



Summons to and
Agenda for a
Meeting on
Wednesday 6 April 2011
At **10.00 am**



DEMOCRATIC SERVICES
SESSIONS HOUSE
MAIDSTONE

Monday, 28 March 2011

To: All Members of the County Council

Please attend the meeting of the County Council in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 6 April 2011 at **10.00 am** to deal with the following business. **The meeting is scheduled to end by 4.30 pm.**

Webcasting Notice

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site – at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

By entering the meeting room you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured then you should make the Clerk of the meeting aware.

A G E N D A

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the meeting held on 17 February 2011 and if in order, to be approved as a correct record. (1 - 16)
4. Chairman's Announcements
5. Questions (17 - 24)
6. Report by Leader of the Council (Oral)
7. Local Transport Plan for Kent 2011-16 (25 - 30)
8. Retirement Age Policy (31 - 36)
9. Accountability Protocol for the Director of Children's Services (37 - 42)
10. Governance Arrangements for Children's Social Care Improvement (43 - 56)
11. Proposed Revised Committee Structure and Proportionality (57 - 60)

12. Motion for Time Limited Debate

Mr G Cooke will move and Mrs J Rook will second:-

“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.”

13. Minutes for Information

(61 - 96)

- (a) Planning Applications Committee – 7 December 2010, 20 January, 15 February and 15 March 2011
- (b) Regulation Committee – 25 January 2011
- (c) Superannuation Fund Committee – 11 February and 4 March 2011



Peter Sass
Head of Democratic Services and Local Leadership
01622 694002

NB: Five Policy Overview and Scrutiny Committee meetings will take place in the Council Chamber immediately on the rising of the County Council or the preceding Committee, whichever is the later, for the purpose of election of Chairman and Vice Chairman (details to follow).

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 17 February 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 J R Bullock, MBE, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mr A R Chell, Mr L Christie, Mrs P T Cole, Mr N J Collor, Mr G Cooke, Mr B R Cope, Mr G Cowan, Mr H J Craske, Mr A D Crowther, Mr J M Cubitt, 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 S J G Koowaree, Mr P W A Lake, 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, 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 K 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 A T Willicombe

IN ATTENDANCE: Katherine Kerswell, Group Managing Director, Geoff Wild, Director of Law and Governance, 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 Capon
Mr Chittenden
Mr Kirby
Mrs Law
Mr Wickham

3. Declarations of Interest

Mrs Cole declared a personal interest in item 8 (Medium Term Financial Plan 2011-13 (incorporating the Budget and Council Tax Setting for 2011/12)) as her daughter was in receipt of transport to a denominational school.

Mr Sweetland declared a personal interest in item 8 (Medium Term Financial Plan 2011-13 (incorporating the Budget and Council Tax Setting for 2011/12)) because of his position as a non-executive Director of NHS West Kent (Primary Care Trust).

Mr Koowaree declared a personal interest in item 8 (Medium Term Financial Plan 2011-13 (incorporating the Budget and Council Tax Setting for 2011/12)) as his daughter worked at one of the Children's Centres.

Mrs Whittle declared a personal interest in item 8 (Medium Term Financial Plan 2011-13 (incorporating the Budget and Council Tax Setting for 2011/12)) as her husband, who works for KCC, was in receipt of senior officers' medical insurance.

4. Minutes of the meetings held on 16 December 2010 and if in order, to be approved as a correct record.

Resolved: that the minutes of the meeting held on Thursday, 16 December 2010, be approved as a correct record and signed by the Chairman.

5. Chairman's Announcements

(a) New Members

The Chairman welcomed the following new and in one case, returning Members to the County Council:

Mr Gordon Cowan – the newly elected Member for the Dover Town Division
Ms Alice Hohler – the newly elected Member for the Tonbridge Division
Mrs Carole Waters – the newly elected Member for the Romney Marsh Division

(b) New Year's Honours

The Chairman stated that it was his great pleasure to inform the County Council of the following Awards in the New Year's Honours list:

Officers of the Order of the British Empire

Mr Colin Carmichael, Chief Executive, Canterbury City Council - for services to Local Government

Mrs Amanda Cottrell, Chairman, Visit Kent - for services to the community in Kent

Member of the Order of the British Empire

Mr Leyland Bradshaw Ridings, KCC Member for the Sandwich Electoral Division - for Services to Local Government

The Chairman moved, the Vice Chairman seconded and it was:

Resolved unanimously: that this Council records its sincere congratulations to Mr Colin Carmichael, Mrs Amanda Cottrell and Mr Leyland Ridings for the Honours they have received.

(c) MRS Research Award

The Chairman stated that he was delighted to advise the County Council that the SILK (Social Innovation Lab for Kent) team had won a prestigious MRS Research Award. MRS Research Awards promote outstanding achievement, innovation and effectiveness, recognise and celebrate the contribution that research makes to business, communication and policy making. The Award was displayed in the Council Chamber.

(d) Managing Director of Kent Adult Social Services

The Chairman stated that Oliver Mills, Managing Director of Kent Adult Social Services, was due to leave KCC at the end of March after 23 years' service.

Oliver started working at the County Council in 1987. Since becoming managing director in 2006, Kent Adult Social Services had received strong ratings for the quality of services achieved, through the strength of relationships with the private and voluntary sector as well as the NHS.

His expertise and his leadership role among fellow directors of adult social services helped to keep Kent at the forefront of the national social care agenda – promoting innovation and helping people to make choices that keep them in control of their care.

A number of Members gave their own tributes to Oliver, who responded in suitable terms.

(e) Mrs Jenny Sayers

The Chairman stated that Mrs Jenny Sayers, Members' Desk Receptionist, would be retiring from KCC after 29 years' service, mainly working with Members. The Chairman spoke on behalf of all Members in wishing Jenny a long, happy and healthy retirement.

6. Questions

Under Procedure Rule 1.18 (4), 10 questions were asked and replies given.

7. Revised Proportionality Calculations and Committee Membership

Mr A King moved, Mrs J Rook seconded the recommendations on page 20 of the County Council agenda.

Resolved: that the County Council approves the following:

- (a) the revised proportionality calculations and confirm that the Labour Group is invited to fill an additional three committee places to which the overall proportionality rules entitle them;
- (b) that the three committees where the Labour Group gains a seat at the expense of the Conservative Group are CFE POSC – Resource and Infrastructure; Communities POSC; and Personnel Committee;
- (c) to vary the overall proportionality so that the Liberal Democrat Group keeps its seat on the Flood Risk Management Committee; and
- (d) that the Labour Group receives an entitlement to take up a seat on the Kent and Medway Fire and Rescue Authority at the expense of the Conservative Group.

8. Medium Term Financial Plan 2011-13 (Incorporating the Budget and Council Tax Setting for 2011/12)

(1) The Chairman reminded all Members that any Member of a Local Authority who was liable to pay Council Tax and who had any unpaid Council Tax amount overdue for at least two months, even if there was an arrangement to pay off the arrears, must declare the fact that they are in arrears and must not cast their vote on anything related to KCC's budget or Council Tax.

