

# 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 Wednesday, 6 April 2011.

## 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 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 G Cowan, 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, Ms A Hohler, Mrs S V Hohler, Mr P J Homewood, Mr E E C Hotson, Mr M J Jarvis, Mr A J King, MBE, Mr R E King, Mr J D Kirby, 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 R F Manning, Mr R A Marsh, Mr M J Northey, Mr J M Ozog, Mr R J Parry, Mr T Prater, Mr K H Pugh, Mr L B Ridings, MBE, Mr M B Robertson, Mrs J A Rook, Mr A Sandhu, MBE, Mr J E Scholes, Mr J D Simmonds, Mr C P Smith, Mr M V Snelling, Mr B J Sweetland, Mr R Tolputt, Mrs E M Tweed, Mr M J Vye, Mrs C J Waters, Mr J N Wedgbury, Mr C T Wells, Mr M J Whiting, Mrs J Whittle, Mr M A Wickham Mr A T Willicombe

IN ATTENDANCE: Katherine Kerswell (Managing Director), Geoff Wild (Director of Governance and Law), Peter Sass (Head of Democratic Services and Local Leadership)

## UNRESTRICTED ITEMS

### 9. 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.

Finally, he advised everyone present where the nearest fire exit was in the event of a fire alarm.

### 10. Apologies for Absence

The Managing Director reported apologies from the following Members:

Mr Cope  
Mr Manion

Mr Pascoe  
Mr K Smith

## **11. Declarations of Interest**

Mr Cowan declared a personal interest in item 10 (Governance Arrangements for Children's Social Care improvement), as he and his wife were foster carers.

## **12. Minutes of the meeting held on 17 February 2011 and if in order, to be approved as a correct record.**

Resolved: that the Minutes of the meeting held on 17 February 2011 be approved as a correct record and signed by the Chairman.

## **13. Chairman's Announcements**

### **(a) Death of Mr Julian Paul**

The Chairman stated that, it was with regret that he learnt of the death on Thursday, 17 March, 2011 of Mr Julian Paul, the former Conservative County Councillor for Sevenoaks West, who served on the County Council between 1985 and 1993. The Chairman reported that a memorial service was being held on Monday 11th April, 2011, at St. Martin's Church, Brasted, commencing at 2.00 pm if any Member wished to attend.

Mrs Hohler and Mr London gave tributes to Mr Paul.

All Members stood in silence in memory of Mr Paul.

After the silence, it was moved by the Chairman, seconded by the Vice Chairman and:

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

### **(b) Improvement Efficiency South East Award**

The Chairman stated that he was delighted to advise the County Council that KCC's Climate Change Team had won the Progress through Innovation Award at the Improvement Efficiency South East Awards on 22 March. The Award was displayed in the Council Chamber. The Chairman offered his sincere congratulations to all concerned

### **(c) South East Employers' Member Development skills portal**

The Chairman stated that colleagues from South East Employers were demonstrating the Member Development Skills Portal in the foyer between the Council Chamber and the Darent Room. The Skills Portal was an innovative tool enabling both self and 360° feedback against the Political Skills Framework and the Chairman encouraged Members to visit their stand.

(d) Kent Invicta Award

The Chairman stated that, later in the meeting, it would be his great pleasure to present the 2011 Kent Invicta Award to Allan Willett, the Lord Lieutenant of Kent and that he envisaged the Awards Ceremony beginning at approximately 12.45 pm.

**14. Questions**

Under Procedure Rule 1.18 (4), 7 questions were asked and responses given.

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

(1) The Leader updated the County Council on events since the last County Council meeting. In particular, he spoke about the massive challenge facing the County Council to deliver the ambitious revenue and capital budget for 2011/12 and to start delivering the bold steps for Kent that the County Council had agreed to tackle. He offered his thanks to those who had delivered the Change to Keep Succeeding proposals on time and stated that the new Directorates were now fully operational from 4 April. Mr Carter offered his particular thanks to those senior officers who had devoted their energies to helping KCC achieve what it had done to date but who were no longer part of the new Council; and he welcomed the new permanent and interim senior managers to KCC to continue serving the residents of Kent.

**16. Local Transport Plan for Kent 2011-16**

(1) Mr Sweetland moved, Mr Brazier seconded that the third Local Transport Plan for Kent 2011-16 be approved and adopted by the County Council

(2) After a detailed debate covering many aspects of the report, the Chairman put the recommendation to the County Council and it was:

Resolved: that the third Local Transport Plan for Kent 2011-16 be approved and adopted.

**17. Retirement Age Policy**

(1) Mr Carter moved, Mr Pugh seconded the recommendations contained on page 27 of the County Council agenda.

Resolved that:

- (i) the County Council agrees not to seek to justify a mandatory retirement age for KCC employees; and
- (ii) the Personnel Committee be asked to review this policy annually in the light of evolving organisational needs, workforce composition and developments in the labour market.

## **18. Accountability Protocol for the Director of Children's Services**

(1) Mrs Whittle moved, Mr Lake seconded the recommendation on page 29 of the County Council agenda.

Resolved: that the accountability protocol for the Director of Children's Services, as appended to the report, be approved and the Director of Governance and Law be authorised to make amend the Constitution accordingly.

