

# KENT COUNTY COUNCIL

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MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 14 October 2010.

## PRESENT:

Mr W A Hayton (Chairman)  
Mrs P A V Stockell (Vice-Chairman)

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

IN ATTENDANCE: Katherine Kerswell (Group Managing Director) and Peter Sass (Head of Democratic Services and Local Leadership)

## UNRESTRICTED ITEMS

### 1. Introduction/webcasting

The Chairman stated that the meeting was being webcast live to the Internet and that if any member of the public did not wish to be filmed, they should let one of the officers know immediately.

The Chairman also stated that, for anyone speaking on any of the agenda items, it was important to use the microphones so that the viewers on the webcast and others in the Chamber could hear the debate.

The Chairman asked anyone with a mobile device such as a blackberry to turn it off as it could affect the audio systems in the Chamber. Finally, he advised everyone present where the nearest fire exit was in the event of a fire alarm.

### 2. Apologies for Absence

The Group Managing Director reported apologies from the following Members:

Mr Chris Smith

Mr Roger Frayne  
Mr Willie Richardson  
Mr Avtar Sandhu MBE  
Mr Chris Wells  
Mr Mike Whiting

The Chairman advised Members that both Mr Frayne and Mr Richardson were both very unwell and that he had sent messages of support and good wishes to both Members on behalf of the County Council.

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

The following personal interests were declared by Members:

Mr Ridings, who was a Member of the Kent Safeguarding Children's Board and the Kent Children's Trust.

Mr Lynes, who had occasionally worked for South East Employers as a regional assessor but had had nothing to do with KCC's application for the Member Development Charter.

Mr Manion, who had signed the petitions for Sampson Court and the A256.

Mrs Stockell, who was a member of the Executive Committee at South East Employers but had had nothing to do with KCC's application for the Member Development Charter.

Mr Crowther, who was a member of the Kent Children's Trust.

Mr Parry, who had been lobbied to sign the petitions on today's agenda.

Mr Sweetland, who was a non-executive Director of the West Kent Primary Care Trust.

### **4. Minutes of the meeting held on 22 July 2010 and if in order, to be approved as a correct record.**

Resolved: that the minutes of the meeting held on 22 July 2010 be approved as a correct record and signed by the Chairman.

### **5. Chairman's Announcements**

#### **1. Mr Roy Wayling Ford**

The Chairman informed the County Council with sadness and regret of the death on 9 October 2010, of Mr Roy Ford, the Labour Member for the Margate Central electoral division from 1993 to 2005. He advised that the funeral was taking place on Friday 15 October at 11.15am at St John's Church, Margate.

After tributes from a number of Members, all present stood in silence in memory of Mr Ford and the County Council passed a resolution in the following terms:

Resolved unanimously: that this Council desires to record the sense of loss it feels on the death of Mr Roy Ford and extends to his family and friends its heartfelt sympathy to them in their sad bereavement.

2. Chief Constable's Commendation for senior KCC lawyer Karina Vickerman

The Chairman advised Members that Karina Vickerman, Senior Legal Officer within KCC Legal Services, had been awarded a Chief Constable's Commendation in relation to a joint prosecution with Kent Police.

The commendation was recommended as a result of work Karina did with Kent Police's financial unit on a trade mark case, which led to £3.3million Confiscation Order.

The Chairman stated that, unfortunately, Karina could not be present today, but he met with her earlier in the week: she said that she was delighted about her award and the County Council agreed to offer their sincere thanks and congratulations to Karina on her achievement.

3. Award for the preservation of windmills

The Chairman stated that he had been advised by Mr Brazier that he attended Cranbrook Windmill on 17 September in his role as Heritage Champion and received an award on behalf of Kent County Council from The Society for the Protection of Ancient Buildings in recognition of its conservation work in respect of all eight of its windmills. The award consisted of a certificate and was displayed in the Chamber during the meeting.

4. New Chief Executive of the Connexions Service

The Chairman stated that he was pleased to introduce the new Chief Executive of the Kent and Medway Connexions Service, Mr Sean Kearns, who was present at the meeting. The Chairman added that Mr Kearns would be present for the lunch so that Members may have the opportunity of meeting him.

5. Commonwealth Games

The Chairman stated that there were a number of athletes with Kent connections who were competing and doing exceptionally well at the Commonwealth Games in Delhi – too many to mention, but there had been some medal success for Kent-based competitors and the County Council offered their sincere congratulations to all of the competitors in the Games.

6. South East Employers' Member Development Charter

The Chairman stated that he was delighted to advise Members that Kent County Council had been awarded the South East Employers' Member Development Charter following many months of hard work by both Members and Officers. The Chairman offered his particular thanks and congratulations to Mary Cooper, Member Liaison Manager, and Coral Ingleton, Learning and Development Manager, for their work on the award submission and preparation for the inspection, which took place approximately 3 weeks ago.

