

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 11 December 2008.

PRESENT:

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

Mrs A D Allen, 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 C J Capon, Ms S J Carey, Mr P B Carter, Mr N J D Chard, Mr A R Chell, Mr I S Chittenden, Mr L Christie, Mr B R Cope, Mr G Cowan, Ms C J Cribbon, Mr A D Crowther, Mr J Curwood, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mrs T Dean, Dr M R Eddy, Mr K A Ferrin, MBE, Mr C G Findlay, Mr M J Fittock, Mr J B O Fullarton, Mr T Gates, Mr G K Gibbens, Mr R W Gough, Ms A 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 E E C Hotson, Mr I T N Jones, DL, Mr R E King, Mr A J King, MBE, Mrs J Law, Mr J F London, Mr R L H Long, TD, Mr K G Lynes, Mr T A Maddison, Mr R F Manning, Mr R A Marsh, Mr J I Muckle, Mr W V Newman, DL, Mr M J 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, Ms B J Simpson, Mr D Smyth, Mr M V Snelling, Mr R Tolputt, Mr R Truelove, Mrs E M Tweed, Mr M J Vye, Mr C T Wells, Mr B P Wood and Mr F Wood-Brignall

IN ATTENDANCE: Mr P Gilroy (Chief Executive) and Mr G Wild (Director of Law and Governance)

UNRESTRICTED ITEMS

1. Declarations of Interest

There were no declarations of personal or prejudicial interests by Members in any item on the agenda.

2. Minutes of the meeting held on 16 October 2008

RESOLVED that the Minutes of the meeting held on 16 October 2008 are correctly recorded and that they signed by the Chairman.

3. Chairman's Announcements

1. Petitions

The Chairman formally received a petition from the parents of Kennington Junior School in Ashford regarding the condition of the buildings on the site, which was handed to Mr Mark Dance, Cabinet Member for Operations, Resources & Skills CFE, for attention.

The Chairman formally received a petition from the Maidstone Green Party regarding safety on the roads in Maidstone, which was handed to Mr Keith Ferrin, Cabinet Member for Environment, Highways and Waste, for attention.

2. Spirit of the Community Initiative

The Chairman drew the Council's attention to a letter he had received from the Lord Lieutenant of Kent, who wishes to initiate a celebration of the great variety that makes up the Spirit of the Community across our County. The Chairman asked for Members' ideas for the initiative, so that the Chairman could respond to the Lord Lieutenant.

3. Kent Archaeological Award for Co-operation 2008

The Chairman formally reported receipt of a certificate for outstanding co-operation and support to windmills in Kent, from the Chairman of the Council for Kentish Archaeology.

4. Mrs Christine Angell

The Chairman stated that Mrs Angell was poorly, following a hip operation and wished her a speedy recovery on behalf of the Council.

5. Memorial Service for Lord Bruce-Lockhart

The Chairman welcomed the recent memorial service for Lord Bruce-Lockhart, which was a sentimental and uplifting occasion and thanked Members for their support and the Civic Office and others for ensuring that the day was a great success and a fitting tribute to a remarkable man. He added that Lady Bruce-Lockhart had written to the Chairman to thank the County Council for arranging the service.

6. Lunch for the Wooden Spoon Charity

The Chairman stated that he had hosted a lunch for the Wooden Spoon Rugby Charity, who raised substantial sums of money for respite care in Kent and he encouraged Members to support the charity.

7. Royal Regiment of Scotland

The Chairman referred to the award of the Honorary Freedom of the City of Canterbury, awarded to the Royal Regiment of Scotland (Argyll and Sutherland Highlanders, 5th Battalion Royal Regiment of Scotland), on Sunday 7 December, which was a very successful event.

4. Questions

Under Procedure Rule 1.18, 11 questions were asked and replies given. One question was not asked because of the absence of the questioner.

5. Report by Leader of the Council

(1) Under Procedure Rule 1.20, the Council agreed that, on this occasion, the length of the Leader's oral report be extended by 3 minutes to 13 minutes and the responses of the Leaders of the other two political groups be extended by 3 minutes to 10 minutes each.

(2) The Leader began by looking back over the previous 12 months; commenting on the retention by the Council of its 4-star status following the CPA Corporate Assessment and Joint Area Review; the recent CSCI inspection of Adult Social Services, which had seen the retention of the top 3-star rating; the best education results ever at Key Stage 1 and 4; successful negotiations with the Government about KCC's asylum costs; the Capital Programme being on track to be delivered; and, good progress being made on the shape of next year's budget, with the aim of keeping the Council Tax as low as possible. In light of the ongoing global economic situation, he spoke about the programme of measures being put in place to support business in Kent and the increasing work being done to promote the modern apprenticeships programme. He mentioned the sad loss of Lord Bruce-Lockhart and John Law, adding that the influence of both Members was already being missed.