(2) The Chairman stated that, prior to the commencement of the budget presentation by the Acting Director of Finance, the County Council needed to determine recommendation 59(a) on page 35 of the County Council agenda. Accordingly, Mr Carter moved, Mr Simmonds seconded and it was:

Resolved: that Andy Wood be confirmed as the Interim Section 151 Officer with immediate effect and Malcolm Newsam as Interim Director of Adult Social Services and Director of Children's Services with effect from 1 April 2011.

(3) Mr Wood gave a presentation on the budget setting process and the impact on KCC's financial position as a result of cuts in Government grants to local authorities.

(4) Mr W Hayton moved Mrs P Stockell seconded that

- (a) Procedure Rule 1.12(2) be suspended in order that the meeting be extended to 5.00 pm;
- (b) Procedure Rule 1.30 be suspended in order that the Leader be allowed to speak for a maximum of 15 minutes, the Leader of the Liberal Democrat Group and the Leader of the Labour Group for 10 minutes each with the Leader being given a 5 minute right of reply;

- (c) Procedure Rule 1.30 be suspended after presentations by Cabinet Members on their portfolios in the period of general debate that follows in order that speeches can be limited to 3 minutes, and
- (d) Procedure Rule 1.36 be suspended in order for the mover and seconder of the original motion to be permitted to speak on more than one occasion.

Carried without a vote

(5) The Chairman also advised the County Council that should the period of general debate on each portfolio finish earlier than scheduled, the time for debate on amendments would be extended.

(6) Mr P Carter moved, Mr J Simmonds seconded the approval of the contents of the attached 2011/12 Budget and Medium Term Financial Plan 2011-13 and to approve the following proposals:

- (b) the Revenue and Capital Budget proposals for 2011/12;
- (c) the Revenue Budget requirement of £909,054,000;
- (d) the Capital Investment proposals of £330,482,000, together with the necessary use of borrowing, revenue, grants, capital receipts, renewals and other earmarked capital funds, external funding and PFI, subject to approval to spend arrangements;
- (e) the Prudential Indicators as set out in Appendix D of the attached Medium Term Financial Plan;
- (f) the Revenue and Capital Budget proposals as presented in the white combed version of the Budget Book and Medium Term Financial Plan for:
 - Children, Families and Education;
 - Adult Social Services;
 - Environment, Highways and Waste;
 - Communities;
 - Regeneration and Economic Development;
 - Public Health & Innovation;
 - Localism & Partnerships;
 - Corporate Support Services & Performance Management; and
 - Finance;
- (g) that final recommendations in relation to the Schools Budgets and Dedicated School Grant (DSG) be delegated to the Cabinet Member for Education Learning & Skills (ELS);
- (h) that there is no pay award for staff in 2011/12, but that the proposed addition of leave for those staff undergoing IVF treatment is pursued;
- (i) the removal of essential user status and delegation to Personnel Committee to agree final compensation arrangements for existing users, alternative ways for the Authority to help staff have access to an affordable

car and to agree the necessary changes to KCC's Personnel policies and procedures;

- (j) that the re-presentation of the budget to reflect the new portfolio responsibilities announced on 28th January be delegated to the Cabinet Member for Finance in consultation with the Leader and Cabinet Members and that he has delegated authority to vary individual budget lines by up to £500k to effect a smooth transfer;
- (k) a total requirement from Council Tax of £573,688,888 to be raised through precept to meet the 2011/12 budget requirement; and
- (l) a Council Tax as set out below, for the listed property bands:

Band								
Council Tax for Band	A	B	C	D	E	F	G	H
£	698.52	814.94	931.36	1,047.78	1,280.62	1,513.46	1,746.30	2,095.56

- (m) agree to the removal of the post of Director of Specialist Schools Services from the operating framework agreed by the County Council in December 2010 as part of the "Change to Keep Succeeding" report, with the responsibilities transferred to the Director of School Improvement and Standards and two heads of service; that the revised Job Description for the post of Director of School Improvement and Standards, attached at Appendix 1, be approved; and that the post of Director of School Resources move from Education, Learning and Skills to report to the Corporate Director, Finance and Procurement.

(7) Mr B Sweetland moved, Mr Brazier seconded that the recommendations set out in paragraph 59 (f) be amended as follows:

AFFECTING THE BUDGET BOOK AND MEDIUM TERM FINANCIAL PLAN

- a) Increase gross expenditure for subsidised bus routes (Row ref 10, page 30, Budget Book) by £0.211m.
- b) Increase Contributions from reserves (Row ref 2, page 43, Budget Book) by £0.211m.

This is the net impact of a change to the saving proposal on row ref 20, page 76 of the Medium Term Financial Plan. The proposed saving of £0.629m will be met from:

- a review of those routes that provide the least added value to be implemented in January 2012 (£0.070m)
- contract savings from reduced costs from re-tendering certain bus routes (£0.348m)
- use of an additional £0.211m from the 2010/11 forecast underspend against the revenue budget.

AFFECTING THE REPORT, BUDGET REQUIREMENT AND COUNCIL TAX

There would be no impact on the report, budget requirement or council tax as a result of this amendment.

Carried without a vote

(8) Mrs T Dean moved Mr G Cowan seconded that the recommendations set out in paragraph 59 (f) be amended as follows:-

AFFECTING THE BUDGET BOOK AND MEDIUM TERM FINANCIAL PLAN

- a) Increase gross expenditure by £1.300m in relation to pay budgets affecting numerous pages in the budget book and MTFP
- b) Reduce gross expenditure in relation to Modernisation of the Council by £0.650m (Row ref 4, page 43, Budget Book)
- c) Reduce gross expenditure on Net Debt Costs by £0.650m (Row ref 5, page 43, Budget Book)

This proposed amendment is to pay £250 in 2011/12 to all FTE staff earning less than £21,000 per annum (for schools where KCC is the employer the additional costs will have to be met from within their delegated budgets). The saving on the Modernisation of the Council would be achieved by managing turnover to ensure the minimum number of redundancies are required. The saving on net debt costs is based on historic evidence of underspends on this budget line due to rephasing of the capital programme.

AFFECTING THE REPORT, BUDGET REQUIREMENT AND COUNCIL TAX

There would be no impact on the report, budget requirement or council tax as a result of this amendment.

(9) The Chairman put to the vote the amendment set out in (8) above, when the voting was as follows:

For (11)

Abstain (2)

Against (49)

Lost

(10) Mr M Robertson moved Mrs E Green seconded that the recommendations set out in paragraph 59 (f) be amended as follows:-

AFFECTING THE BUDGET BOOK AND MEDIUM TERM FINANCIAL PLAN

- a) Increase gross expenditure by £0.600m in relation to Concessionary Fares (Row ref 8, page 30, Budget Book)
- b) Reduce gross expenditure in relation to Big Society Fund by £0.600m (Row ref 1, page 43, Budget Book)

This proposed amendment is to restore Concessionary Travel to start at 9.00 am rather than 9.30 am.

