of the Plan will be made available to our new appointed external auditors, the Audit Commission, in order to ensure KCC meets the statutory requirements prior to publication.

6. Recommendations

County Council is asked to APPROVE the KCC Annual Plan 2008/09.

Contact officer:-

Janice Hill, Performance Management Group, Corporate Services, Ext. 1981

By: Paul Carter, Leader of the County Council
Peter Gilroy, Chief Executive

To: a) Cabinet – 12 May 2008
b) County Council – 19 June 2008

Subject: **ESTABLISHING JOINT WORKING ARRANGEMENTS WITH CANTERBURY CITY COUNCIL, DOVER DISTRICT COUNCIL, SHEPWAY DISTRICT COUNCIL AND THANET DISTRICT COUNCIL**

Classification: Unrestricted

Summary: Report recommending that KCC enters into joint working arrangements with Canterbury City Council, Dover District Council, Shepway District Council and Thanet District Council

Introduction

1. (1) Canterbury City Council, Dover District Council, Shepway District Council and Thanet District Council have all signed a Joint Working protocol committing them to work together and to identify opportunities for the joint provision of services. In addition, both the district councils and the County Council have signed The Kent Commitment which recognises the East Kent Cluster and gives a general commitment to building on the existing two tier arrangements. In order to be able to put into effect the Joint Working agenda, it is necessary to put in place a governance framework, not only to make decisions, but to carry out scrutiny functions in relation to those decisions.

Background

2. (1) The signing of The Kent Commitment recognised the opportunities that exist for the County Council and the District Councils to work closer together in order to integrate functions which improve the effectiveness and efficiency of services and how they are delivered. In particular the Commitment recognised the work of East Kent in developing a cluster model and it was agreed that Canterbury City Council, Dover District Council, Shepway District Council and the County Council would continue to work together in order to consider and identify opportunities for greater integration and the potential to share a range of public facing services.

(2) In order to carry forward these objectives it will first be necessary to establish a framework which gives legal authority for the four District Councils and the County Council to work jointly together. **This report therefore recommends the establishment of two joint committees:** the East Kent (Joint Arrangements) Committee (“EKJAC”) and the East Kent (Joint Scrutiny) Committee (“EKJSC”).

3. Legal Framework

3.1 Because the EKJAC is intended to discharge both executive and non-executive arrangements, it must be established by both the full Council and the Executive of each authority.

- 3.2 The appointment of the members to EKJAC must be made by the Council, with the agreement of the Executive
- 3.3 The EKJSC must be established by resolution of the full Council.
- 3.4 By virtue of Section 15 and Schedule 1 of the Local Government and Housing Act 1989, the political balance requirements do not apply to either the EKJAC or the EKJSC because:
- (a) in the case of EKJAC, each authority makes fewer than three appointments to them and
 - (b) in the case of EKJAC and EKJSC, it is a joint Committee between a County Council and District Councils
- 3.5 The law does not contemplate joint scrutiny committees between authorities except in specific circumstances (such as health or local area agreements). In the circumstances here, it is proposed that a joint committee be created whose terms of reference have scrutiny type functions. It is a committee, however, which could in due course, be used as the basis for a formal joint scrutiny committee, scrutinising the Local Area Agreement and Local Improvement Targets.

4. How the East Kent (Joint Arrangements) Committee will operate

- 4.1 **It will be the decision of each individual authority to decide whether to put a service or function into EKJAC.** Any such decision would have to be based on the consideration of a full business case. The business case will be developed between the councils minded to participate in a particular shared service overseen by the joint committee. It would only be at the stage when a business case is established that the individual councils would be recommended to delegate the function to the joint committee as a shared service. At this point, the extent of the delegation and appropriate budgets would be established. All such delegations would need to be in common form as between the councils.
- 4.2 As from this point, once the function is delegated, the management of the joint service will be within the remit of the joint committee rather than with the individual councils. **It is fundamental to this arrangement that once a service becomes a 'shared service', control and management of that service will be passed from the council to EKJAC and, within the prescribed delegation limits, EKJAC (on which councillors who are not members of this Council will sit), will fulfil the functions delegated. This "loss of sovereignty" is a concept that should be fully appreciated.**
- 4.3 However, once a particular contract comes to an end, or some other opportunity arises, an authority can withdraw from a shared service and resume its own operation. Whilst it can also withdraw from the joint committee, in practice this is likely to be a process over time as individual shared services end.
- 4.4 EKJAC will only act in respect of those services/functions delegated to it. It may make recommendations on future joint service provision, but the decision

whether or not to enter into the joint arrangement will rest with the individual councils. Only those authorities that have decided to enter into a joint service will have a vote in relation to matters concerning the management of that service.

5. How the East Kent (Joint Scrutiny) Committee will operate

- 5.1 The East Kent (Joint Scrutiny) Committee is established to act as a separate joint committee for the monitoring, review and scrutiny of EKJAC. It will make reports and recommendations to EKJAC. The guiding principle for the work of EKJSC is that it should be consensual and positive.
- 5.2 Membership will comprise three non-executive councillors from each council. Meetings will be held quarterly to coincide with the meetings of EKJAC.
- 5.3 The three members from each Council shall be appointed to EKJSC in accordance with the political proportionality of the appointing Council.
- 5.4 The Chairman and Vice Chairman of EKJSC shall be drawn from a political group not forming part of the administration of the appointing Council.

6. Other Models

- 6.1 The EKJAC provides one model for delivering shared services. It is not the only one and neither the formation of EKJAC nor its operating arrangements preclude other models. In other words, it does not represent the only way that the constituent authorities could share services. For example, authorities could enter into a contract for another Council to provide a service or they could delegate their functions to them.

7. Expansion

- 7.1 Paragraph 16.1 of both operating arrangements envisages that **other Councils may join the arrangements. The arrangements do not, despite the name, limit the Councils participating to those in East Kent.** Other district councils could join and no doubt if they did, the name of the Committees would be reconsidered.
- 7.2 The Committees could, in addition to the shared service, be a mechanism to facilitate future Kent Commitment work streams.
- 7.3 The intention at present is that **the Host and Scrutiny Host authorities should change annually with the Chairmanships of the respective committees. Each host authority, including KCC, would therefore bear the cost of the work involved for their Host year.** It is intended, however, that this arrangement should be reviewed half-way through the first year of operation. If it is considered that it is more appropriate to have one Council permanently hosting EKJAC and one Council permanently hosting EKJSC, then the resource implications for the host authorities and the appropriate contributions from the others would have to be determined.

8 Call in

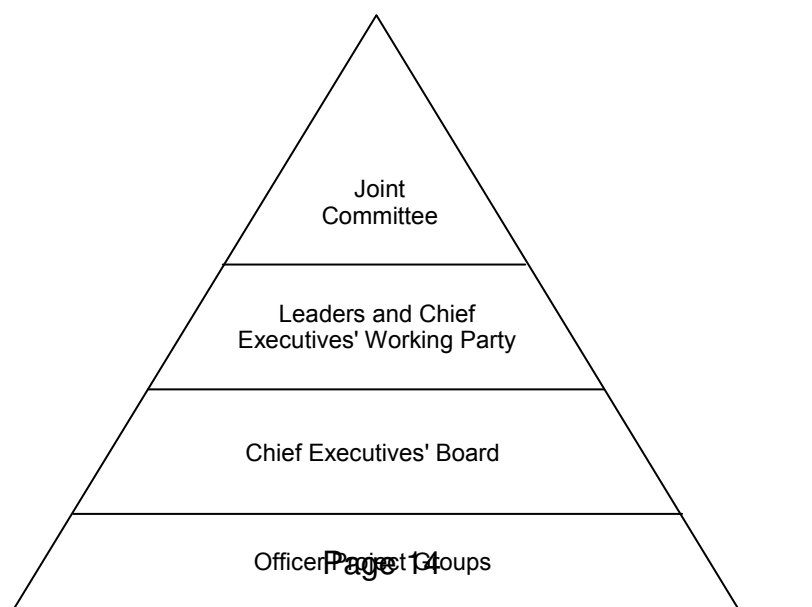
- 8.1 EKJSC will have the power to call-in the decisions of EKJAC. However, decisions of EKJAC, insofar as they relate to executive functions, are still the responsibility of the Executive of the relevant delegating Council and can thus be called in by the scrutiny committees of the individual councils. This power cannot be removed. The expectation would be nevertheless that call-in would be primarily exercised by EKJSC.
- 8.2 If, however, there are call-ins by individual councils' scrutiny committees, it is proposed that any multiple call-ins are held at the same time and place.

9. Operating Arrangement of EKJAC and EKJSC

- 9.1 Appendices 1 and 2 set out the operating arrangement of the two committees.
- 9.2 So far as possible, the structure of the two arrangements has been kept consistent, each setting out key principles, objectives, terms of reference, etc.
- 9.3 Both committees will have a host authority for the purposes of servicing them. The host authorities for each committee will not be the same.

10. Next Steps

- 10.1 The two committees provide the governance framework and to work up business cases for each service. The next step is to identify the programme for joint service provision. When that is done each project within the programme should have an officer team and lead officer assigned to it. It is envisaged that decision making follows a pyramidal structure with officer project groups forming the base of the pyramid feeding up to a board composed of the Chief Executives of each subscribing authority (or their nominees). Above them the leaders and chief executives meeting as a working party will review the work done and either pass back down the pyramid for further work or approve for formal submission to the joint committee which sits at the top of the pyramid.
- 10.2 As previously indicated council and/or cabinet approvals to delegate will be required before services become shared.



11. Conclusions

11.1 All the councils are committed to joint working. If this is to be made a reality there needs to be a governance mechanism in place and what is proposed provides this mechanism. The creation of the joint committees enables the parties to make joint working a reality.

11.2 The proposals in this report are about having in place the governance arrangements and a legal framework to allow joint working between the four districts and the County Council. However Members should be aware that considerable challenges lie ahead in bringing forward shared services. Issues which will have to be addressed include:

- Levels of service required by a particular council in respect of a particular service
- Current differentials in service specification between different councils
- Differential levels of spend of individual councils in relation to particular services
- Fair apportionment of costs and savings
- Loss of 'sovereignty' once a service is shared.

These will be matters which will need to be the subject of a separate report as appropriate.