(3) Referring to the two Motions for time-limited debate, the Leader spoke about the review of the PIPKIN system that Mr Ferrin was leading on, to which Mrs Dean and Dr Eddy had been invited to be involved. He also mentioned a proposed substantial increase in resources for improvements to roads and pavements in Kent, together with an enhanced role for Members in being able to commission work in their electoral Divisions.

(4) On Child Protection, the Leader referred to the additional resources that were being allocated to the Children, Families and Education Directorate in the forthcoming budget round and the review being led by the Chief Executive on the process for child protection work within Kent. He had asked for the review to be completed by the end of January and stated that both Dr Eddy and Mrs Dean would be invited to attend a meeting to discuss the findings of the review.

(5) With the permission of the Chairman, Mr Chittenden was invited to speak on this item. Mr Chittenden, with the consent of his seconder and the Council formally withdrew his Motion for time-limited debate.

6. Select Committee Report - Accessing Democracy

RESOLVED that:

- (a) the Select Committee report and its recommendations be endorsed by the County Council;
- (b) the Select Committee be thanked for an excellent report on a complex, challenging and emotive issue;
- (c) the witnesses and others who provided evidence and made valuable contributions to the work of the Select Committee be thanked; and
- (d) an annual report be submitted to the County Council on the progress of agreed recommendations of recent Select Committees.

7. Member Development Policy

RESOLVED that the Member Development Policy be approved for incorporation into the County Council's Constitution.

8. IMG Report on Member Information

RESOLVED that the recommendations of the Informal Member Group of Member Information as set out in Appendix 1 to the report be approved.

9. Update on Localism

RESOLVED that the progress in responding to the range of emerging Community Engagement pilots across the County be noted.

10. Preparing the County Council for Future Challenges

(1) Mr P Carter moved, Mr A King seconded the recommendations contained on page 45 of the Blue Book, subject to a minor alteration to (d), when the voting was as follows:

For – 42

Mrs A D Allen, Mr M J Angell, Mr R Bliss, Mr A H T Bowles, Mr D L Brazier, Mr J R Bullock, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mr A R Chell, Mr B R Cope, Mr A D Crowther, Mr J Curwood, Mrs V J Dagger, Mr M C Dance, Mr C G Findlay, Mr J B O Fullarton, Mr T Gates, Mr G K Gibbens, Mr R A Gough, Mr W A Hayton, Mr D A Hirst, Mrs S V Hohler, Mr A J King, Mr R E King, Mr J F London, Mr R L H Long, Mr K J Lynes, Mr R Manning, Mr M Northey, Mr R J Parry, Mr R A Marsh, Mr L B Ridings, Dr T R Robinson, Mr J E Scholes, Mr J D Simmonds, Ms B Simpson, Mr M V Snelling, Mr R Tolputt, Mrs E Tweed, Mr C Wells and Mr F Wood-Brignall.

Abstain – 18

Mr T Birkett, Mr I Chittenden, Mr L Christie, Ms C J Cribbon, Mrs T Dean, Dr M R Eddy, Mr M J Fittock, Ms A Harrison, Mr C Hart, Mr T Maddison, Mr W V Newman, Mr R J E Parker, Mr A R Poole, Mrs E Rowbotham, Mr G Rowe, Mr D Smyth, Mr R Truelove and Mr M J Vye.

Against – 1

Mr I T N Jones.

Carried

(2) RESOLVED that:

- (a) the contents of the report be noted;
- (b) the actions taken to date to commence senior management structure reviews in the KASS, CFE and E&R Directorates and the CED be endorsed;
- (c) the interim arrangements put in place to maintain continuity and capability pending the outcome of the reviews be endorsed;
- (d) authority be delegated to the Chief Executive, in consultation with the Leader and Cabinet, to implement the findings of those reviews, referred to in paragraph 20 of the report, save those which the Constitution specifically reserves to the County Council; and

- (e) the changes to Appendix 8 of the Constitution with regard to the composition and overall senior management structure of the organisation be approved.

11. Proposed Amendments to the Constitution

(1) With the permission of the County Council, the Chairman stated that the five separate reports contained within agenda item 11 (a to e) would be taken together.

(2) Mr A King moved, Mr K Lynes seconded the proposed amendments to the Constitution, subject to the addition of the words “and their carers” after the words “social care needs” in the 3rd bullet point under the description of the role of the Director of Adult Social Services (item 11a).