AFFECTING THE REPORT, BUDGET REQUIREMENT AND COUNCIL TAX

There would be no impact on the report, budget requirement or council tax as a result of this amendment.

(11) The Chairman put to the vote the amendment set out in (10) above when the voting was as follows:

For (9)

Mr L Christie, Mr G Cowan, Mr D Daley, Mrs T Dean, Mrs E Green, Mr G Koowaree, Mr T Prater, Mr M Robertson, Mr M J Vye

Abstain (1)

Mr A Crowther

Against (58)

Mrs A Allen, Mr M Angell, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Miss S Carey, Mr P Carter, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr J Cubitt, Mr M Dance, Mr J Davies, Mr K Ferrin, Mr T Gates, 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 E Hotson, Mr M Jarvis, Mr A King, Mr P Lake, Mr R Lees, Mr J London, Mr R Long, Mr K Lynes, Mr S Manion, Mr R Manning, Mr M Northey, Mr R Parry, Mr R Pascoe, Mr K Pugh, Mr L Ridings, Mrs J Rook, Mr J Scholes, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr M Snelling, Mrs P Stockell, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Willicombe

Lost

(12) Mr L Christie moved Mr G Koowaree seconded that the recommendations set out in paragraph 59 (f) be amended as follows:-

AFFECTING THE BUDGET BOOK AND MEDIUM TERM FINANCIAL PLAN

- a) Reduce service income by £0.007m in relation to Learning Disability Direct Payments (Row ref 1, page 25, Budget Book)
- b) Reduce service income by £0.026m in relation to Older People Direct payments (Row ref 3, page 25, Budget Book)
- c) Reduce service income by £0.013m in relation to Physical Disability Direct Payments (Row ref 4, page 25, Budget Book)
- d) Reduce service income by £0.013m in relation to Learning Disability Domiciliary Care (Row ref 5, page 25, Budget Book)
- e) Reduce service income by £0.554m in relation to Older People Domiciliary Care (Row ref 1, page 26, Budget Book)
- f) Reduce service income by £0.028m in relation to Physical Disability Domiciliary Care (Row ref 2, page 26, Budget Book)
- g) Reduce service income by £0.034m in relation to Learning Disability Supported Accommodation (Row ref 3, page 27, Budget Book)

- h) Reduce gross expenditure in relation to Big Society Fund by £0.675m (Row ref 1, page 43, Budget Book)

This proposed amendment is to retain users' net disposable income towards mainly domiciliary care costs at 85% rather than increase the guideline to 100%.

AFFECTING THE REPORT, BUDGET REQUIREMENT AND COUNCIL TAX

There would be no impact on the report, budget requirement or council tax as a result of this amendment.

(13) The Chairman put to the vote the amendment set out in (12) above when the voting was as follows:

For (9)

Mr L Christie, Mr G Cowan, Mr D Daley, Mrs T Dean, Mrs E Green, Mr G Koowaree, Mr T Prater, Mr M Robertson, Mr M J Vye

Against (58)

Mrs A Allen, Mr M Angell, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mr M Dance, Mr J Davies, Mr K Ferrin, Mr T Gates, 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 E Hotson, Mr M Jarvis, Mr A King, Mr P Lake, Mr R Lees, Mr J London, Mr R Long, Mr K Lynes, Mr S Manion, Mr R Manning, Mr M Northey, Mr R Parry, Mr K Pugh, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Scholes, Mr J Simmonds, Mr C Smith, Mr K Smith, Mrs P Stockell, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Willicombe

Lost

(14) Mr T Prater moved Mr M Vye seconded that the recommendations set out in paragraph 59 (f) be amended as follows:-

AFFECTING THE BUDGET BOOK AND MEDIUM TERM FINANCIAL PLAN

- a) Increase gross expenditure by £3.000m in relation to the Freedom Pass (Row ref 9, page 30, Budget Book)
- b) Reduce gross expenditure in relation to Modernisation of the Council by £1.667m (Row ref 4, page 43, Budget Book) and reduce gross expenditure in relation to Big Society Fund by £1.333m (Row ref 1, page 43, Budget Book)

This proposed amendment is to extend the Freedom Pass to 17-18 year olds (assuming the £100 payment). The saving on the Modernisation of the Council would be achieved by managing turnover to ensure the minimum number of redundancies are required.

AFFECTING THE REPORT, BUDGET REQUIREMENT AND COUNCIL TAX

There would be no impact on the report, budget requirement or council tax as a result of this amendment.

(15) The Chairman put to the vote the amendment set out in (14) above when the voting was as follows:

For (5)

Mr D Daley, Mrs T Dean, Mr T Prater, Mr M Robertson, Mr M J Vye

Abstain (3)

Mr L Christie, Mr G Cowan, Mrs E Green

Against (55)

Mrs A Allen, Mr M Angell, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mr M Dance, Mr J Davies, Mr T Gates, 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 E Hotson, Mr M Jarvis, Mr A King, Mr P Lake, Mr R Lees, Mr J London, Mr R Long, Mr K Lynes, Mr S Manion, Mr R Manning, Mr M Northey, Mr R Parry, Mr K Pugh, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Scholes, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Willicombe

Lost

(16) Mr L Christie moved Mrs E Green seconded that the recommendations set out in paragraph 59 (f) be amended as follows:-

AFFECTING THE BUDGET BOOK AND MEDIUM TERM FINANCIAL PLAN

- a) Increase gross expenditure by £2.618m in relation to Children's Centres (Row ref 3, page 21, Budget Book)
- b) Reduce gross expenditure in relation to Big Society Fund by £2.618m (Row ref 1, page 43, Budget Book)

This proposed amendment is to restore cuts to running costs of Children's Centres.

AFFECTING THE REPORT, BUDGET REQUIREMENT AND COUNCIL TAX

There would be no impact on the report, budget requirement or council tax as a result of this amendment.

(17) The Chairman put to the vote the amendment set out in (16) above when the voting was as follows:

For (8)

Mr L Christie, Mr G Cowan, Mr D Daley, Mrs T Dean, Mrs E Green, Mr T Prater, Mr M Robertson, Mr M J Vye

Against (55)

Mrs A Allen, Mr M Angell, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mr M Dance, Mr J Davies, Mr K Ferrin, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr C Hibberd, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr E Hotson, Mr M Jarvis, Mr A King, Mr P Lake, Mr R Lees, Mr J London, Mr R Long, Mr K Lynes, Mr S Manion, Mr R Manning, Mr M Northey, Mr R Parry, Mr R Pascoe, Mr K Pugh, Mr L Ridings, Mr A Sandhu, Mr J Scholes, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Willicombe

Lost

(18) Mr M Vye moved Mrs T Dean seconded that the recommendations set out in paragraph 59 (f) be amended as follows:-

AFFECTING THE BUDGET BOOK AND MEDIUM TERM FINANCIAL PLAN

- a) Increase gross expenditure by £0.600m in relation to Net Debt Costs (incl Investment Income) (Row ref 5, page 43, Budget Book)
- b) Reduce gross expenditure in relation to Big Society Fund by £0.600m (Row ref 1, page 43, Budget Book)
- c) Increase Annual Planned Enhancement Programme by £13.000m (Row 28, page 51, Budget Book)
- d) Increase Prudential Borrowing by £13.000m (Row 18, page 54, Budget Book)

This proposed amendment is to invest an additional £13m capital in the most urgent school maintenance at an estimated revenue cost of prudential borrowing in 2011/12 of £0.600m (and an additional £0.600m in 2012/13).