Recommendations in respect of the East Kent (Joint Working) Committee

Cabinet and Council

1. That the Cabinet and Council (in relation to the Joint Arrangements Committee):

- (a) approve the establishment of a joint committee comprising Canterbury City Council, Dover District Council, Kent County Council, Shepway District Council and Thanet District Council, to be known as the East Kent (Joint Arrangements) Committee, with effect from 1 June 2008
- (b) approve the terms of the Operating Arrangements for the East Kent (Joint Arrangements) Committee as set out in Appendix 1
- (c) approve the delegation of functions to the East Kent (Joint Arrangements) Committee as set out in paragraph 3 of this report and Schedule 1 of the East Kent (Joint Arrangements) Committee Operating Arrangements

2. That the Council with the Agreement of the Cabinet:
 - (a) appoints the Leader and Deputy Leader from time to time as the two nominated members of the Council in accordance with the East Kent (Joint Arrangement) Committee Operating Arrangements, with the Chief Executive authorised to effect such substitutions in consultation with the Leader as are referred to in 2(b) below
 - (b) authorises all other members of the Cabinet to act as substitutes for the Leader and the Deputy Leader as mentioned in the East Kent (Joint Arrangements) Committee Operating Arrangements
3. **That Council (in relation to the East Kent (Joint Scrutiny) Committee):**
 - (a) approves the establishment of a joint scrutiny committee comprising Canterbury City Council, Dover District Council, Kent County Council, Shepway District Council and Thanet District Council, to be known as the East Kent (Joint Scrutiny) Committee, with effect from 1 June 2008
 - (b) approves the East Kent (Joint Scrutiny) Committee Operating Arrangements set out in Appendix 2
 - (c) approves the terms of reference for the East Kent (Joint Scrutiny) Committee as set out in the East Kent (Joint Scrutiny) Committee Operating Arrangements :
 - (d) appoints three Councillors to serve on the East Kent Joint Scrutiny Committee in accordance with the East Kent (Joint Scrutiny) Committee Operating Arrangements
4. Cabinet, at its meeting on 12 May, agreed to the County Council being recommended to pass the resolutions set out at 1 and 2 above.
5. Cabinet and Council note that the implementation of these recommendations will result in the likely need to make consequential changes to the County Council's Constitution. Such changes that are required will be published and implemented in accordance with Article 15 (Review and Revision of the Constitution) sub-paragraph 15.2.

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Background Information: *Include ALL background information taken into account in preparing the report. (This does not include previous Committee Reports)*

**East Kent (Joint Arrangements) Committee
Operating Arrangements**

Canterbury City Council

Dover District Council

Kent County Council

Shepway District Council

Thanet District Council

together referred to as 'the Parties'

1. Key Principles

- 1.1 The Executive and full Council of each of the Parties has determined by resolution to establish this joint committee to become effective from 1 June 2008 for the purposes of exercising agreed functions over their 'combined administrative area'.
- 1.2 The joint committee will be established as the East Kent (Joint Arrangements) Committee (EKJAC).
- 1.3 The Parties are committed to a joint committee which provides streamlined decision making; and co-ordination of services across the combined administrative area through mutual co-operation.
- 1.4 The Parties are committed to open and transparent working and proper scrutiny and challenge of the work of the EKJAC.
- 1.5 Any new Parties to these arrangements after they become effective will have all the same rights and responsibilities under these arrangements.

2. Definitions

- 2.1 'Decisions' means those decisions of the Parties delegated from time to time to the EKJAC to discharge.
- 2.2 'A shared service' means a service delivering functions as agreed by two or more of the Parties.
- 2.3 'The combined administrative area' means the local government areas of the city and district authority Parties combined.
- 2.4 'The Parties' means the authorities listed above.

2.5 'Voting Member' means the appointed elected members of each of the Parties.

2.6 'Host Authority' means the local authority appointed by the Parties under these arrangements to lead on a specified matter or function as set out in paragraphs 14 and 19.

3. Objectives

3.1 The objectives of the East Kent (Joint Arrangements) Committee are to:

- (a) improve services, and secure economy, efficiency and effectiveness in their delivery across both tiers of government in the combined administrative area
- (b) Streamline decision making where joint arrangements already exist
- (c) Develop and agree new areas of joint working
- (d) Enhance mutual co-operation and strategic partnering

4. Powers and Functions

4.1 The EKJAC is established under section 20 of the Local Government Act 2000 and Regulations 4, 11 and 12 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 and sections 101(5) and section 102(1) of the Local Government Act 1972 enabling the Parties to perform the functions referred to in the Schedule in the manner set out in these arrangements.

4.2 The functions of the EKJAC shall be those functions or services that are delegated to it by the parties from time to time as approved by resolution of the executive and/or full Council (as appropriate) of such of the parties as are minded to participate in those joint functions and services.

4.3 Any delegations to the EKJAC shall be made in a common form and shall not take effect until agreed by the executive and/or full Council (as appropriate) of all those Parties participating in the services.

5. Terms of Reference

5.1 The terms of reference for the EKJAC are as set out in Schedule A.

6. Membership and Voting Rights

6.1 The EKJAC shall comprise the Leaders and Deputy Leaders of the Council of each of the Parties. The Leader of each Party may nominate two members of

their Executive (who have been authorised by the respective Parties to act as substitutes) to substitute for either the Leader or Deputy Leader, as necessary.

- 6.2 Non-voting members may be co-opted onto the EKJAC from any or all of the Parties or from other public sector partner organisations as the EKJAC may unanimously decide. Co-optees may participate in the debate but may not vote.

7. Frequency of Meetings

- 7.1 The EKJAC will meet quarterly, but may change the frequency of meetings and call additional meetings as required.

8. Agenda Setting and Access to Meetings and Information

- 8.1 The agenda for the EKJAC shall be agreed by the chairman of the EKJAC following a briefing by relevant officers. Any member of the EKJAC may require that an item be placed on the agenda of the next available meeting for consideration.
- 8.2 There will be a standing item on the agenda of each meeting of the EKJAC for matters referred by the East Kent Joint Scrutiny Committee.
- 8.3 Notice of meetings and access to agendas and reports will be in accordance with The Local Authorities (Executive Arrangements) (Access to Information) (England) Amendment Regulations 2000 and 2002 or sections 100A-K and Schedule 12A of the Local Government Act 1972, as appropriate.

9. Sub-Committees

- 9.1 The EKJAC may establish sub-committees as it may determine by unanimous agreement of the EKJAC.
- 9.2 When establishing a sub-committee the EKJAC will agree the:
- (a) terms of reference for the sub-committee
 - (b) size and membership of the sub-committee including co-optees
 - (c) period for which the sub-committee will remain constituted
 - (d) chairman of the sub-committee or will delegate this decision to the sub-committee
 - (e) mechanism for hosting the sub-committee and sharing the cost amongst the relevant Parties, as appropriate

10. Delegation to Sub-Committees and Officers

- 10.1 The EKJAC may arrange for the discharge of any of its functions by a sub-committee of the EKJAC or an officer of one of the Parties. Any such sub-committee may, subject to the terms of these arrangements and unless the EKJAC or any Voting Member directs otherwise, arrange for the discharge of any of its functions by such an officer.

11. Meetings and Procedure

- 11.1 The Chairman and Vice Chairman of the EKJAC will be appointed by the EKJAC on the basis of the position being rotated annually, as follows, and repeated each five years:

	Chairman and Host Authority	Vice Chairman
Year 1	Canterbury City Council	Shepway District Council
Year 2	Thanet District Council	Dover District Council
Year 3	Shepway District Council	Kent County Council
Year 4	Dover District Council	Canterbury City Council
Year 5	Kent County Council	Thanet District Council

- 11.2 In the absence of the chairman and the vice chairman at a meeting, the meeting will elect a chairman for that meeting.
- 11.3 The quorum of the EKJAC will be five with at least one member present from four of the five Parties. If the meeting is inquorate then it shall stand deferred for seven days to meet at the same time and in the same place when the quorum shall be five drawn from any of the Parties.
- 11.4 The EKJAC may approve rules for meetings and procedure from time to time.

12. Decision Making

- 12.1 Decisions of the EKJAC will normally be made by consensus. Alternatively, a vote shall be taken where the chairman or any Voting Member requests that a vote be taken. The vote will be by way of a show of hands. A simple majority shall be required.
- 12.2 The EKJAC may recommend to the parties services and/functions which may be considered for joint working.
- 12.3 A service will only become a shared service after at least two of the parties have resolved to delegate the relevant functions to the EKJAC.
- 12.4 Where two or more parties have resolved to delegate as mentioned in 12.4, then:

- (a) The service will thereafter be a shared service only in relation to those Parties and
- (b) Those Parties alone will have voting rights at the EKJAC in relation to further decisions as to how that shared service is jointly managed, provided or procured
- (c) The Parties that did not delegate that shared service will not have voting rights in relation to that shared service until or unless they do delegate such service at some future date

13. Forward Plan

- 13.1 Decisions of the EKJAC which will amount to a Key Decision of any Party shall be included within the Leader of that authority's Forward Plan.

14. Host Authorities and Allocation of Roles

- 14.1 In order to achieve the objectives of the EKJAC, the Parties will appoint a Host Authority which is for the time being the Authority shown as the Chairman and Host Authority in the table at clause 11.1.
- 14.2 Staff from the Host Authority who are commissioned to provide services, advice and support to the EKJAC will continue to be employees of the relevant Host Authority.
- 14.3 Responsibility for the following support services to the EKJAC will be allocated to the Host Authority:
 - (a) the provision of legal advice and services
 - (b) the provision of financial advice and services
 - (c) secretariat support and services
 - (d) communications support and services
- 14.4 The cost of the services and advice set out in this section will be paid for by the Host Authority.

15. Amendments to these Arrangements

- 15.1 These arrangements may be amended by the unanimous agreement of the EKJAC following a recommendation approved by the Executive and full Council of each of the Parties.

16. New Membership and Cessation of Membership

- 16.1 New Parties may join the joint committee provided that the Executive and full Council of the joining Party (ies) and of all the Parties to these arrangements for the time being so resolve.
- 16.2 Any of the Parties may cease to be a party to these arrangements following notice of cessation subsequent to a decision by the relevant Executive and full Council. A minimum of six months notice is required for any Party to leave the EKJAC and in any event, any notice of cessation can only be effective at the end of a municipal year. For the avoidance of doubt, where a Party wishes to withdraw from these arrangements but makes that decision and gives notice within six months of the end of the current municipal year, they may not withdraw from these arrangements until the conclusion of the subsequent municipal year.
- 16.3 On any of the Parties ceasing to be a party to these arrangements, these arrangements shall continue unless the remaining parties determine that those arrangements shall terminate. The benefits and burdens of such termination shall be agreed between the Parties and in default of such agreement shall be determined in accordance with 17.1.
- 16.4 Termination of these arrangements may occur by agreement of all the Parties.

17. Dispute Resolution

- 17.1 Any dispute between the Parties arising out of these arrangements shall be referred to a single arbitrator to be agreed between the Parties, or, where no agreement can be reached, and having regard to the nature of the dispute, by an arbitrator nominated by the chairman of the Local Government Association and will be carried out in accordance with the provisions of the Arbitration Act 1996 as amended or modified and in force for the time being.