Carried without a vote.

(3) RESOLVED that:

- (a) the Constitution be amended to include the responsibilities of the Director of Adult Social Services (known in Kent as the Managing Director of Adult Social Services) and the Director of Children’s Services (known in Kent as the Managing Director of Children, Families and Education) as statutory Chief Officers, as described in the report, subject to the addition of the words “and their carers” after the words “social care needs” in the third bullet point under the description of the role of the Director of Adult Social Services;
- (b) the adoption of the Leader and Cabinet Executive model in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 together with the appropriate alterations to the Constitution as outlined in paragraphs 4 and 5 of the report be approved;
- (c) the request of the Children, Families and Education Policy Overview Committee to establish a Local Children’s Partnership (LCSP) Sub-Committee on a permanent basis and include in its membership a Church and Teacher Advisory representative, with Terms of Reference as set out in Appendix 1 to the report be approved;
- (d) the formal appointment of a Children’s Champions Board, with Terms of Reference as set out in Appendix 2 of the report be approved;
- (e) the Children’s Champions Board be requested to reflect on the discussion of the three Group Leaders on 11 November 2008, as follows:
 - (i) the definition of the role of the elected Member as a corporate parent; and
 - (ii) that the Children’s Champions Board be asked to submit an annual report to the County Council on the work of the Board. Within this annual report, it would be helpful to include information on the number of Looked After Children places by other authorities in Kent and information on the number of Looked After Children placed within each Member’s electoral division including information on the educational achievement and attainment of these children.

- (f) the Public Relations Protocol for Select Committee Reviews and reports as set out in Appendix 1 to the report be approved;
- (g) that further discussions take place between the Policy Overview Coordinating Committee, the Chairman of the County Council and Members of the Cabinet on the process for launching Select Committee reviews; and
- (h) the proposed amendments to the Constitution in relation to Overview and Scrutiny, as set out in the Appendix to the report be approved.

12. Urgent Decision Item - Quarterly Report

RESOLVED that the quarterly report of Key Decisions that had been taken as a matter of urgency in the previous 3 months be noted.

13. Motion for Time Limited Debate - Dr M Eddy will move, Mr M Fittock will second:

- (1) Dr M Eddy moved, Mr M Fittock seconded:

“That this Council, following the recommendation of the NSPCC, requires its Children, Families & Education Directorate to:

- (a) carry out an urgent review of Kent’s Child Protection framework and procedures; and
- (b) carry out a specific review of its child protection plans, identifying those children at risk of the most serious harm examining especially closely those cases where decisions not to take legal proceedings have followed significant recorded dissent between professionals and/or managers, where children are on interim care orders and are still at home and where children are subject of an unfinished police investigation into maltreatment.

This Council also requires the results of these reviews to be compiled and circulated in a written report to all Members by the end of January 2009, with any personal data anonymised as necessary”.

- (2) Dr Eddy, with the consent of his seconder and the Council agreed to a request by the Leader to add the words “the Chief Executive, working with the” and the deletion of the word “its” after the word “requires” in the introduction to this Motion.

- (3) Mr M Vye moved, Mrs T Dean seconded as an amendment the addition of a new sub paragraph (c) as follows:

“present the results of these reviews to a special meeting of the Children's Champions Board in January, for scrutiny”.

- (4) Dr Eddy with the consent of his seconder and the Council agreed to incorporate the tenet of Mr Vye’s amendment into the last paragraph of his motion.

(5) RESOLVED that this Council, following the recommendation of the NSPCC, requires the Chief Executive, working with the Children, Families & Education Directorate to:

(a) carry out an urgent review of Kent's Child Protection framework and procedures; and

(b) carry out a specific review of its child protection plans, identifying those children at risk of the most serious harm examining especially closely those cases where decisions not to take legal proceedings have followed significant recorded dissent between professionals and/or managers, where children are on interim care orders and are still at home and where children are subject of an unfinished police investigation into maltreatment.

This Council also requires the results of these reviews to be compiled and circulated in a written report to all Members by the end of January 2009, and presents the results of these reviews to a special meeting of the Children's Champions Board in the same month, with any personal data anonymised as necessary.

Carried without a vote.

14. Motion for Time Limited Debate - Mr I Chittenden will move, Mr D Daley will second:

The Chairman informed the Council that Mr Chittenden with the consent of his seconder and the Council had withdrawn this motion.

15. Minutes for Information

Pursuant to Procedure Rules 1.23 (4), the Minutes of the Planning Applications Committee held on 7 October and 4 November 2008, were noted.