AFFECTING THE REPORT, BUDGET REQUIREMENT AND COUNCIL TAX

There would be no impact on the report, budget requirement or council tax as a result of this amendment.

(19) The Chairman put to the vote the amendment set out in (18) above when the voting was as follows:

For (9)

Mr L Christie, Mr G Cowan, Mr D Daley, Mrs T Dean, Mrs E Green, Mr G Koowaree, Mr T Prater, Mr M Robertson, Mr M J Vye

Against (57)

Mrs A Allen, Mr M Angell, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mr M Dance, Mr J Davies, Mr K Ferrin, Mr T Gates, 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 E Hotson, Mr M Jarvis, Mr A

King, Mr P Lake, Mr R Lees, Mr J London, Mr R Long, Mr K Lynes, Mr S Manion, Mr R Manning, Mr M Northey, Mr R Parry, Mr R Pascoe, Mr K Pugh, Mrs J Rook, Mr J Scholes, Mr J Simmonds, Mr C Smith, Mr K Smith, Mrs P Stockell, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Willicombe

Lost

(20) Mrs Dean moved Mr Robertson seconded that the recommendations set out in paragraph 59 (f) be amended as follows:

AFFECTING THE BUDGET BOOK AND MEDIUM TERM FINANCIAL PLAN

- a) Reduce the saving in relation to Changes to HR Policies by £0.238m affecting numerous pages in the budget book and MTFP
- b) Introduce a new saving 'Removal of free health insurance for senior officers' totalling £0.238m and affecting numerous pages in the budget book and MTFP

This proposed amendment would redirect savings currently identified to be achieved through 'Changes to HR Policies' to be achieved specifically from the removal of free health insurance for senior officers.

AFFECTING THE REPORT, BUDGET REQUIREMENT AND COUNCIL TAX

There would be no impact on the report, budget requirement or council tax as a result of this amendment.

(21) Mr Carter stated that he was currently examining with officers and, subject to Member approval, was proposing to do exactly what was being suggested in Mrs Dean's amendment, once the implications of such a decision had been examined. Accordingly, Mrs Dean with the consent of her seconder, agreed to withdraw this Amendment.

(22) Mr D Daley moved Mrs T Dean seconded that the recommendations set out in paragraph 59 (f) be amended as follows:-

AFFECTING THE BUDGET BOOK AND MEDIUM TERM FINANCIAL PLAN

- a) Reduce gross expenditure in relation to Corporate Core and Directorate Support by £0.008m (Row ref 6, page 39, Budget Book)
- b) Increase gross expenditure in relation to Big Society Fund by £0.008m (Row ref 1, page 43, Budget Book)

This proposed amendment would mean that meals would not be provided free of charge on County Council days.

AFFECTING THE REPORT, BUDGET REQUIREMENT AND COUNCIL TAX

There would be no impact on the report, budget requirement or council tax as a result of this amendment.

(23) In accordance with Council Procedure Rule 1.36 (1) (a), Mrs Allen moved, Mr Pascoe seconded that the question of the amendment be put. The Chairman put to the vote this procedural motion when the voting was as follows:

For (33)

Mrs A Allen, Mr M Angell, Mr D Brazier, Miss S Carey, Mr P Carter, Mr A Chell, Mr L Christie, Mr N Collor, Mr G Cowan, Mr H Craske, Mr J Cubitt, Mr D Daley, Mr K Ferrin, Mr T Gates, Mrs E Green, Mr G Gibbens, Mr R Gough, Mrs S Hohler, Mr E Hotson, Mr A King, Mr R Lees, Mr K Lynes, Mr M Northey, Mr R Parry, Mr R Pascoe, Mr M Robertson, Mrs J Rook, Mr J Simmonds, Mrs P Stockell, Mr R Tolputt, Mrs C Waters, Mr C Wells, Mr M Whiting

Abstain (1)

Mr G Cooke

Against (19)

Mr B Cope, Mr M Dance, Mrs T Dean, Mr M Harrison, Ms A Hohler, Mr G Koowaree, Mr J London, Mr R Long, Mr S Manion, Mr R Manning, Mr T Prater, Mr J Scholes, Mr C Smith, Mr K Smith, Mr B Sweetland, Mr M Vye, Mr J Wedgbury, Mrs J Whittle, Mr A Willicombe

Carried

(24) The Chairman then put to the vote the amendment set out in (22) above when the voting was as follows:

For (8)

Mr G Cowan, Mr D Daley, Mrs T Dean, Mrs E Green, Mr G Koowaree, Mr T Prater, Mr M Robertson, Mr M J Vye

Abstain (1)

Mr E Hotson

Against (55)

Mrs A Allen, Mr M Angell, Mr D Brazier, Miss S Carey, Mr P Carter, Mr A Chell, Mr L Christie, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mr M Dance, Mr J Davies, Mr K Ferrin, Mr T Gates, 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 P Lake, Mr R Lees, Mr J London, Mr R Long, Mr K Lynes, Mr S Manion, Mr R Manning, Mr M Northey, Mr R Parry, Mr R Pascoe, Mr K Pugh, Mrs J Rook, Mr J Scholes, Mr J Simmonds, Mr C Smith, Mr K Smith, Mrs P Stockell, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Willicombe

Lost

(25) The Chairman put to the vote the Motion as set out in (6) above when the voting was as follows:

For (55)

Mrs A Allen, Mr M Angell, Mr D Brazier, Miss S Carey, Mr P Carter, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mr M Dance, Mr J Davies, Mr K Ferrin, Mr T Gates, 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 E Hotson, Mr M Jarvis, Mr A King, Mr R King, Mr P Lake, Mr J London, Mr R Long, Mr K Lynes, Mr S Manion, Mr R Manning, Mr M Northey, Mr R Parry, Mr R Pascoe, Mr K Pugh, Mrs J Rook, Mr J Scholes, Mr J Simmonds, Mr C Smith, Mr K Smith, Mrs P Stockell, Mr B Sweetland, Mrs E Tweed, Mr R Tolputt, Mrs C Waters, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Willicombe

Against (10)

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:

- (a) that Andy Wood is confirmed as the Interim Section 151 Officer with immediate effect and Malcolm Newsam as Interim DASS and DCS with effect from 1st April 2011;
- (b) the Revenue and Capital Budget proposals for 2011/12;
- (c) the Revenue Budget requirement of £909,054,000;
- (d) the Capital Investment proposals of £330,482,000, together with the necessary use of borrowing, revenue, grants, capital receipts, renewals and other earmarked capital funds, external funding and PFI, subject to approval to spend arrangements;
- (e) the Prudential Indicators as set out in Appendix D of the attached Medium Term Financial Plan;
- (f) the Revenue and Capital Budget proposals as presented in the white combed version of the Budget Book and Medium Term Financial Plan for:
 - Children, Families and Education;
 - Adult Social Services;
 - Environment, Highways and Waste;
 - Communities;
 - Regeneration and Economic Development;
 - Public Health & Innovation;
 - Localism & Partnerships;
 - Corporate Support Services & Performance Management; and
 - Finance;

- (g) that final recommendations in relation to the Schools Budgets and Dedicated School Grant (DSG) be delegated to the Cabinet Member for Education Learning & Skills (ELS);
- (h) that there is no pay award for staff in 2011/12, but that the proposed addition of leave for those staff undergoing IVF treatment is pursued;
- (i) the removal of essential user status and delegation to Personnel Committee to agree final compensation arrangements for existing users, alternative ways for the Authority to help staff have access to an affordable car and to agree the necessary changes to KCC's Personnel policies and procedures;
- (j) that the re-presentation of the budget to reflect the new portfolio responsibilities announced on 28th January be delegated to the Cabinet Member for Finance in consultation with the Leader and Cabinet Members and that he has delegated authority to vary individual budget lines by up to £500k to effect a smooth transfer;
- (k) a total requirement from Council Tax of £573,688,888 to be raised through precept to meet the 2011/12 budget requirement; and
- (l) a Council Tax as set out below, for the listed property bands:

Band								
Council Tax for Band	A	B	C	D	E	F	G	H
£	698.52	814.94	931.36	1,047.78	1,280.62	1,513.46	1,746.30	2,095.56

- (m) agree to the removal of the post of Director of Specialist Schools Services from the operating framework agreed by the County Council in December 2010 as part of the "Change to Keep Succeeding" report, with the responsibilities transferred to the Director of School Improvement and Standards and two heads of service; that the revised Job Description for the post of Director of School Improvement and Standards, attached at Appendix 1, be approved; and that the post of Director of School Resources move from Education, Learning and Skills to report to the Corporate Director, Finance and Procurement.

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COUNTY COUNCIL MEETING**Wednesday 6 April 2011****Question by Mike Harrison to****Roger Gough, Cabinet Member for Business Strategy, Performance and Health Reform**

"It is now April 2011 and we at KCC are still working with the Microsoft programme of 1993-2003! We, Members and staff, are constantly being asked by our ISG Team to clean up work areas as the server is either at critical or is full.

We were told some while ago that all of our inbox emails are over full and that they would be 'cleaned' by ISG on a monthly basis! This does not appear to be happening and I know that some of my fellow Members and for that matter staff have way in excess of 1500 opened emails still active in their Inbox. This is a situation that cannot continue and some form of control has to be instigated.

My question to the Cabinet Member for Business Strategic & Support is in two parts:

- (i) When (allowing for financial restraints) will we, KCC, be looking to upgrade the entire system?
- (ii) Is there anyway that ISG can assist or rather help those Members and staff to enable them to control the amount of active emails on their systems?"

Answer

Hardware replacement is being implemented as part of the ICT capital investment programme. This will include the introduction of increased storage capacity from May 2011, to be followed by an email archiving solution. This will address the additional demand for both email and shared document storage in support of council services.

The process of migrating to new software versions is expensive and in the absence of a compelling business case the council, in common with many other organisations, choose not to upgrade to Microsoft's Vista operating system or Office 2007. While software functionality continues to meet operating requirements there is little rationale for change. The council's email servers are due to be replaced in autumn 2011 and the intention is to upgrade to the latest software as part of the same project.

The introduction of additional capacity and associated archiving will allow individual members and staff more options in how to manage email and other electronic storage. As the content of electronic files is only visible to the recipient, the decision on how this is managed can only remain with the individual. Advice is published on the council's intranet to assist and guide on best practice. Additional support for individual staff and members can be accessed through the ICT service desk.

COUNTY COUNCIL MEETING

Wednesday 6 April 2011

Question by Andrew Bowles to

Kevin Lynes, Cabinet Member for Regeneration and Economic Development

Can the Cabinet Member tell me what is the County Council doing to help rural communities who have either no or extremely slow broadband services? And can he tell me what can the County Council do to encourage broadband providers to support these communities?"

Answer

There is growing concern from Kent and Medway's businesses and communities over the availability and quality of broadband access. Currently a third of rural businesses and communities cannot get the basic standard of 2mb broadband access.

Published data on future private sector investment makes it clear that most of Kent's rural areas will not benefit from Next Generation Access (superfast broadband) under current investment models. Given that 40% of Kent's businesses are located in rural parts of the County, and contribute over £5.5 billion per annum to Kent's economy, this is a major barrier to future economic growth. It also creates substantive challenges in terms of future public service delivery and social outcomes – given that almost one in three of Kent's residents live in rural areas.

Current estimates suggest that the investment shortfall to deliver fibre (effectively unlimited bandwidth) to all properties in Kent (where the market will either not respond or respond too slowly) is in the order of £500 million-£1.1 billion.

Kent has developed a strong track record in developing innovative solutions to local broadband infrastructure issues. The Connecting Kent Programme has reduced the number of properties without broadband from 37,958 to 14,669, whilst the Community Broadband Grants Programme has funded a number of local solutions – including work in Selling and Iwade which has been identified within the Government's new broadband strategy as best practice. More recently, KCC has launched a new £1.6 million scheme to pilot 15 innovative 'proof of concept' models for delivering superfast broadband in rural areas. Strong interest has been received to date and we are looking to announce the first five successful pilot locations on the 20th May. KCC is also working with Medway and the Districts to submit a £40 million bid for additional rural broadband infrastructure funding to Broadband Delivery UK.

These schemes are creating new opportunities to encourage alternative local suppliers to provide innovative solutions to rural broadband access issues. In addition we are continuing to meet with BT to ensure that they are fully aware of the need for greater investment in Kent's broadband infrastructure.

COUNTY COUNCIL MEETING

Wednesday, 6 April 2011

Question by Leslie Christie to

Paul Carter, Leader of the Council

Will the Leader of the Council give the number of Interim Directors who were in post during March 2011? What was the cost to the Council of these posts during the month? What were the daily rates the Council were paying for these posts?

Answer

There were 4 external interim Directors in post during March 2011. The daily rate ranged from £750 to £1250. These figures include the cost paid to the interim agency through which the individuals were sourced. The cost to the Council during the month was £69,925.

The answer to this question should be linked to a similar question from Martin Vye and I will be commenting further on the essential need for high quality interim managers as we go about the change programme, which I will be referring to in greater detail as part of my Leader's address.

Wednesday 6 April 2011

Question by Martin Vye to

Paul Carter, Leader of the Council

Given the taxpaying public's concerns about high pay in the public sector and the revelation that sums of more than £1,000 per day are being paid by the Council to several senior officers in interim posts, would the Leader of the Council ensure that Cabinet Members provide all Members with details of the work done justifying the payment of these sums, especially as the rate paid is often more than double that of the anticipated weekly salary for the equivalent permanent Corporate Director position.