## **19. Governance Arrangements for Children's Social Care Improvement**

(1) Mrs Whittle moved, Mr Lake seconded the recommendations on page 37 of the County Council agenda.

(2) During the debate and with the consent of her seconder, Mrs Whittle clarified that both the proposed Children's Services Improvement Panel and the Corporate Parenting Panel would have a cross-party membership of a minimum of eight Members but that proportionality would not apply, so that all political groups could be represented on these important Panels without them becoming too large and unwieldy.

(3) Mr Carter also clarified during the debate that he would be asking the Chairman to agree that the Children's Services Improvement Plan should be the subject of a formal presentation and full debate at the next County Council meeting in May.

Resolved that:

- (i) the Children's Champion Board be formally disbanded, and
- (ii) the County Council approves the establishment of the:
  - (a) Kent Improvement Board and draft terms of reference, as set out in Appendix 1 to the report;
  - (b) Children's Services Improvement Panel and draft terms of reference, as set out in Appendix 3 to the report; and
  - (c) Corporate Parenting Panel and draft terms of reference, as set out in Appendix 4 to the report.
- (iii) the Cabinet Member for Specialist Children's Services be asked to ensure that both the Children's Services Improvement Panel and the Corporate Parenting Panel should contain a minimum of eight Members each but that all political groups should be given the opportunity to nominate a Member or Members to serve on these Panels and that proportionality rules would not apply.

## **20. Kent Invicta Award**

(1) The Chairman of the County Council presented the Kent Invicta Award to Allan Willett, Lord Lieutenant of Kent.

## **21. Proposed Revised Committee Structure and Proportionality**

(1) Mr A King moved, Mrs Rook seconded the recommendations on page 52 of the County Council agenda.

(2) In moving the recommendations, Mr King stated that the County Council's agreement under the previous main agenda item to formally disband the Children's Champions Board did not affect the numbers of seats for each political group on the remaining bodies listed in the table on pages 50 and 51 of the report.

Resolved that:

- (i) the revised Committee structure and proportionality calculations, including the establishment of the Education, Learning and Skills POSC; the Adult Social Services & Public Health POSC; the Specialist Children's Services POSC; and the Customer and Communities POSC, be approved; and
- (ii) the Independent Member of the Regulation Committee be offered a seat on one of its Panels whenever either the Conservative or Liberal Democrat Group elect to give up a place.

## **22. Motion for Time Limited Debate**

(1) At the beginning of this item, a number of points of order were raised by Members and the Director of Governance and Law advised that the view might well be taken that the subject of the Motion being proposed by Mr Cooke was "a matter of concern to the County of Kent" in accordance with Council Procedure Rule 1.22 (1) of the Constitution, but that ultimately, it was a matter for the Chairman to decide if it was in order. He advised the County Council that local authorities were prohibited from issuing any publicity for or against a matter that was the subject of a referendum within 28 calendar days of the referendum taking place; i.e. midnight on 6 April 2011, but that there were no restrictions on how the local media reported the County Council's debate. He also advised that there were no restrictions on the participation in the debate of any candidate in the forthcoming District or Borough Elections on 5 May on the basis that, whilst there were a number of twin-hatted Members on the County Council, participation in this debate was clearly County Council business.

(2) The Chairman confirmed that he had discussed the Motion with the Director of Governance and Law prior to the agenda being finalised and had ruled that it was in order.

(3) Mr G Cooke moved and Mrs J Rook seconded:

"This Council resolves to reject the alternative voting system as being proposed in the referendum to be held on the 5th May 2011 and calls upon the residents of Kent to vote no."

(4) After discussion, the Chairman put the Motion to the vote, where the result was as follows:

For (55)

6 APRIL 2011

Mrs A Allen, Mr M Angell, Mr A Bowles, Mr R Burgess, Mr C Capon, Miss S Carey, Mr P Carter, Mr N Chard, Mr A Chell, Mr G Cooke, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr K Ferrin, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr C Hibberd, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr M Jarvis, Mr A King, Mr R King, Mr J Kirby, Mr P Lake, Mrs J Law, Mr J London, Mr R Long, Mr K Lynes, Mr R Manning, Mr M Northey, Mr J Ozog, Mr K Pugh, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Scholes, Mr C Smith, Mr M Snelling, Mrs P Stockell, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle, Mr A Willicombe, Mr A Wickham

Abstain (2)

Mr R Brookbank, Mr J Simmonds

Against (11)

Mr I Chittenden, Mr L Christie, Mr G Cowan, Mr D Daley, Mrs T Dean, Mrs E Green, Mr G Koowaree, Mr R Lees, Mr T Prater, Mr M Robertson, Mr M Vye

*Carried*

Resolved: that this Council resolves to reject the alternative voting system as being proposed in the referendum to be held on the 5th May 2011 and calls upon the residents of Kent to vote no.

### **23. Minutes for Information**

(1) Pursuant to Procedure Rule 1.10 and 1.23(1), the Minutes of the Planning Applications Committee (7 December 2010, 20 January, 15 February and 15 March 2011); the Regulation Committee (25 January 2011); and the Superannuation Fund Committee (11 February and 4 March 2011) were noted.