18. Claims and Liabilities

- 18.1 The purpose of these arrangements and any actions taken under them is to assist all of the Parties (or those of the Parties as are engaged in any particular shared service). The Parties therefore have agreed that:
 - (a) all of the costs attributable to the provision of any shared service shall be shared between those of the Parties that are engaged in the shared service and in such proportions as they shall agree (and if not otherwise agreed then in equal shares)
 - (b) where one of the Parties nominated by the EKJAC to act in respect of a shared service undertakes actions or incurs liabilities in respect of that shared service on behalf of the EKJAC then it shall be entitled to be indemnified by the other Parties engaged in that shared service for the

appropriate proportion of all its costs and liabilities incurred in good faith

- (c) where one of the Parties nominated by the EKJAC to act as Host Authority undertakes actions or incurs liabilities in that respect then it shall be entitled to be indemnified by the other Parties for the appropriate proportion of all its costs and liabilities incurred in good faith
- (d) a Party carrying out actions in good faith on behalf of the EKJAC shall not (other than in the case of fraud and/or clear bad faith) be liable to claims from the other Parties (and there shall be no right of set-off against any claim for indemnity under (b) and/or (c) above) on the grounds that the actions that were taken were not the proper actions carried out properly or that the costs and liabilities incurred were not reasonably and properly incurred (as long as they were in fact incurred)

18.2 Each of the Parties shall at all times take all reasonable steps within its power to minimise and mitigate any loss for which it is seeking reimbursement from any of the other Parties.

19. Data Protection, Freedom of Information, Information Sharing & Confidentiality

19.1 Subject to the specific requirements of this clause, each of the Parties shall comply with its legal requirements under data protection legislation, freedom of information and associated legislation, and the law relating to confidentiality.

19.2 An authority will be appointed as a Host Authority for the purposes of ensuring compliance with any legislative or legal requirements relating to these issues should they arise directly in relation to the joint committee (as compared to information held by the Parties to these arrangements).

19.3 Each of the Parties shall:

- (a) treat as confidential all information relating to:
 - (i) the business and operations of the other Parties and/or
 - (ii) the business or affairs of any legal or natural person in relation to which or to whom confidential information is held by that Party("Confidential Information") and
- (b) not disclose the Confidential Information of any other of the Parties without the owner's prior written consent

19.4 Clause 19.3 shall not apply to the extent that:

- (a) such information was in the possession of the Party making the disclosure, without obligation of confidentiality, prior to its disclosure or

- (b) such information was obtained from a third party without obligation of confidentiality or
 - (c) such information was already in the public domain at the time of disclosure otherwise than through a breach of these arrangements or
 - (d) disclosure is required by law (including under Data Protection Legislation, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004) or disclosure is permitted by the Human Rights Act 1998
- 19.5 The Parties may only disclose Confidential Information of another of the Parties to staff who need to know by reason of their work. Each of the Parties shall ensure that such staff are aware of, and comply with, these confidentiality obligations and that such information is not used other than for the purposes of the EKJAC.
- 19.6 If any of the Parties receives a request for information under the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2004 then the other Parties shall (at their own expense) assist and co-operate to enable the request to be dealt with.
- 19.7 If a request for information is received then the Party receiving it shall copy it to the other Parties and consider when making its decisions any views of the other Parties.
- 19.8 Notwithstanding the provisions of 19.6 and 19.7 it shall be the Party receiving the request that is responsible for determining at its absolute discretion how to reply to the request.

20. Exercise of Statutory Authority

- 20.1 Without prejudice to these arrangements, nothing in these arrangements shall be construed as a fetter or restriction on the exercise by any of the parties of their statutory functions. The parties may continue to provide the whole or any part of a service at their own cost notwithstanding that the service is also a shared service being provided jointly.

Schedule A

TERMS OF REFERENCE of the EAST KENT (JOINT ARRANGEMENTS) COMMITTEE

1. To exercise the executive and non-executive functions of the parties in order to commission, co-ordinate, provide, procure and/or manage any shared services as are agreed from time to time by two or more of the Parties
2. To provide strategic direction to the officers advising the EKJAC
3. To exercise any of the functions or services that are determined to be a shared service in accordance with these arrangements
4. To develop work programmes and projects in relation to the functions which the parties are minded to be delegated to the EKJAC by the Parties
5. To regularly report to each of the Parties on its activities
6. To respond to reports and recommendations made by the East Kent Joint Scrutiny Committee
7. To monitor the operation of the EKJAC and of any shared service
8. To propose a budget for a shared service to the Parties and to monitor and manage any such budget once approved by them
9. To review these arrangements from time to time and make recommendations to the Parties for improvement and change and to propose (as appropriate) the creation of special purpose vehicles for the achievement of the Objectives, including companies, formal partnerships or consortia, the expansion of these arrangements to include other local authorities, the conclusion of contracts with other persons and the provision of services, supplies and works to other persons

**East Kent (Joint Scrutiny) Committee
Operating Arrangements**

Canterbury City Council

Dover District Council

Kent County Council

Shepway District Council

Thanet District Council

together referred to as 'the Parties'

1. Key Principles for the Operation of the East Kent (Joint Scrutiny) Committee (EKJSC)

- 1.1 The members of the EKJSC will work together to maximise the exchange of information and views, to minimize bureaucracy and make best use of the time of members and officers of local and other authorities.
- 1.2 The guiding principle for the work of EKJSC is that it should be consensual and positive. The emphasis of the work should be on making proactive contribution to the development of policy and the discharge of EKJAC's functions. This is best achieved by an inclusive process covering members, the parties' partners, service users and officers.
- 1.3 The process of joint scrutiny will be open and transparent, designed to engage the parties, their residents and other stakeholders.

2. Objectives

- 2.1 The EKJSC is established under section 101 and 102 Local Government Act 1972 and Section 2 Local Government Act 2000 with the objective of acting as the single Scrutiny Committee for the monitoring, review and scrutiny of the East Kent (Joint Arrangements) Committee (EKJAC).

3. Terms of Reference

- 3.1 The terms of reference of the East Kent (Joint Scrutiny) Committee are as set out in Schedule B.

- 3.2 These arrangements will be reviewed regularly. No proposed amendments to these arrangements will take effect until they have been agreed and endorsed by each of the parties.

4. Call-In

- 4.1 The arrangements for the operation of call-in by the EKJSC shall be as set out in Schedule C. The EKJSC shall have power to call-in any decision made by EKJAC, a sub-committee of EKJAC, or any member or officer with delegated authority from EKJAC. The EKJSC will not have the power to call-in any decision of the Executive of any of the Parties.
- 4.2 Where there is a call-in by a statutory scrutiny committee of any of the Parties of any decision of the EKJAC, each of the other Parties will be notified forthwith. The call-in shall be heard by the call-in Party's statutory scrutiny committee in accordance with the call-in Party's own arrangements. Where there is more than one call-in on the same subject the parties shall endeavour to ensure that they are heard together at the same time and place.
- 4.3 The call-in procedure set out in clauses 4.1 and 4.2 above shall not apply where the decision being taken by or on behalf EKJAC is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interests of any of the Parties or the public interest. The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision maker, the decision is an urgent one and therefore not subject to call-in. The Chairman and the members of each of the Parties affected by the decision must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the consent of the Vice-Chairman shall be required. In the absence of both the Chairman and Vice-Chairman, the consent of the Head of Paid Service of that Party (or his/her nominee) shall be required. Decisions taken as a matter of urgency must be reported to the next available full Council meetings of each of the Parties, together with the reasons for urgency.

5. Membership and Terms of Office

- 5.1 The EKJSC will comprise three non-executive councillors from each of the Parties.
- 5.2 Each appointing Party shall appoint its three members on the basis of its overall political proportionality.
- 5.3 Members of the EKJSC shall be appointed by the Parties at their annual meetings of their respective Council and shall hold office until:
- (a) the next annual meeting of the Party that appointed them, save that the Party that appointed them may remove them from office, either

individually or collectively, at an earlier date in the event of a change in political control of that Party; or

- (b) they resign from office; or
- (c) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension)

5.4 Each Party may appoint substitutes to represent their authority in the absence of the appointed councillors. Nominated substitutes will be non-executive councillors and will be able to attend any meeting of EKJSC in order to familiarise themselves with the issues involved, but will not be able to participate in debate or vote unless they are formally acting as a substitute member.

5.5 Non-voting members may be co-opted onto the EKJSC from any or all of the Parties or from other public sector partner organisations as the EKJSC may unanimously decide. Co-optees may participate in the debate but may not vote.

6. Frequency of Meetings

6.1 The EKJSC will meet quarterly, but may change the frequency of meetings and call additional meetings as required.

7. Agenda Setting and Access to Meetings and Information

7.1 The agenda for the EKJSC shall be agreed by the chairman following a briefing by relevant officers. Any member of the EKJSC may require that an item be placed for consideration on the agenda of the next available meeting.

7.2 There will be a standing item on the agenda of each meeting of the EKJSC for matters referred by the EKJAC.

7.3 Notice of meetings and access to agendas and reports will be in accordance with sections 100A-K and Schedule 12A of the Local Government Act 1972.

8. Sub-Committees

8.1 The EKJSC may establish sub-committees as it may determine by unanimous agreement of the EKJSC.

8.2 When establishing a sub-committee the EKJSC will agree the:

- (a) terms of reference for the sub-committee
- (b) size and membership of the sub-committee including co-optees

- (c) period for which the sub-committee will remain constituted
- (d) chairman of the sub-committee or will delegate this decision to the sub-committee
- (e) mechanism for hosting the sub-committee and sharing the cost amongst the relevant Parties, as appropriate

9. Delegation to Sub-Committees

- 9.1 The EKJSC may arrange for the discharge of any of its functions by a sub-committee of the EKJSC.

10. Meetings and Procedure

- 10.1 The Chairman and Vice Chairman will be appointed by the EKJSC on the basis of the position being rotated annually, as follows, and repeated each five years:

	Chairman and Scrutiny Host Authority	Vice-Chairman
2008-9	Shepway	Dover
2009-10	Dover	Kent
2010-11	Kent	Canterbury
2011-12	Canterbury	Thanet
2012-13	Thanet	Shepway

- 10.2 The Chairman and Vice Chairman of EKJSC shall be drawn from a political group not forming part of the administration of the appointing Council.
- 10.3 In the absence of the chairman and the vice chairman at a meeting, the meeting will elect a chairman for that meeting.
- 10.4 The quorum of the EKJSC will be five with at least one member present from four of the five Parties.
- 10.5 The EKJSC may approve rules for meetings and procedure from time to time.
- 10.6 The EKJSC may ask organisations, individuals or groups to assist it from time to time and may ask independent professionals to advise it during the course of reviews. Such individuals or groups will not be able to vote.
- 10.7 The EKJSC may request the attendance of officers employed by the participating authorities to answer questions and give evidence to the committee. Such requests must be made via the Chief Executive of the relevant participating authority.

10.8 The EKJSC may invite any other person to attend its meetings to answer questions or give evidence; however, attendance by such persons cannot be mandatory.