The Chairman then introduced the Chairman of South East Employers, Councillor Rory Love, who spoke about what was involved in being awarded the Charter and then made the formal presentation of the Award to the Chairman.

(In accordance with Council Procedure Rule 1.11, the Chairman proposed to vary the order of the agenda in order to take item 8 at this point, whilst Councillor Love was present. This was agreed).

## **6. South East Employers' Member Development Charter**

(1) Mr A J King moved, Mr A H T Bowles seconded the recommendation on page 12 of the Blue Book.

(2) In moving the recommendations, Mr King praised the dedication of Members and Officers in achieving the Charter and stated that KCC's Member Development function was well-placed to serve all Members well in the light of the impending responsibilities under the Localism Bill.

(3) After further discussion, it was Resolved: that

(1) the County Council agree to take forward the suggested areas for improvement and asks the Member Development Informal Member Group to prepare and implement an action plan for further improvement once the formal Charter report is received from South East Employers; and

(2) The County Council place on record its sincere thanks to Mary Cooper, Member Liaison Manager and Coral Ingleton, Learning and Development Manager, for the hard work and dedication in helping KCC to achieve this award.

## **7. Questions**

Under Procedure Rule 1.18 (4), 8 questions were asked and replies given.

## **8. Report by Leader of the Council (Oral)**

(1) The Leader updated the County Council on various matters since the last meeting in July 2010. Specifically, he mentioned the huge challenge that local government would face following the Comprehensive Spending Review announcement due on 20 October and the significant impact this would have on the funding of services. He described the various measures needed to ensure that the County Council was best placed to respond to this challenge; including reducing cost pressures, ensuring commissioning and procurement was as efficient and effective as possible, maximising income, and eliminating waste and inefficiency. He also mentioned the proposed senior officer restructuring that had been endorsed by the Cabinet earlier that week and was due to go out to consultation in the next few days; this was a crucial part of ensuring that the organisation was fit for the future.

(2) He also mentioned the launch for consultation of the County Council's new medium term strategic plan, Bold Steps for Kent, which was due to be adopted by the County Council on 16 December. He said that this would pave the way for KCC to

grow and develop its services in the light of the CSR and other factors, such as new legislation on education and health.

## **9. Towards 2010 - Closedown Report**

(1) Mr P Carter moved, Mr A King seconded the recommendations on page 14 of the Blue Book.

(2) Following a detailed debate covering many aspects of the report, it was:

Resolved: that the Towards 2010 Closedown report be approved and the excellent progress noted.

## **10. Annual Performance Report - 2009/10**

(1) Mr R Gough moved, Mr B Sweetland seconded the recommendations on page 312 of the Blue Book.

(2) Following a detailed debate covering many aspects of the report, it was:

Resolved: that (1) the Annual Performance Report and the achievements outlined therein be noted; and

(2) Sue Garton and Richard Fitzgerald be thanked for their hard work on this report.

## **11. Kent Safeguarding Children's Board Annual Report 2009/10 and Business Plan 2010-13**

(1) The Chairman introduced David Worlock, Chairman of the Kent Safeguarding Children Board and introduced the report.

(2) Mrs S Hohler moved, Mr L Ridings seconded the recommendations on page 351 of the Blue Book.

(3) After discussion, it was

Resolved: that the achievements, strategic aims and objectives of the Kent Safeguarding Children Board (KSCB) as outlined in the Annual Report 2009/10 and the Business Plan 2010/13 be received and endorsed.

## **12. Progress Report in response to Safeguarding Children in Kent: Defending and Developing the Service**

(1) The Chairman stated that the action plan referred to in paragraph 2 (1) (vii) on page 414 of the Blue Book was not circulated with the agenda papers in error. He added that copies were made available to all Members on Monday of the week of the meeting and spare copies were available from officers if required.

(2) Mrs S Hohler moved, Mr L Ridings seconded the recommendations on pages 420 and 421 of the Blue Book.

(3) After discussion, it was:

Resolved: that (1) the progress made in implementing the recommendations of the Safeguarding Children in Kent report, be noted; and

(2) the issues that have arisen from the unannounced inspection and the actions to address them be noted.

(In accordance with Council Procedure Rule 1.11, the Chairman proposed to vary the order of the agenda in order to take item 13 at this point, so as not to keep the petitioners waiting any longer beyond the estimated start time of their item. This was agreed).

### **13. Petition Scheme debates**

(1) The Chairman advised that, in accordance with Appendix 4 Part 2 of the Constitution, he had consented to this part of the meeting being filmed by the Kent Messenger Group.

(2) The Chairman advised that the County Council had received four petitions that met the criteria for a debate at the County Council meeting, in accordance with the Petition Scheme adopted in July 2010. He explained that three of the petitions related to the proposed closure of the Manorbrooke, Cornfields and Sampson Court older person's homes and that there would be a combined debate on those three petitions. The fourth petition related to a highways matter in the Dover District, which would be dealt with as a separate debate.