Answer

I do not recognise the figure Mr Vye quotes in his question. When the total cost of the employment package for the ex-Managing Director for CFE is compared to the costs of the two interim Corporate Directors covering the revised posts, his figures do not add up.

The total weekly cost of the ex MD for CFE, including employer on-costs, was around £5300. This does not include sick pay or the cost of redundancy. The weekly cost of the interim Corporate Director Families and Social Care is almost exactly the same and for the interim Corporate Director Education, Learning & Skills is £3900.

I am in no doubt that we get value for money from our consultants. In every case, they have been set stretching, measurable, ambitious targets to achieve. In many cases they have delivered outcomes that could not have been achieved by substantive members of staff due to the nature of the work. Interims by definition are used to coming into an organisation and achieving quick outcomes. Each of the interims that we have recently engaged have proven and credible track records in similar Authorities.

COUNTY COUNCIL MEETING

Wednesday 6 April 2011

Question by Dan Daley to

John Simmonds, Cabinet Member for Finance and Procurement

There is running currently a very prominent national newspaper campaign to retain the 'First Past the Post' system of voting. These advertisements are taking whole pages in all of the national newspapers and possibly even provincial papers too.

In the cause of transparency in democracy, efforts have been made to discover exactly who is paying for these advertisements – which must by their very size, frequency and number – be costing many thousands if not hundreds of thousands of pounds in advertising and design charges.

In view of the extremely partisan Motion on our papers today asking for this Council to endorse the 'No 2 AV' Campaign – can the Cabinet Member please assure me that the County Council has not **and will not** be contributing to this national newspaper campaign advertising?

Answer

To give Mr Daley and his colleagues peace of mind, I can confirm that the County Council has not contributed to the national newspaper campaign to retain the first past the post system, and has no plans to do so in the future.

COUNTY COUNCIL MEETING

Wednesday 6 April 2011

Question by Trudy Dean to

Jenny Whittle, Cabinet Member for Children's Special Services

Can the Cabinet Member please explain the circumstances under which 286 children in 2008/9, and 327 children in 2009/10, went missing out of care in Kent?

Answer

During the years 2008/09 to 2009/10, looked after children who were missing from placement without permission for more than 6 hours were formally classed as 'missing children'. The vast majority of those children subsequently returned safely to their placements. For those who did not return quickly, further action was initiated to locate them.

Our system for recording these incidents was previously inadequate because the details of the child's return were only recorded in the child's case note. Therefore retrieval of the information in aggregate form was very difficult to achieve. During recent months this deficiency was identified by staff and a new system to record missing children is being developed and will go live on 9th May 2011.

Information relating to all children and young people who are reported as missing is now recorded by Kent police on their computer system called COMPACT. A joint protocol has been in place between Kent police and Kent and Medway Children's Social Services (since 2006) to share information about children/young people who go missing. Kent Safeguarding Children Board are in the process of reviewing the protocols relating to all children/young people who go missing; not just looked after children, but also those who live at home with their families.

Following a successful pilot in the East Kent Police Area, a best practice model has been developed whereby the police and children's social services meet monthly to review and identify the TOP 10 children/young people (not just KCC LAC) who have been most frequently reported missing from that area, so that these high risk children have appropriate support and interventions in place. It is intended for this model to be replicated in all police areas across Kent.

In addition Kent Children's Social Services have in place an Alert system to inform the responsible District Manager and Head of Service when a KCC LAC goes missing.

COUNTY COUNCIL MEETING

Wednesday 6 April 2011

Question by Elizabeth Green to

Mike Hill, Cabinet Member for Customer and Communities

Can the Cabinet Member please tell me if there is any truth in rumours that Kent Libraries are to be reduced in number next year?

Answer

There are no plans to close libraries next year. We are engaging in a review of the Library Service and we will be consulting widely on our proposals later in the summer with the people of Kent and, of course, local Members. The result of that consultation will help to shape the Library Service of the future.

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By: Bryan Sweetland, Cabinet Member, Environment, Highways and Waste
Mike Austerberry, Managing Director, Environment, Highways and Waste
Paul Crick, Director of Planning and Environment

To: County Council – 6 April 2011

Subject: A LOCAL TRANSPORT PLAN FOR KENT 2011-16

Classification: Unrestricted

Summary and Recommendations

1. An overview of the County Council's proposed third Local Transport Plan 2011-16 is presented, explaining the Strategy approach to prioritise local transport improvements for the next five years and the corresponding Implementation Plans which will deliver the Strategy.

It is **recommended** that this proposed third Local Transport Plan for Kent 2011-16 be approved and adopted by the County Council.

Introduction

2. Kent County Council has a statutory duty to have a third Local Transport Plan (LTP3) in place by 1st April 2011, which replaces the current Local Transport Plan 2006-11. In its guidance, the previous government gave local authorities greater flexibility to decide what to include in their LTP3 and removed the requirements to meet nationally prescribed transport performance indicators. The intention is to make local authorities more accountable to local communities on the quality and delivery of local transport during the plan period.

Relevant priority outcomes

3. The third Local Transport Plan for Kent has been shaped by the County Council's recently launched 20 year Transport Delivery Plan for Kent – *Growth without Gridlock*. Growth without Gridlock outlines a high-level vision for the transport network needed in Kent to support planned growth in employment and housing. It clearly sets out the strategic transport solutions that are needed along with new and innovative means of funding these proposals. While the Spending Review in October 2010 confirmed that £1.5 billion will be made available for Major Schemes over the period 2011/12 to 2014/15, this is only available for existing committed schemes and for previously-submitted schemes awaiting full DfT appraisal. Therefore, while LTP3 will not directly fund the large strategic transport schemes that are identified, it supports many of the aims and aspirations contained within the 20 year plan and explains the links between these larger schemes and local transport improvements.

Financial Implications

4. The 2010 Comprehensive Spending Review confirmed that public sector funding for transport will be significantly reduced over the next four years and revenue funding, like capital, will come under significant pressure over the next five years. In response, the strategy outlined in the draft LTP was to seek support for a system of prioritising the Integrated Transport Schemes (transport schemes costing <£5 million) to those measures which will make the greatest contribution to local and national objectives and represent the best value for money. This approach is covered in the main body of this report. Highway maintenance schemes will continue to be prioritised using the formulae set out in KCC's emerging Transport Asset Management Plan.
5. During the draft LTP3 consultation period, the Cabinet Member for Environment, Highways and Waste decided to continue with the successful Members Highway Fund during LTP3 and he was also keen that Crash Remedial Measures continue to be funded. In addition, the A2 Slip Road at Canterbury which has already commenced on site requires funding from the first two years of LTP3. This is set out in the County Council's Medium Term Financial Plan 2011-13 which is summarised below:

	Final Allocation £'000		Indicative Allocation £'000		Estimate £'000
	2011-12	2012-13	2013-14	2014-15	2015-16
IT Investment Plan					
Members Highway Fund	2,200	2,200	2,200	2,200	2,200
Crash Remedial Measures	500	500	500	500	500
A2 Slip Road, Canterbury	670	56			
Integrated Transport Schemes < £1m	2,478	2,466	2,324	2,558	2,558
Total	5,848	5,222	5,024	5,258	5,258
Highways Maintenance Investment Plan					
Highways Maintenance	26,907	31,797	30,516	27,633	27,633

Legal Implications

6. The Local Transport Act 2008 places a statutory duty on local authorities to prepare a Local Transport Plan (LTP). The announcement by the Coalition Government of its Local Transport Settlement at the end of 2010 and the timing of Cabinet and Full Council has meant that an approval should result in an adopted LTP3 being in place during the first week of April 2011.