11. Decision Making

11.1 Decisions of the EKJSC will normally be made by consensus. A vote shall be taken where the chairman or any Voting Member requests that a vote be taken. The vote will be by way of a show of hands. A simple majority shall be required.

11.2 Where a minimum number of two members express an alternative to the majority view, they will be permitted to produce a minority report.

12. Scrutiny Host Authorities and Allocation of Roles

12.1 In order to achieve the objectives of the EKJSC, the Parties will appoint a Scrutiny Host Authority which is for the time being the Authority shown as the Chairman and Scrutiny Host Authority in the table at clause 10.1.

12.2 Staff from the Scrutiny Host Authority who are commissioned to provide services, advice and support to the EKJSC will continue to be employees of the relevant Scrutiny Host Authority.

12.3 Responsibility for the following support services to the EKJSC will be allocated to the Scrutiny Host Authority:

- (e) the provision of legal advice and services
- (f) the provision of financial advice and services
- (g) secretariat support and services
- (h) communications support and services
- (i) data protection, freedom of information, information sharing and confidentiality issues in accordance with clause 17
- (j) research

12.4 The cost of the services and advice set out in this section will be paid for by the Scrutiny Host Authority.

13. Amendments to these Arrangements

13.1 These arrangements may be amended by the unanimous agreement of the EKJSC following a recommendation approved by the full Council of each of the Parties.

14. New Membership and Cessation of Membership

- 14.1 New Parties may join the EKJSC provided that they are also a party to EKJAC and the full council of the joining Party(ies) and of all the Parties to these arrangements for the time being so resolve.
- 14.2 A Party ceases to be a member of these arrangements when it ceases to be a party to EKJAC.
- 14.3 Termination of these arrangements may occur by agreement of all the Parties.

15. Claims and Liabilities

- 15.1 The purpose of these arrangements and any actions taken under them is to assist all of the Parties. The Parties therefore have agreed that:
 - (a) where one of the Parties nominated by the EKJSC to act as Scrutiny Host Authority undertakes actions or incurs liabilities in that respect then it shall be entitled to be indemnified by the other Parties for the appropriate proportion of all its costs and liabilities incurred in good faith
 - (b) a Party carrying out actions in good faith on behalf of the EKJSC shall not (other than in the case of fraud and/or clear bad faith) be liable to claims from the other Parties (and there shall be no right of set-off against any claim for indemnity under (b) and/or (c) above) on the grounds that the actions that were taken were not the proper actions carried out properly or that the costs and liabilities incurred were not reasonably and properly incurred (as long as they were in fact incurred)
- 15.2 Each of the Parties shall at all times take all reasonable steps within its power to minimise and mitigate any loss for which it is seeking reimbursement from any of the other Parties.

16. Administration

- 16.1 The decisions and recommendations of the EKJSC will be communicated to EKJAC and the participating councils as soon as possible after the resolution of the committee.
- 16.2 Where working on forthcoming decisions of the EKJAC, the EKJSC will endeavour to carry out its functions as part of the EKJAC's process in order to ensure that its findings and recommendations can influence the final decision.
- 16.3 When considering items before it, the EKJSC will take account of whether an issue could more appropriately be dealt with by one of the Parties or elsewhere.

17. Data Protection, Freedom of Information, Information Sharing & Confidentiality

- 17.1 Subject to the specific requirements of this clause, each of the Parties shall comply with its legal requirements under data protection legislation, freedom of information and associated legislation, and the law relating to confidentiality.
- 17.2 A Party will be appointed as a Host Authority for the purposes of ensuring compliance with any legislative or legal requirements relating to these issues should they arise directly in relation to the EKJAC (as compared to information held by the Parties to these arrangements).
- 17.3 Each of the each Parties shall:
- (a) treat as confidential all information relating to:
 - (i) the business and operations of the other Parties and/or
 - (ii) the business or affairs of any legal or natural person in relation to which or to whom confidential information is held by that Party("Confidential Information") and
 - (b) not disclose the Confidential Information of any other of the Parties without the owner's prior written consent
- 17.4 Clause 17.3 shall not apply to the extent that:
- (a) such information was in the possession of the party making the disclosure, without obligation of confidentiality, prior to its disclosure or
 - (b) such information was obtained from a third party without obligation of confidentiality or
 - (c) such information was already in the public domain at the time of disclosure otherwise than through a breach of these arrangements or
 - (d) disclosure is required by law (including under Data Protection Legislation, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004) or disclosure is permitted by the Human Rights Act 1998
- 17.5 The Parties may only disclose Confidential Information of another of the Parties to staff who need to know by reason of their work. Each of the Parties shall ensure that such staff are aware of, and comply with, these confidentiality obligations and that such information is not used other than for the purposes of the EKJSC.
- 17.6 If any of the Parties receives a request for information under the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2004 then the other Parties shall (at their own expense) assist and co-operate to enable the request to be dealt with.

- 17.7 If a request for information is received then the Party receiving it shall copy it to the other Parties and consider when making its decisions any views of the other Parties.
- 17.8 Notwithstanding the provisions of 17.6 and 17.7 it shall be the Party receiving the request that is responsible for determining at its absolute discretion how to reply to the request.

18. Exercise of Statutory Authority

- 18.1 Without prejudice to these arrangements, nothing in these arrangements shall be construed as a fetter or restriction on the exercise by any of the parties of their statutory functions.

Schedule B

TERMS OF REFERENCE of the EAST KENT (JOINT SCRUTINY) COMMITTEE

1. Monitor review and scrutinise the actions and decision of the East Kent (Joint Arrangements) Committee.
2. Make recommendations for reconsideration of any decisions made or actions taken and to make recommendations for improvement and/or changes in responsibilities and functions of the EKJAC.
3. Prepare reports and recommendations to the parties on the performance and delivery of the shared services provided by the EKJAC.
4. Propose an annual budget for the EKJSC in accordance with the requirements of the parties.
5. Prepare an annual report to the parties on the performance of these arrangements.
6. Facilitate the exchange of information about the work of the EKJSC and to share information and outcomes from reviews.

Schedule C

ARRANGEMENTS FOR THE OPERATION OF CALL-IN by the EKJSC

1. When a decision is made by EKJAC, a sub-committee of EKJAC or an individual member with delegated authority from EKJAC, or a key decision is made by an officer with delegated authority from EKJAC, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of each of the Parties normally within two days of being made. The Chairman of the EKJSC (and all other members of each of the Parties) will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
2. That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented at 12.00 noon, on the fourth working day after the publication of the decision, unless it is called-in.
3. By 10.00 am on the fourth working day after publication of the decision, the proper officer of the Scrutiny Host Authority shall call-in a decision for scrutiny by the EKJSC if so requested by any member of the EKJSC, and shall then notify the decision maker of the call-in. A meeting of the EKJSC shall then be held within 15 working days of the decision to call-in. Reasons for calling-in a decision should be given and recorded in the agenda.
4. If, having considered the decision, the EKJSC is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to the full Council of all or any of the Parties. If referred to the decision maker they shall then reconsider within a further 10 working days, amending the decision or not, before adopting a final decision.
5. If, following an objection to the decision, the EKJSC does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the EKJSC meeting, or the expiry of that further 10 working day period, whichever is the earlier.
6. If the matter was referred to full Council of any of the Parties and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision maker, together with Council's views on the decision. That decision maker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by EKJAC as a whole or a committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision

was made by an individual, the individual will reconsider within 10 working days of the Council request.

7. If the Council of any of the Parties to whom the matter has been referred does not meet, or if it does but does not refer the decision back to the decision maker, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

By: The Leader of the Council
Chief Executive

To: County Council – 19 June 2008

Subject: **LOCALISM – A STRATEGY FOR SUCCESS**

Summary

(1) The Council's approach to localism is at an exciting stage in its development. The neighbourhood forum model in Dover continues to be a success and the Audit Commission has commended the model. The Leader believes this is the direction of travel for other parts of the County, subject to the views of local members, other relevant authorities and community leaders. He is proposing that those Cabinet Members who are Members of Local Strategic Partnerships should work together with existing Local Board Chairmen and their Members, along with District, Borough, Town and Parish Council colleagues to agree an innovative and flexible way forward for localism in their areas. These discussions should be supported by the Community Liaison Team in Legal and Democratic Services and carried out on a phased basis over the next 6 to 9 months. The Leader remains of the view that "one size does not fit all" and it will be up to local areas to agree the way forward. The Leader is also anxious to see the localism arrangements used much more extensively by all County Directorates for "bottom-up" service and policy formulation, user consultation and involvement, supported by strong corporate leadership to ensure that this happens across the whole organisation. A two-way dialogue with District and Borough Councils, via the local arrangements, is also vital. We must encourage the communities of Kent to seize the opportunities that localism provides to secure ownership of activities in the areas in which they live and communicate with elected Members from all 3 tiers of local government to perform their roles as frontline Councillors. The County Council's strategy for localism, properly resourced and expertly delivered, will achieve this aim.

Introduction

(2) At the County Council meeting on 3 April, the Leader undertook to report to the Council on how it is proposed to take the Localism agenda forward for Kent.

(3) This report reflects primarily on the conclusions of the Informal Member Group: Going Local, which reported to the County Council in September 2007 and provides an update on where we are on the key recommendations from the IMG. The report also mentions the main aspects of feedback from the recent Corporate Assessment, which commented that outcomes from the Local Board structure were mixed but that the neighbourhood forum model in the Dover District was worthy of further exploration for other parts of Kent.

(4) In the Leader's ongoing discussions with District and Borough Council leaders in Kent, they have explored how working together can enhance the value of our respective strategies for community engagement but equally, there is a wide spectrum of views about the County Council's existing Localism work held by District and Borough leaders, ranging from successful and fully integrated to disconnected and irrelevant.

(5) The Leader has agreed with the Kent leaders that Localism arrangements should, in future, be tailor-made to the specific requirements of the relevant area, with more flexibility on design and governance. There should be no "one size fits all" approach and there are a number of variables in terms of structure, financial arrangements, membership, chairmanship, format of meetings, powers, etc that the Leader is keen to see deployed locally in an innovative and imaginative way for the benefit of the people of Kent. This is vital to reaffirm and strengthen the Kent Commitment and enhanced two and three tier working.

Background

(6) The County Council agreed a Local Board structure in July 2003, with one Local Board for each Borough/District Council area. This has been successful in building capacity in Localism in terms of networks, awareness, trust and capability to work at a local level with tangible outcomes. However, success has been varied and it is considered that the model going forward must have more local flexibility to reflect the widely varying characteristics and needs within Kent.

(7) Between March 2006 and September 2007, the Informal Member Group: Going Local was commissioned to make recommendations to the full Council on:

- (a) functions that could be undertaken by a local democratic structure; and
- (b) the impact of the Government's agenda for Localism for current democratic structures

(8) The key outcome of the Informal Member Group was that the Council should build on the positive outcomes of its Localism work, particularly the Dover model and the joint Local Board operating in the Tonbridge and Malling area. At its meeting on 6 September 2007, the County Council welcomed the report of the IMG and agreed that the proposals be submitted to Cabinet so that a series of options be developed for taking Localism forward in Kent with other local authority partners. At its meeting on 17 September 2007, the Cabinet welcomed and noted the report as a sound basis for taking forward Localism in Kent.