#### **Proposed closure of the Manorbrooke, Cornfields and Sampson Court care homes for older people**

(3) The following individuals addressed the County Council meeting on the various petitions:

1. Mrs Yvette Knight – the lead petitioner for the Manorbrooke petition.
2. Mrs Penny Cole – the local Member for the Manorbrooke petition.
3. Councillor Wendy Bowman, Whitfield Parish Council – the lead petitioner for the Cornfields petition.
4. Mr Bryan Cope – the local Member for the Cornfields petition.
5. Mrs Hubble – the lead petitioner for the Sampson Court petition.
6. Mrs Julie Rook – the local Member for the Sampson Court petition.

(4) The Chairman then opened the debate to the floor and a number of other Members spoke on the petitions.

(5) In accordance with Council Procedure Rule 1.12 (2), the Chairman moved, the Vice Chairman seconded and it was:

Resolved: that the meeting be extended to no later than 5.00pm

(6) The Chairman then invited the Cabinet Member for Adult Social Services, Graham Gibbens, to respond to the debate and describe how he intended to take the petitioners' concerns forward. Mr Gibbens began by thanking the petitioners and Members for addressing the meeting on this important topic and stated that he

completely understood the effect that the consultation process was having on residents and their family and friends. Mr Gibbens also stressed that this consultation exercise was not primarily about money. He spoke about the way in which care was provided for older people in the future would change, with particular reference to the increasing number of 85+ year olds and people suffering from dementia and that the aim was to support, encourage and help people to remain in their own homes for as long as possible. He stressed on several occasions that this was an ongoing consultation exercise and that no decisions had been taken. However, if a closure eventually took place, it would not happen until alternative arrangements were available and this would apply equally for residential care, respite care and day care. He also reassured the petitioners that no residents would be out of pocket; so if a resident wanted to remain with their friends but this meant moving to a higher cost home, this additional funding would not fall upon the resident. Mr Gibbens also stated that the idea floated by Mrs Rook that Sampson Court could be run as a social enterprise company by the local community was being actively investigated and that he would be happy to meet with Mrs Rook and others to explore this further. Finally, Mr Gibbens stated that he was appreciative of all of the speakers' contributions, especially the petitioners and that he was encouraged by the massive interest shown, which was helpful to him. He assured the meeting that the views expressed by the petitioners and other speakers would be borne out in any decisions that are taken in the future.

### **Request for the re-opening of right turns off the A256 from Sandwich towards Dover**

(7) The following individuals addressed the County Council on the petition:

1. Councillor M Ovenden, Eythorne Parish Council and Lady Julia Pender, a Tilmanstone parishioner – the lead petitioners.
2. Mr S Manion – the local Member for the petition

(8) The Chairman then opened the debate to the floor and a number of other Members spoke on the petition.

(9) The Chairman then invited the Cabinet Member for Environment, Highways and Waste, Mr N Chard, to respond to the debate and describe how he intended to take the petitioners' concerns forward. Mr Chard began by stating that he had listened with interest to the debate and that he would consider carefully to the real concerns that the community had about the road closures. In particular, he stated that it was vitally important to support and promote the rural economy in Kent. He also stated that he needed to balance the additional inconvenience of travelling an extra 1-2 miles, with the issue of safety. He highlight the County Council's achievement under Target 59 of the 'Towards 2010' report, where KCC had worked together with the police and other partners to reduce the number of deaths and serious casualties from road accidents. He also mentioned the letter dated 9 April 2008 from Her Majesty's Coroner for Kent, which had been circulated with the agenda, in which it was stated that the Coroner would be making a report under Rule 43 of the Coroners' Rules 1984. A Rule 43 report was made where, in the opinion of the Coroner, action could be taken by the relevant authorities to prevent similar fatalities. Mr Chard concluded by saying that he would not make a decision on this matter today, but would take into account all of the information available to him,

together with the comments made during the debate by the petitioners and Members before coming to a decision in due course.

#### **14. Treasury Management Annual Review**

(1) The Chairman stated that, as the extended time for the meeting had now been reached, this item, which contained recommendations by a Cabinet Member, was deemed to be approved in accordance with Council Procedure Rule 1.12 (2). Accordingly, it was:

Resolved: that the Treasury Management Annual Review be formally approved.

#### **15. Reporting of Urgent Key Decisions taken in the Previous Quarter**

(1) The Chairman stated that, as the extended time for the meeting had now been reached, this item, which contained recommendations by a Cabinet Member, was deemed to be approved in accordance with Council Procedure Rule 1.12 (2). Accordingly, it was:

Resolved: that the report detailing the two urgent key decisions that were taken in the last quarter, as described in the report, be noted.

#### **16. Minutes for Approval - Governance and Audit Committee - 15 September 2010**

(1) The Chairman stated that, as the extended time for the meeting had now been reached, these minutes would be placed on the agenda for the next meeting for approval.

#### **17. Minutes for Information**

(1) The Chairman stated that, as the extended time for the meeting had now been reached, these minutes would be placed on the agenda for the next meeting for information.