Main body and purpose of report

LTP3 Strategy

7. During the summer of 2010, KCC's Transport Policy Team prepared a draft LTP3 to form the basis for public consultation, which took place between October and December 2010. The draft LTP3 was structured around five

themes based on the previous Government's five National Transport Goals as set out in the LTP3 Guidance, but made relevant to Kent:

- Growth Without Gridlock;
- A Safer and Healthier County;
- Supporting Independence;
- Tackling a Changing Climate; and,
- Enjoying Life in Kent.

8. The approach taken was that the draft LTP3 Strategy should propose a system of prioritising the Integrated Transport Schemes to those measures which will make the greatest contribution to local and national objectives and represent the best value for money. Different ways of doing this were considered and a preferred option was chosen which splits funding between the five LTP3 Themes (budget allocation) and then focuses the investment under each Theme to those areas and locations where the challenges are most acute (spatial distribution). It was subsequently supported by the EHW POSC on 14th September 2010 and formed the basis of the draft LTP3 that went out for consultation on 4th October 2010. A summary of this approach is shown in Appendix 1.

LTP3 Implementation Plans

9. The Local Transport Act 2008 requires that LTPs contain an Implementation Plan which sets out the proposals for delivery of the objectives contained in the Strategy.
10. Because schemes funded under the Members Highway Fund and Crash Remedial Measures are prioritised annually based on local support and the severity of crashes respectively, they will not be prioritised through the budget allocation/spatial distribution method and will be presented in their own Implementation Plans. This leaves the residual Integrated Transport Schemes to be assessed using this approach and an Implementation Plan for each of the LTP3 Themes is proposed.
11. The challenge with preparing an Implementation Plan of schemes is attaining the balance between setting out clear priorities and measures while allowing local decision making to respond to changing needs during the five year period. For the purposes of presentation in the LTP3, it is proposed to show the budget for each Theme per year as per the methodology. However, the distribution of funding to specific scheme types and areas within each Theme will only be specified for the total five year period, allowing flexibility within individual years on the range of schemes actually implemented under each Theme. This is shown in Appendix 2.
12. There will also be a further Implementation Plan for Highways Capital Maintenance.

Consultation and Communication

13. The draft LTP3 was posted on KCC's website on 4th October 2010 and a letter was sent to over 200 stakeholders, informing them of this and asking them to

submit their comments. A 12 week consultation period was specified with a closing date of 31st December 2010. It was discussed with Cabinet Members at a meeting on 8 November 2010. Consultation included colleagues in the other KCC Directorates and KCC's various strategies such as Living Later Life to the Full and 21st Century Kent have influenced and shaped this Plan.

14. When the consultation closed, 60 responses had been received. The majority of comments related to specific points of emphasis and a clearer reference to certain initiatives being pursued by others. There was also a recognition that the local transport planning landscape has shifted significantly in the interim, particularly as *Growth without Gridlock - A Transport Delivery Plan for Kent* was launched on 1st December 2010 and that a significant level of updating for the final LTP3 is required.
15. The main concern raised was the priority given to the Growth Areas and Growth Points under the LTP3 theme of Growth Without Gridlock to which 45% of Integrated Transport funding is allocated. There was a corresponding high level of support from those areas that would benefit from this allocation. It was also argued by a number of correspondents that the proposed spatial distribution for Supporting Independence to the coastal urban areas of East Kent precludes disadvantaged areas in rural areas and in Mid and West Kent. KCC's response is that if the allocation relating to housing, employment and deprivation is considered on a ward by ward basis, funding would be spread across the County, moving away from a focused approach where the delivery of complementary packages of schemes can collectively deliver greater benefits. Also, the Members Highway Fund will ensure that LTP3 funding reaches all parts of the County in response to local need. EHW POSC continued to support this approach at their meeting on 18th January 2011.
16. Other comments related to the inclusion of major transport infrastructure which though not funded by LTP funding, would conflict with many of the aims of the LTP relating to reducing carbon emissions and reliance on the private car and minimising the detrimental impact on protected environmental areas. Representations were received from Essex County Council and Thurrock Council, objecting to the route shown on page 74 of the draft LTP3, linking the proposed Lower Thames Crossing East of Gravesend to the M11. This line, which was for indicative purposes only, has been removed from the final LTP3 document.

Risk and Business Continuity Management

17. The requirement to prepare an LTP3 Implementation Plan(s) for five years presents the risk of raising public expectations on the level of local transport improvements that will be implemented. It is extremely difficult to predict the longer term spending pressures that the County will face in the future and therefore there is a risk that the level of measures identified in the Plan(s) are not implemented.

Sustainability Implications

18. Transport has a huge impact on the environment. There has been a 54% increase in carbon dioxide emissions from domestic transport sources since

1980 and emissions from transport could rise to 30% of UK emissions by 2022. Transport also has an impact on communities through noise and severance as well as the impact on habitats through new and existing transport infrastructure. This LTP3 recognises this and 15% of funding is specifically allocated to measures that tackle climate change, by supporting low emission forms of transport and offering better choice for walking, cycling and public transport. These modes are also promoted under many of the other LTP3 Themes such as Supporting Independence and Enjoying Life in Kent as well as measures that Kent Highway Services and other partners are implementing to reduce their carbon footprint.

Conclusion

19. The proposed Local Transport Plan for Kent 2011-16 is a sensible and reasonable response to the current financial situation and it provides a clear and coherent framework to guide decision making during the period of Kent's third Local Transport Plan.

Recommendation

20. It is recommended that this proposed third Local Transport Plan for Kent 2011-16 be approved and recommended for adoption by the County Council.