(9) The various recommendations from the IMG are set out below in a table, with an appropriate commentary alongside each one detailing the progress made and proposed future action:

Progress Report on the key recommendations from the Informal Member Group: Going Local

<p>(a) The principle of setting up Joint Local Boards/Forums with District/Borough and Town/Parish Councils be accepted;</p>	<p>This principle is fully supported.</p>
<p>(b) Localism should be more outcome-focused with regular reports to Cabinet, Cabinet Members and others; there should be prompt feedback to the public on specific issues raised at local meetings and that all forms of media including electronic media should be utilised;</p>	<p>This principle is fully supported. Strong corporate buy-in will be important to ensure that feedback to the local forums is timely, comprehensive, objective and acted upon appropriately.</p>
<p>(c) Two key objectives in the way forward should be to meet the “place shaping” agenda envisaged by Lyons and to encourage all political representatives to become champions and leaders for their communities;</p>	<p>Working in partnership with the remaining two tiers of local government in local areas will help to achieve the place-shaping agenda, as well as supporting frontline Councillors and Community Calls for Action.</p>
<p>(d) There should be clear links to Local Strategic Partnerships (LSP), Crime and Disorder Reduction Partnerships (CDRP) and other structures set up in response to new initiatives, for example, Children’s Trusts, with Member roles and accountabilities defined to meet objectives of the Kent Commitment and individual Council needs;</p>	<p>This is a worthy guiding principle and we must be careful to ensure that there is synergy between all of the local engagement activity across Kent. Relationships between various participative forums must be effective and avoid duplication or over-consultation. We believe that further work will be needed as neighbourhood forums evolve.</p>
<p>(e) Local Board outcomes need wider publicity at local level, not just in the press, but through structured local networks including the development and use of modern systems including the web and Kent TV;</p>	<p>This principle is fully supported</p>
<p>(f) Chief Officers and Cabinet should identify which services can be delegated to local level and influenced by local Member views based where possible on community needs and preference;</p>	<p>It will be an important part of the role of local arrangements that Local Board/Neighbourhood Forums are able to influence, commission and prioritise services for their communities.</p>

<p>(g) Budget options and priorities for local service provision should have major Member influence locally so that prioritisation of spend at local level is a bottom up process within an overall financial settlement;</p>	<p>This principle is fully supported.</p>
<p>(h) KCC should explore further with District Councils and other local partners what they believe would improve community engagement at all levels within their district, within the objectives of the Kent Commitment;</p>	<p>This principle is fully supported and the strategy outlined in this paper will achieve this aim.</p>
<p>(i) KCC should adapt Local Boards and extend Joint Local Boards and Neighbourhood Forums to other Districts according to local wishes;</p>	<p>This principle is fully supported and is exactly what this paper is seeking to do.</p>
<p>(j) Member Development (including the need for training of Chairs of Local Boards and Forums) should be structured to achieve the objectives set out above and to embrace KCC's "ways to success" strategy so that the public's views and needs can be responded to in an appropriate way;</p>	<p>This principle is fully supported and will feature as a specific development area within the overall Member Development Policy, which is due to be submitted to the full Council for approval at the next meeting.</p>
<p>(k) There should be an improvement in informal consultation processes for local services (e.g. based on similar lines to those operating within Kent Highways Services) and resources should be made available for the new strategy;</p>	<p>This principle is fully supported.</p>
<p>(l) The roll-out of the Gateway facilities should be used for the co-location of Member and local services surgeries;</p>	<p>This principle is fully supported.</p>
<p>(m) There should be a mechanism to assess the effectiveness of the overall structures emerging from the Kent Commitment and associated new partnerships;</p>	<p>It is proposed that this important principle should be monitored by means of an annual report to the Corporate Policy Overview Committee.</p>

<p>(n) In light of the emerging policies on Localism, resources should be made available to enable the new strategy to be delivered; the role and number of Community Liaison Managers will need to be re-defined together with the need for support staff;</p>	<p>The Head of Democratic Services and Local Leadership will assess resource requirements as the Council's strategy for localism develops and the Leader is committed to ensuring that appropriate resources are made available in the current year and future years.</p>
<p>(o) Selected KCC grants and those of other public, private and voluntary bodies should from 2008/09 be aligned with the objectives of KCC and DC Community Strategies and be used as an incentive for levering in additional money and pooling of resources;</p>	<p>This is an important principle, which will feature in the discussions involving all of the key authorities and organisations going forward.</p>
<p>(p) Where there is agreement, there should be an option for Joint Transport Boards or Youth Advisory Groups to be merged with the new Joint Boards;</p>	<p>If there is consensus locally, there is no reason why this recommendation should not be pursued and will feature in the local discussions going forward as indeed will streamlining appropriate District based Member briefings.</p>
<p>(q) Consideration should be given for the new Joint Boards to play a role in Community Call for Action through local scrutiny; alternatively, District Council Scrutiny Committees could be augmented through co-option of KCC Members;</p>	<p>This is a worthy principle and further work will be required to achieve it fully. It is worth noting that the CFE Policy Overview Committee has agreed to set up a sub group to scrutinise the activity of the locality based Children's Trust.</p>
<p>(r) Chairmanship of Joint Local Boards or Fora should be determined at a local level and be open to Members from County, District, Town and Parish, on a rotational basis and according to local circumstances. There should also be a mechanism for planning and agreeing agenda topics through the year;</p>	<p>Achieving buy-in at a local level will be important if the localism strategy is to be achieved. The issue of chairmanship is part of achieving buy-in and will feature in the local discussions going forward. With regard to the transitional phase, it is suggested that all of the existing Local Boards should remain, even if they only meet once in the next 12 months, whilst other structures are developed and embedded.</p>

(s) Given its objectives for Localism, KCC needs to consider what its response would be in the event of a District Council not wishing to be a partner in such an enhancement to Local Boards	The County Council would do all it could to ensure this did not happen, but in the eventuality it did, the situation would be accepted, with regret.
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Local policy context

(10) The Dover model continues to be a real success of the Council's Localism strategy (see appended case study of the neighbourhood forum model in Dover District), but in order to move forward in other parts of Kent, it is appropriate to remember that KCC is not the only public authority attempting to engage in Localism. These include:

- **Kent County Council** – as well as Local Boards and Neighbourhood Fora, service directorates have already adopted delivery structures to engage and consult at a local level both in relation to communities of interest and communities of place, e.g. school clusters, highways community operations, adult social services, rural regeneration etc;
- **District Council Arrangements** – District and Borough Councils have already developed/are developing their own Localism arrangements through a variety of mechanisms in response to the same Government agenda;
- **District Local Strategic Partnerships (LSPs)** – District LSPs are providing a local mechanism for driving local community priorities across the public sector partners at the District level. This includes the recent integrated East Kent LSP;
- **Crime and Disorder Reduction Partnerships (CDRPs)** – The Police and Justice Act 2007 introduced new national standards that places a legal duty on CDRPs to undertake their own community engagement. The Act also requires the establishment of a Countywide CDRP. It is worth noting that Dartford and Gravesham agreed in 2007 to integrate their CDRPs’;
- **Town and Parish Councils** – represent the embodiment of local representation at the sub- District level. One of the successes of the Neighbourhood Fora model operating across Dover is the involvement of the Parish Councils;
- **Partners and Communities Together Panels (PACT)** – A countywide initiative established by Kent Police alongside the roll out of its Neighbourhood Policing Programme, which established local panels to agree priorities and work with local authorities to solve this problems.

(11) It is a vital aspect of moving forward with Localism in Kent that the unique characteristics of existing, successful partnerships are maintained and enhanced and that duplication of effort, consultation fatigue, confusion and poor communication are avoided at all costs.

(12) It is also relevant to bear in mind the known and likely future shape of the Government's expectations for local government in relation to democratic engagement and local service improvement work. Of particular significance is the place shaping role defined in the Local Government and Public Involvement in Health Act 2007, i.e. denoting a set of activities and behaviours that characterise the pivotal role of local government in a particular area. The 2007 Act also empowers citizens through "Community Call for Action", which should result in a greater role for the scrutiny of services locally and a greater role for scrutiny generally in relation to the performance of other public services providers.

(13) The Sustainable Communities Act 2007 is intended to give local people more control over improving their community by establishing community panels, which can suggest ways in which local spending can be better used to improve local services and the quality of local life, including suggesting the transfer of functions between different public agencies. The Empowering Communities White Paper – promised for later on this summer is likely to resurrect many ideas put forward by David Milliband in 2005/06 about 'double devolution' with communities having input in local budgets and influencing their own service delivery standards.

Key Challenges

(14) Localism is vital to the County Council in relation to the terms of the 'Kent Commitment'; it is what Members, our partners and the public expect. It is clear going forward that flexibility in piloting Localism models is key to a successful strategy. Kent has widely varying characteristics and needs. It is essential that working with our partners we continue to be innovative to our approach to the Localism agenda providing the flexibility to achieve the best outcomes for the public and our partners.

(15) The Leader is committed to see the County Council take the next steps forward in its Localism Strategy and that we explore through one or more pilot areas giving greater empowerment to elected Members, e.g. maybe by allowing Members to commission and prioritise through Kent Highways Services an agreed level of work to enable certain decisions to be made at a local level. Of more significance, however, is the need to ensure that there is the flexibility at a local level and appropriate levels of local Member grants.

(16) Accordingly, there are a number of key issues that the Leader would wish to promote for local debate in terms of the future for Localism in Kent.

Governance

(17) The Governance arrangements must be clearly defined and agreed to by each of the partner bodies, yet remain simple and flexible. This will include clear terms of reference, clarity on the role and purpose of the body, procedural rules both for meetings and the decision making process, the allocation of grants and funding streams. Ensuring the appropriate checks and balances in decision-making is important, but local arrangements need to be fleet-footed and not too bureaucratic. They need to be developed individually to meet local circumstances and need.

(18) The governance arrangements and procedure rules for the Dover Neighbourhood forum model appear to offer an appropriate balance between “due process” and flexibility, but the Leader is keen to explore other governance methods that will achieve our aims.

(19) Discussions and work is advancing positively with colleagues from Gravesham Borough Council in starting three Neighbourhood Forums in the Gravesham Borough Council area two urban Fora (in an un-parished area) and a rural Forum where the Borough is parished. Furthermore, agreement has been reached in principle with the Leaders of both Canterbury City Council and Tonbridge and Malling Borough Council to pursue neighbourhood forums in conjunction with County and Parish Councils. These pilots should be implemented in the first phase of the implementation of this next stage of the localism strategy and will also provide an excellent opportunity to explore greater involvement of the third sector in the arrangements.

(20) The existing Dover model is a combination of single Member and joint Member neighbourhood forums (5 in total) and it would be a matter for Members to decide whether to coalesce along these lines, dependent on geography and a willingness/appropriateness to do so. For instance, the Leader is minded to explore joining with Mrs Stockell and Lord Bruce-Lockhart in a neighbourhood forum covering their 3 electoral divisions. In an ideal world, the Leader does not imagine more than 3 or 4 neighbourhood forums in a District/Borough area, unless the resources to support localism were increased substantially.

(21) The Leader would like to see an annual meeting within each individual Borough and District area whereby all three tiers of Local Government come together possibly to discuss the past year’s achievements and set out delivery plans for the following 12 months. The Leader has no wish to be too prescriptive about these annual meetings but they could also include a public debate on a single issue of particular relevance to local residents. Again, this could easily be designed into the new governance arrangements for our Localism strategy.

(22) The Leader believes, however, that there will be a need to retain the overarching local board structure to oversee the District/Borough based neighbourhood forums and collectively decide upon Small Community Capital Grant allocations. These do not necessarily need to be public meetings.

(23) The Leader also wants to re-assess the effectiveness of Directorate briefings, which in some cases are very poorly attended by elected Members yet they are provided for the benefit of Members. The Leader believes that there is scope for briefings involving more than one Directorate and sharing these with our Borough/District colleagues; a two-way conversation more along the lines of a “place briefing”. The Leader also wants to explore whether there are more effective ways of keeping local Members more effectively informed, which builds capacity for Members and the officers who support Members. The Leader is looking forward to the outcomes of the Informal Member Group Member Information being chaired by Mrs Dean which is seeking to address some of these issues.

Finance

(24) The Leader is keen to ensure that the amount of money for individual Members to spend in their local areas is sufficient to really make a difference to service delivery and the Leader is looking at ways to increase the overall amount by reviewing the current funding streams.

(25) As Members will be aware, there are currently three different funding streams (see attached appendix 2 for the 2008/09 figures), as follows:-

- **Members Community Grant** – each Member has £10,000 a year to be spent in the financial year on schemes and projects that provide benefits to the community and where the Member is of the view that it is a good idea and worthy of support;
- **Small Community Capital Grants** –these are grants up to £20,000 per scheme for capital expenditure (a total of £500,000 is available across the County each year). The amount available is allocated according to the population for each Local Board area;
- **Local Schemes Grants** – allocated to Local Boards pro rata to the Council Tax on second homes in each Borough/District. One of the principal aims of Local Schemes grant has been to support initiatives compatible with KCC’s “Towards 2010” Strategy. A total sum of £400,000 is available across the County each year.

(26) The Leader has asked the Cabinet Member for Finance to review the amount of money available to elected Members to spend in their local areas on local priorities.

Resources

(27) The Dover model is successful but requires a greater investment of resources, particularly in relation to the frequency of meetings in the District and the work involved in servicing the highly effective workshop-style meetings. If the neighbourhood forum model is extended to other parts of the County, the Head of Democratic Services and Local Leadership will need to ensure that the number of Community Liaison Managers is appropriate in order to support the new arrangements as they are introduced over the

coming months, together with any relevant additional support staff that might be required. Any increases in resources for grant giving will also require a greater input from the Finance and Community Liaison teams in terms of managing the grants process from initial enquiry to post grant-giving audit requirements. In addition, marketing and publicity for Local Boards and forums was highlighted as an important issue in the Going Local IMG report and the impact on Corporate Communications would need to be properly assessed and funded if the Localism strategy going forward is to be a success.

(28) Members are reminded that £345K was set aside in the current financial year for taking forward the Localism Strategy. As we are now part way through the current financial year, not all of this money will be spent and some of this funding has already been utilised to strengthen the Council's Overview and Scrutiny Function, as this was a key outcome of the corporate assessment. As we move forward with the Localism Strategy as outlined in this paper, it may well be that additional funding is required and the Leader is fully committed to supporting this as part of the budget setting process.

Member Development

(29) The Council is currently reviewing its approach to Member Development and we intend to achieve the South East Charter for Member Development by the end of this municipal year. An important part of the Member Development strategy and programme will be how frontline Councillors are supported in terms of their community liaison and development role. Appropriate resources will be allocated for this purpose.

(30) It is also relevant to say that localism is more than just having a coordinated structure of meetings with other authorities and partner organisations working in a particular geographical area. The real challenge in the 21st Century is for elected Members in all tiers of government to be engaging dynamically through a variety of channels, including via electronic media. Face-to-face engagement will always be important but, as an excellent and innovative authority, KCC must embrace both existing and emerging technologies to improve the active participation of all of the communities we serve. Accordingly, the Council must explore best practice nationally as a matter of urgency to ensure that elected Members are fully supported and afforded opportunities for development in these important roles.

Next Steps

(31) In the Leader's discussions with colleagues and the Leaders and Chief Executives of Borough and District Councils, he would like to see the County Council's Localism strategy reviewed and refreshed as indicated in this paper and phased in across the County by the end of 2008/09 at the latest, subject to adequate resources being available.

(32) Accordingly, it is proposed to the County Council that each Cabinet Member who serves on one of the Local Strategic Partnership Boards should formally liaise and consult with the existing Local Board Chairmen and Members, District/Borough and Town/Parish Council colleagues, supported by the Community Liaison team, to negotiate the preferred way forward for Localism in their areas. This will involve the retention of some form of local board and a neighbourhood forum model, which will hopefully include representation from all tiers. Once there is agreement, work will commence to introduce the preferred model to that part of the County with appropriate governance arrangements. It is appropriate that the Council should evaluate all models after a period of one year.

RECOMMENDATIONS:

That the Council:

(1) Notes the contents of this report; and

(2) Approves the proposals contained in paragraph 32.

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Background information:

Appendix 1

The Neighbourhood Forum model in Dover District – a case study

During the course of 2006, the principles of the 5 Dover Neighbourhood Fora were agreed with Dover District Council, the Kent Association of Parish Councils and local Town and Parish Councils within Dover District. The first two rounds of meetings took place in November 2006 and June 2007. In October 2007, agreement was reached between KCC and Dover District Council to continue with the Neighbourhood fora in Dover until 31 March 2009.

The Dover Neighbourhood fora are recognised as being a successful model of Localism with the following positive attributes:-

- Involves all 3 tiers of local government in the Dover area.
- Fully involves the public in workshop-style, problem-solving, discussion and debate, rather than a more traditional public meeting with a top table of Councillors, the public facing the top table seated in rows and limited, controlled opportunities for public participation.
- A number of statutory and other partners have attended forum meetings to assist and guide discussion on specific topics, e.g. Primary Care Trusts, the Government Office for the South East (GOSE), health authorities, the police and Dover Harbour Board.
- As far as is possible, all Members agree to keep party politics out of the forum meetings.
- Responsive – requests for information and agreed tasks are taken away and actioned. Progress reports are made to the next meeting.
- The Chairmen and Vice Chairmen of the forums are elected locally by and from each of the three tiers of local government, which helps to ensure local commitment and ownership. Whilst all Chairmen were KCC Members and Vice Chairmen were all Town or Parish Council Members in year one, this is now changing in year two.
- The average attendance by members of the public has been 40 at each local forum, which compares favourably to the figures for Local Boards
- Nearly all of the Town and Parish Councils have attended and some have provided clerks for the meetings.
- Within the same overarching Terms of Reference, each forum is slightly different in its construction, format and style, depending on the characteristics of the local area.
- Discussions have been lively and interactive, with a relaxed and informal chairing style, which has helped to realise many interesting suggestions for service improvement and priorities locally.
- Relationship building between local members representing the 3 tiers has been positive.

- It is hoped that by agenda setting for the medium term (say, up to a year ahead) will help to sustain interest and commitment from the community.
- The Small Community Capital Grants have attracted match funding from Dover District Council.

A great deal of effort goes into planning the agendas for local forum meetings, depending on the topic(s) under discussion, the venue, the number of known speakers and the organisations they represent and the desired outcomes from the meeting, be they problem-solving, prioritisation of actions, service improvement ideas, etc. Support from District, Town and Parish Council Members and Officers is seen as vital, both during the pilot stage and going forward. The round-table workshop style is both productive and rewarding but can be resource-intensive and assistance is required to “scribe” and feedback from mini-group discussions. Levels of participation from this type of model are much higher than a typical public meeting, where only a small percentage of attendees will want to stand up and speak in a formal setting.

There is a growing appetite for the devolution of certain functions to the forums. These include deciding which pot-holes should be filled, aspects of grounds and parks maintenance, library opening hours etc. Making differences locally, such as re-siting a bus stop, preventing continued fly-tipping in a particular area or improving signage generally, both empower and sustain communities.

To date the two biggest achievements that the Dover Neighbourhood forums have brokered are:

“Teen Fusion”: a meeting with young people in November 2007 showed how desperate they were for something to do in the Deal area. Following the meeting, the partners to the forum have started “Teen Fusion”, which is an under-18’s monthly disco. These have proved so popular that some 850 people turned up to a recent one and it has now been decided that these will take place twice a month. This is a true partnership, with Parish Councils agreeing to provide funds to lay on buses to and from the venues for young people; Police Community Support Officers agreeing to escort the travellers for safety and security reasons; and the PCT now also wishing to get involved by taking the opportunity to talk to young people about health issues, including healthy eating, exercise, smoking, alcohol and teenage pregnancy.

“Deal with it”: a local environmental group has been created through the Neighbourhood Forum to take action locally in response to climate change. Their first major task is to persuade local retailers in Deal to not use plastic carrier bags. Other local environmental initiatives will follow.

Current Local Board Grant Schemes

(position for 2008/9 as known at 9/5/08)

Local Board	No. of Members	Member Community Grant (see note1)	Local Schemes Grant (see note 2)	Small Community Capital Projects Fund (see note 3)	Local Board Total	Mid 2008 District population estimate	Notional Local Board Grant total per head of District population
		£	£	£	£		£
Dartford	6	60,000	9,600	31,900	101,500	89,653	1.13
Gravesham	5	50,000	5,200	34,500	89,700	96,891	0.92
Maidstone	9	90,000	12,800	51,500	154,300	144,814	1.06
Tonbridge/Malling	7	70,000	14,300	40,800	125,100	114,586	1.09
Tunbridge Wells	6	60,000	29,800	37,400	127,200	105,112	1.21
Sevenoaks	7	70,000	12,000	40,100	122,100	122,647	0.99
Thanet	8	80,000	72,500	46,700	199,200	131,327	1.51
Dover	7	70,000	65,300	39,000	174,300	109,543	1.59
Shepway	6	60,000	55,600	36,600	152,200	102,760	1.48
Ashford	7	70,000	21,600	40,700	132,300	114,449	1.15
Canterbury	9	90,000	56,600	53,800	200,400	151,224	1.32
Swale	7	70,000	44,700	47,000	161,700	132,231	1.22
	84	840,000	400,000	500,000	1,740,000	1,405,237	1.23

Notes:

Note 1 – Member Community Grant is based on a fixed allocation of £10,000 per Member.

Note 2 – Local Schemes Grant is divided between Local Boards pro rata to the income accruing to that District from Second Homes Council Tax.

Several Local Boards then choose to subdivide the total so that individual Board Members can make recommendations relating to their electoral area.

Note 3 – The Small Community Capital Projects Fund comes from KCC's Capital Budget. Its allocation between Local Boards is made pro rata to District population. A small minority of Local Boards then subdivide the Board total to individual Member areas. Originally, KCC had intended the Small Community Capital Projects Fund to rise to £750,000 for Kent from 2007/8 but this did not happen.

By: Chairman of Standards Committee
To: County Council – 19 June 2008
Subject: Annual Report of the Standards Committee
Classification: Unrestricted

FOR INFORMATION

Introduction

1. This is the sixth Annual Report of the Standards Committee and covers the period June 2007 – June 2008.

Changes to the Role of Standards Committees

2. (1) In preparation for changes, Kent County Council on 21 June 2007 adopted a revised Code of Member Conduct. A new advice note for Members on Registering and Declaring Interests, Gifts and Hospitality under the New Code was also approved.

(2) The new reformed ethical regime brought in by Part 10 of the Local Government and Public Involvement in Health Act 2007 has, from 8 May 2008, devolved to local Standards Committees the job of determining complaints against County Councillors and co-opted Members of the authority and the Committee has set up a system to comply with these regulations.

(3) A link has been set up on the KCC website giving details of the Standards Committee functions. Following on from the Standards Committee page there are links to:

- The Code of Members Conduct
- the Register of Members Interests
- Members Annual Reports
- the Standards Board for England
- “the Bulletin” (the Standards Board monthly bulletin, which is circulated in hard copy to all Members)
- “How to Complain about a County Councillor”. This gives details of what conduct can be complained about and includes a form to complete either online or in hard copy. It is also planned to promulgate details of the new complaints systems through the publication “Around Kent”.

(4) KCC has been innovative and one of the first Councils in the region to set up this information on their website.

(5) The Committee wishes to thank the three Group Leaders for their support and contribution to setting up the site.

(6) Agreement is being reached with the Fire and Police Authorities and the London Borough of Bromley that in the event of any authority having insufficient independent Members to sit on their Standards Committee hearings,

the other authorities may be called upon to make their independent Members available to deal with specific allegations or complaints. This is considered important given the size of the Committee.

Future Programme of Work

3. (1) The Committee accepts that there are issues around training Councillors in high ethical standards and raising awareness of standards issues and proposes to tackle these matters during the year, perhaps by taking the opportunity of linking in with the Member Development Policy. This will be particularly important for new Members following next years County Council elections

(2) A system has been established for reporting to the Standard Board for England on the monitoring of complaints considered under the new regime; the Head of Democratic Service and Local Leadership will update it on a quarterly basis.

Complaints

4. (1) During the year a total of 3 complaints involving 6 Members were referred to the Standards Board for England: the Board determined that none of the complaints should be referred for investigation.

(2) The procedure for the Chairman of the Committee to facilitate resolution of a possible complaint by one Member against another has, once again, not had to be invoked this year.

(3) The Standards Committee has received its first complaint under the new regime and has appointed an Assessment Sub Committee to consider the initial complaint and, should it prove necessary, a Review Sub Committee has delete been put in place.

Members' Annual Reports

5. (1) The Committee received a report from the Remuneration Panel on Members Annual Reports together with copies of the Reports.

(2) Except for reports from Mr J Fullarton and Mrs B Simpson who had not completed them due to ill health, 82 reports were available for consideration by the Standards Committee on 22 May. However, when the Remuneration Panel met on 12 May, the situation was that only 78 Members had completed their annual report. Apart from Mr J Fullarton and Mrs B Simpson, reports for Mr R Bliss and Mr G Horne had not been signed off by the Leader and were not available. Mr K Ferrin and Mr A Crowther had failed to complete their Annual Returns. Although Mr Ferrin's report was subsequently completed, signed off by the Leader and sent to the Members, together with the reports from Mr Bliss and Mr Horne, Mr Crowther failed to complete his Annual Report in time for the meeting.

(3) The Committee considers this to be unacceptable as the forms were distributed on 11 February and clearly stated to be for completion by 30 April, with the offer of IT assistance should any Member require it.

(4) While the Committee was pleased that the standard of completion was high overall and the majority of Members had taken seriously the responsibility to account for their time on County Council work, a small number of returns were so lacking in any detail that they gave little idea of the activities of the Members concerned, from the perspective of their constituents this will be monitored next year to ensure a consistently high standard from all Members. (These reports, together with Members' Registers of Interest and Party Related Transactions Forms have now been published on the KCC Website).

(5) The Committee was disappointed that some reports did not give specific information on the allocation of the Local Community Grants, and will give specific direction in this regard in the Guidance Notes sent out with the Annual Report forms next year. Some Members expressed concerns about the lack of ongoing training and the Committee hopes that the proposed Member Development Policy will address this issue.

(6) As is normal practice, the Committee will now carry out checks on a sample of forms in order to verify the information they contain.

Recommendation

The County Council is asked to note the contents of this report.

Miss R MacCrone
Chairman
Standards Committee

Background Documents: Nil.

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By: Paul Carter, Leader of the Council
Peter Gilroy, Chief Executive

To: Cabinet – 16 June 2008
County Council – 19 June 2008

Subject: POLICY FRAMEWORK

Classification: Unrestricted

Summary: Updating the authority's policy framework to reflect the current position.

FOR DECISION

Background

1 (1) Following the Best Value Review of Strategic Plans in 2002; and the Comprehensive Performance Assessment, the Policy Framework of the County Council has been reviewed regularly to ensure that it is sufficiently lean and effective. The Policy Framework defines those plans which are agreed by the Council (or by a Policy Overview Committee with Council endorsement) and was last amended in December 2006.

(2) The Policy Framework has been reviewed and amendments have been made to the Communities Directorates plans and strategies and agreed by the Communities Policy Overview Committee on 2 June 2008. The Cabinet at its meeting on 16 June 2008 recommended the attached list of plans to the Council for approval as its current policy framework

Recommendation

2 The County Council is requested to approve the attached list of plans as its current Policy Framework for inclusion in the Constitution.

Janice Hill.
Performance Manager
Performance Management Group
Ext. 1981

Policy Framework

PLANS AND STRATEGIES INCLUDED IN THE POLICY FRAMEWORK

Requiring Council debate and approval

Name of Plan
Annual Plan
Towards 2010
Vision for Kent (Community Strategy)

Requiring Committee approval and Council ratification

Adult Services Policy Overview Committee Name of Plan	Statutory	Duration of Plan	Next Plan Due	Notes
Active Lives	No	10 year vision from 2007, originally published in 2000	Will be revised in 2010-11	Policy document revised in 2006-7 with the new Directorate
Adult Services Framework	No	3 yearly with an annual review		New document re integrated services
Better Care, Higher Standards	Yes	Reviewed in 2 years	2010	Charter of standards rather than plan
Mental Health National Service Framework Local Implementation Plan	Yes	3 yearly		Reviewed annually
Supporting People	Yes	5 yearly Updated annually	April 2010	
Workforce Strategy	No	Annual		Social Care personnel document
A new Ambition for Old Age: Next Steps in Implementation of the Older People National Framework.	Yes	Reviewed in 3 years	April 2009	

Children's Services Policy Overview Committee Name of Plan	Statutory	Duration of Plan	Next Plan Due	Notes
Accessibility Strategy	Yes	Three years, 2003 to 2006 2007-2010	March 2010	Reviewed annually
Children's and Young People Plan	Yes	Three years, 2006 to 2009 –(2010) being refreshed due for publication October r 2008	2011	Multi-agency plan covered under the Children Act 2004
SEN Policy and Action Plan	Yes	Four years, reviewed annually	Sept 2011	SEN Code of Practice

Communities Policy Overview Committee Name of Plan	Statutory	Duration of Plan	Next Plan Due	Notes
Adult Education Service Strategic Plan 2008-2011	No	3 years	2008	New plan currently being drafted
The Strategic Framework for Sport in Kent 2008-2012	No	4 years, 2008-2012	2012	Monitored by a Kent and Medway Sports Board involving partner organisations
Kent Strategy for the 2012 Games	No	2007 – 2012	2012	Plan is phased – 2 nd phase is 2008 –2012, 3 rd phase is 2012 itself , 4 th phase is beyond 2012.
Children's & Young People Plan	Yes	Three years, 2006 to 2009 –(2010) being refreshed due for publication September 2008	2011	Multi-agency plan covered under the Children Act 2004
Community Safety Framework	No	3 yearly	2008	Currently being drafted
Cultural Strategy for Kent	No	TBC	July 2009	New Document
Youth Justice Self-Assessment	Yes	Annual	Autumn	New Youth

& Improvement Plan			2008	Justice Planning Framework 2008/9
Adult Treatment Services Plan	Yes	Annual	Early 2009	Drug Action Plan

Environment & Regeneration Policy Overview Committee Name of Plan	Statutory	Duration of Plan	Next Plan Due	Notes
Environment Strategy	No	10 years	Before 2013	
<i>Kent Prospects</i>	No	2007-2012	2012	Biennial progress reports produced
Local Transport Plan <u>2</u>	Yes	Five years 2006-2011	March 2011	Delivery report 2008: Draft to be produced by July 08 and final to be agreed with GOSE by Dec 08
The Joint Municipal Waste Management Strategy	Yes	20 years	2027	<u>Most recent JMWMS was 2006</u>
Kent & Medway Structure Plan)	Yes	2006-2021 (dwellings to 2016)	None	Current plan will be the last, being replaced by the South East Plan
Kent Minerals Local Plan (to be replaced by Minerals Development Framework)	Yes	<u>Approx 10 years</u>	N/A	<u>Adopted 1996</u>
Kent Waste Local Plan (to be replaced by Waste Development Framework by 2007)	Yes	<u>Approx 10 years</u>	N/A	<u>Adopted 1998</u>
<u>Minerals and Waste Development Framework</u>	<u>Yes</u>	<u>2006-2026</u>	<u>Current</u>	<u>In preparation. Timetable to be approved by KCC members and GOSE in April-May 2008 for adoption in 2010. Will be subject to quinquennial reviews</u>

By: Mike Harrison: Chairman, Regulation Committee
To: County Council – 19 June 2008
Subject: Request for amendment to the Constitution – Gating Orders.
Classification: Unrestricted

Summary: To request that the County Council amends the constitution to enable the making, variation or revocation of gating orders to be considered by a Regulation Committee Member Panel.

FOR DECISION

Introduction

(1) On 1 April 2006 the Highways Act 1980 (Gating Orders) (England) Regulations 2006 came into force. These Regulations brought into effect additional powers for the Highway Authority to make and revoke Gating Orders for a highway in order to prevent crime or anti-social behaviour on or adjacent to a highway. In order for the powers to be used the following amendments were made to the Constitution in May 2007.

(2) Appendix 2 Part 3 was amended by delegating to the Managing Director for Environment and Regeneration the power to make, vary or revoke Gating Orders.

(3) The Regulation Committee's terms of reference were amended by the addition of the following as function (f):

“the making, variation or revocation of Gating Orders in circumstances where substantive objections have been received.”

(4) The Regulation Committee currently considers a number of functions through the mechanism of a sub-committee or Member Panel. This enables the matter in question to be considered at length and in detail. I believe that the same benefits would arise from permitting Gating Orders to be considered in the same manner.

RECOMMENDATION

(5) I recommend that the County Council agrees to amend the Constitution so that Regulation Committee function (f) can be delegated to sub-committees or Panels.

Mike Harrison, Chairman, Regulation Committee
Background Information: *None*

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KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held at Sessions House, County Hall, Maidstone on Tuesday, 13 May 2008.

PRESENT: Mr R E King (Chairman), Mr A R Bassam (Vice-Chairman), Mr A R Chell (substitute for Mr T Gates), Mrs V J Dagger, Mr J A Davies, Mrs E Green, Mr C Hibberd, Mrs S V Hohler, Mr G A Horne, MBE, Mr S J G Koowaree, Mr T A Maddison, Mr R A Marsh, Mr J F London, Mr J I Muckle, Mr W V Newman, Mr A R Poole, Dr T R Robinson (substitute for Mr J B O Fullarton) and Mr F Wood-Brignall.

OTHER MEMBERS: Miss S J Carey and Mr R Truelove.

OFFICERS: The Head of Planning Applications Group, Mrs S Thompson (with Mr M Clifton, Mr J Crossley and Mr J Wooldridge); the Development Manager, Mr R White; and the Democratic Services Officer, Mr A Tait.

UNRESTRICTED ITEMS

32. Minutes

RESOLVED that the Minutes of the meeting held on 15 April 2008 are correctly recorded and that they be signed by the Chairman.

33. Site Meetings and Other Meetings

The Committee agreed to tour a number of permitted developments in West Kent on 17 June 2008. It also agreed to hold a public meeting in Sellindge on Tuesday, 24 June 2008; a site visit to Wrotham Quarry on 29 July 2008 and to Sevenoaks Quarry on 9 September 2008.

34. Application TM/07/4294 – Renewal of Permission TM/03/2785 in the Western Extension of Hermitage Quarry, Hermitage Lane, Aylesford; Gallagher Aggregates Ltd.

(Item C1 – Report by Head of Planning Applications Group)

(1) The Head of Planning Applications Group reported the views of the local Member, Mr G Rowe.

(2) The Committee noted an amendment to paragraph 22 of the report that average blast levels should usually be below 6mm/sec ppv in 95% of all blasts.

(3) RESOLVED that permission be granted to the application subject to conditions including conditions covering the standard time condition; noise; dust and odour controls; hours of working; scheme of working; and a restoration and blasting regime.

35. Application SH/08/351 – Variation of Conditions 2, 6 and 7 of Permission SH/03/62 and Condition 14 of Permission SH/04/1629 to allow use of the farm access road between Hope Farm and the B2011 New Dover Road to provide vehicular access to waste composting facility at Hope Farm, Crete Road East, Hawkinge; J Taylor and Son.

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

(1) The Head of Planning Applications Group reported the views of the local Member, Mr R A Pascoe.

(2) RESOLVED that permission be granted to the application subject to conditions including conditions limiting green waste vehicular movements to an average of 50 movements per week; all drivers delivering green waste to the site approaching from the B2011 New Dover Road direction and turning right on to the new access road; all green waste vehicles exiting the site by using the new access road onto the B2011 New Dover Road; additional warning signage being erected to alert delivery drivers of the Public Right of Way/Bridle and Cycle Path that cross the access road; and a scheme of landscaping.

36. Application MA/07/1649 – Development of an inert waste recycling facility at Allington Depot, 20/20 Industrial Estate, Allington, Maidstone; Hanson Quarry Products Europe Ltd

(Item C3 – Report by Head of Planning Applications Group)

RESOLVED that permission be granted to the application subject to conditions including conditions covering the development being carried out in accordance with the submitted plans; the submission of a full detailed drainage scheme for the site; hours of operation; material received on site not exceeding 110,000 tonnes per annum; stockpile heights not exceeding 6.5m above ground level; new landscape planting to infill the gap on the western boundary of the site and measures to prevent future encroachment on to it; and implementation of dust mitigation measures.

37. Proposal SH/07/261R - Single storey school to replace the existing Lympne Primary School. Minor amendments to the approved scheme, including revised height of the building at Lympne Primary School, Octavian Drive, Lympne, Hythe; KCC Children, Families and Education.

(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) The Head of Planning Applications Group reported the views of Shepway District Council and Lympne Parish Council.

(3) The Chairman agreed to investigate how the discrepancy between the original permission and the construction had occurred. The Committee expressed the hope that this would result in recommendations for best practice in the future.

(4) Mrs S V Hohler moved, seconded by Mr J I Muckle that the recommendation of the Head of Planning Group be agreed subject to an informative that any further proposed alterations to the building must be reported to the Committee for its determination.

Carried unanimously

(5) RESOLVED that:-

- (a) in terms of Option 1a; the amendment be refused on the grounds that the proposal gives rise to unacceptable amenity and environmental impacts and fails to protect and enhance the natural beauty of the AONB and the SLA contrary to Development Plan Policies QL1, EN4, EN5 and S1 of the Kent and Medway Structure Plan 2006 and Policies BE1, SD1, CO3 and CO4 of the Shepway District Local Plan;
- (b) in terms of Option 2a: approval be given to the amendment subject to conditions including conditions covering the development being carried out in accordance with the permitted details; the removal of permitted development rights; and a scheme of landscaping, its implementation and maintenance; and
- (c) the applicants be informed by Informative that any further proposed alterations to the building must be reported to the Committee for its determination.

38. Proposal DA/08/175 - New two-storey children's centre and use of the car parking spaces to the rear of properties 11 – 17 Southfleet Road during working hours at Swan Valley School, Southfleet Road, Swanscombe; KCC Children, Families and Education.
(Item D2 – Report by Head of Planning Applications Group)

RESOLVED that permission be granted to the proposal subject to conditions including conditions covering the development being carried out in accordance with the permitted details; the standard time limit; the submission of details relating to the lighting of the car park; submission of details of external materials; the provision of 10 car parking spaces for staff during opening hours; and hours of use for the Children's Centre being restricted to 0800 to 1800 Monday to Friday.

39. Proposal SW/04/1453/R4 – Submission of a report by Jacobs for KCC Regeneration and Economy investigating opening bridge designs for the proposed Milton Creek Crossing as part of the proposed Sittingbourne Northern Relief Road, Milton Creek, Sittingbourne.
(Item D3 – Report by Head of Planning Applications Group)

1) Mr R Truelove was present for this item pursuant to Committee Procedure 2.24 and spoke.

(2) The Head of Planning Applications Group reported correspondence from RSPB, Natural England, the Cruising Association and a local resident from Kemsley.

(3) Mr W Pretty, Mr B Broughton, Mrs L Tansley, Mr C Reader and Mr P MacDonald addressed the Committee in opposition to the proposal. Mr C Jones from Jacobs spoke in reply.

(4) Mr J I Muckle moved, seconded by Mr A R Poole that the recommendations of the Head of Planning Applications Group be agreed.

Carried 11 votes to 4

(5) Mr A R Chell, Mr J A Davies, Mr J F London and Mr R A March requested that their votes against the proposal be recorded pursuant to Committee Procedure Rule 2.20.

(6) Mr G A Horne asked the Committee to note that he had not voted on the proposal as he had been absent for part of the debate.

(7) RESOLVED that the findings of the investigation into an alternative bridge design be noted and that approval be given to the submitted report as satisfying Condition 4 of permission SW/04/1453.

40. County Matters dealt with under Delegated Powers

(Items E1-E6 – Reports by Head of Planning Applications Group)

RESOLVED to note reports on items 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 (None);
- (c) County Council developments;
- (d) detailed submissions under Channel Tunnel Rail Link Act 1996 (None);
- (e) screening opinions under Environmental Impact Assessment Regulations 1999; and
- (f) scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

KENT COUNTY COUNCIL

REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held at Sessions House, County Hall, Maidstone on Tuesday, 20 May 2008.

PRESENT: Mr M J Harrison (Chairman), Mr A D Crowther (Vice-Chairman), Mr T J Birkett, Mr C J Capon, Mr I S Chittenden, Mr L Christie, Mr J Curwood, Mr J A Davies, Mr T Gates, Mr C Hart, Mr W A Hayton, Mr I T N Jones and Mr R E King (substitute for Mr A R Bassam).

IN ATTENDANCE: The Head of Planning Applications Group, Mrs S Thompson (with Mr R Gregory); and the Democratic Services Officer, Mr A Tait.

UNRESTRICTED ITEMS

9. Membership

The Committee noted the appointment of Mr W A Hayton in place of Mr J B O Fullarton.

10. Minutes

RESOLVED that the Minutes of the meetings of the Committee held on 22 January 2008 and of the Member Panels held on 11 February 2008, 21 February 2008, 7 April 2008 and 11 April 2008 are correctly recorded and that they be signed by the Chairman.

**11. Update on Planning Enforcement issues
(Item 8)**

RESOLVED to:-

- (a) endorse the actions taken or contemplated on the respective cases set out in paragraphs 14 to 42 of the report and those contained within Schedules 1 to 3 of Appendices 1 to 3 on pages 4:11 to 4:29 of the report; and
- (b) note the independent publicity given to the County Council's enforcement work in the national professional journal "Waste Planning" in Appendix 4 of the report.

EXEMPT ITEMS

(Open Access to Minutes)

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

12. Enforcement Strategy for Four Gun Field, Otterham Quay Lane, Upchurch
(Item 7 – Report by Head of Planning Applications Group)

- (1) The Head of Planning Applications Group reported the latest enforcement position concerning the Four Gun Field site, Upchurch.
- (2) RESOLVED to endorse the strategy outlined in paragraphs 6 to 16 of the report.

13. Update on Planning Enforcement Issues at Deal Field Shaw, Charing
(Item 8- Report by Head of Planning Applications Group)

- (1) The Head of Planning Applications Group reported the latest enforcement position concerning Deal Field Shaw (Shaw Grange), Charing.
- (2) RESOLVED to endorse the enforcement strategy outlined in paragraphs 6 to 14 of the report.