Background Documents

KCC, *Local Transport Plan for Kent 2011-16: Draft for Consultation*, October 2010
KCC, *Growth without gridlock: A transport delivery plan for Kent*, December 2010

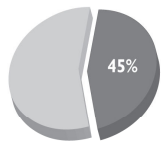

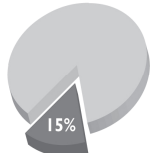

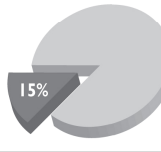
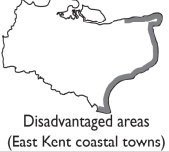
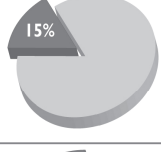

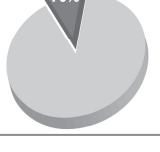

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Appendix 1: Proposed Budget Allocation/Spatial Distribution Methodology for Integrated Transport Measures

Budget allocation/spatial distribution methodology

LTP3 Theme	Budget allocation	Spatial distribution	Scheme type	Value for money assessment
Growth Without Gridlock		 Growth Areas and Growth Points	Schemes that support housing and employment	1* - Access road 2 - Bus rapid transit 3 - Cycle route 4 - Traffic management
A Safer and Healthier County		 Problem sites	Schemes that tackle road casualties, air pollution, poor health etc.	1 - Safety schemes 2 - Safe routes to school 3 - Walking routes 4 - Bus route to hospital
Supporting Independence		 Disadvantaged areas (East Kent coastal towns)	Schemes that provide access to jobs and services for those without access to a private car	1 - Bus improvements 2 - Walking and cycling 3 - Community transport 4 - Public information
Tackling a Changing Climate		 Urban areas	Schemes that promote low emission travel	1 - Low emission vehicles 2 - Travel Plans 3 - Kent Freedom Pass 4 - Walking and cycling
Enjoying Life in Kent		 Countywide	Schemes that improve access to opportunities and reduce impact of transport on Kent and it's communities	1 - Public rights of way improvements 2 - Public realm 3 - Lorry management 4 - Journey planner

* - Indicative scheme types for illustration only

Appendix 2: Proposed Budget Allocation per LTP3 Theme 2011-16

	2011-12 £'000	2012-13 £'000	2013-14 £'000	2014-15 £'000	2015-16 £'000	Total £'000
Integrated Transport Schemes <£1m	2,478	2,466	2,324	2,558	2,558	12,384
Growth without Gridlock @ 45%	1,114	1,110	1,046	1,150	1,150	5,570
A Safer and Healthier County @ 15%	372	370	349	384	384	1,859
Supporting Independence @ 15%	372	370	349	384	384	1,859
Tackling a Changing Climate @ 15%	372	370	349	384	384	1,859
Enjoying Life in Kent @10%	248	246	231	256	256	1,237

By: Amanda Beer – Director of Personnel & Development
Paul Carter – Chairman of the Personnel Committee

To: County Council – 6 April 2011

Subject: Retirement Age Policy

Classification: Unrestricted

SUMMARY: The UK's national default retirement age (65) will be withdrawn from 1 October 2011. Employers can opt to retain and operate an 'Employer Justified Retirement Age' provided there are sufficiently robust reasons for doing so. Personnel Committee has considered the issues and has recommended to the County Council that KCC should not seek to justify a mandatory retirement age for its employees.

1. BACKGROUND

- 1.1 The Government has confirmed its plan to abolish the national, default retirement age (DRA) of 65 from October 2011, with the accompanying statutory notification process ceasing from 5 April.
- 1.2 The DRA allowed employers to require employees to retire on their 65th birthday provided the statutory notification procedure was followed. With the removal of the DRA, retirement will no longer be a potentially fair reason for dismissal within the Employment Rights Act 1996 and employers retaining a retirement age are likely to be challenged on the grounds of age discrimination.
- 1.3 Employers may opt to retain a retirement age, an 'Employer Justified Retirement Age' (EJRA), should it be deemed a proportionate means of achieving a legitimate aim.
- 1.4 In 2006, when the UK regulations on age, now subsumed with the Equalities Act 2010, were originally introduced, KCC opted to retain a retirement age of 65 for a number of reasons, not least because of the need to address the under-representation of younger workers at that time. Our policy to this point has been to consider requests to continue working past retirement age on an individual basis with yearly extensions to employment contracts when a request has been agreed.
- 1.5 The advent of the withdrawal of the DRA requires KCC to reconsider its position with respect to retirement.

2. General Context:

- 2.1 The population of people 65 and over worldwide is expected to double from 523 million in 2010 to around 1.5 billion by 2050. This means that older people will soon outnumber children under 5 for the first time ever. In the UK,

by 2020, nearly a third of the workforce will be over 50 and currently there are around 1.4 million people over the current state pension age in work, including over 800,000 who are 65 and above. UK labour market statistics indicate that the numbers in work aged 65 and above has increased by 13.5% above last year's figures¹. However, the number of those retiring before age 65 has also increased significantly.

- 2.2 The social policy objectives around removing the national retirement age include continuing concerns about the pressure on pensions, skills shortages and the increasing cost of state benefits.
- 2.3 At the same time the number of young people of working age is falling and unemployment amongst school leavers and graduates continues to rise². It is important, therefore, that employers consider the employment needs and impact upon people at both ends of the age spectrum when determining employment policy. There are significantly larger numbers of older workers in the workforce who may need or wish for a short period to work past the traditional retirement age of 65. There is also a significant pressure to provide work opportunities for those starting their working life.

3. Indicators

- 3.1 There have been a number of surveys indicating that many people approaching retirement age are considering continuing working beyond. A Equalities and Human Rights Commission (EHRC) survey in 2009³ of people aged 50-75, detailed the primary reason for continuing working, i.e., beyond state retirement age, for a large proportion of respondents was affordability. Recent research from insurance company Prudential showed that the majority of those surveyed were considering or planning to defer their retirement which is arguably more likely to be a reflection of the current economic environment rather than a real preference for continuing to work.
- 3.2 However the EHRC survey saw around 20% of respondents indicating their reason for wanting to continue to work past 65 was their enjoyment of work although their preferences indicated a desire for more flexible and casual patterns of work.
- 3.3 It would appear that many older people are likely to want to continue² working past 65, at least for a short period of time albeit in a reduced capacity potentially.

4. KCC Context

- 4.1 KCC opted to maintain a retirement age of 65, in common with most Local Authority employers in 2006 and currently staff aged 65-85 represent only 2.6% of our workforce. Of those, the majority are in part time, lower paid roles although a small minority are in professional roles⁴.

¹ ONS Labour Market Statistics – Jan 2011

² as above

³ Older Workers: employment preferences, barriers and solutions – Policy Studies Institute

⁴ Data - Jan 2011

- 4.2 Around 14.5% of our staff is under 30 (just under 7% under 25) and we now have specific initiatives in place to encourage or facilitate the employment of younger workers including apprenticeships, our graduate programme, Grads Kent (internship, work experience and gap year placements). Apprentices also get priority, after redeployees, for vacancies graded between KR2 and KR4 which is part of the positive action in place to allow younger people access to our jobs.
- 4.3 Further positive action, e.g., as part of succession planning, is possible and potentially legally defensible, if KCC identifies the need to address the representation of younger workers. For example, to build capacity longer term in particular occupational groups it would be possible to justify recruitment campaigns specifically to attract younger people. Much of our diversity recruitment advertising in recent years has been directed at younger people.

5. Considerations for retaining an Employer Justified Retirement Age

5.1 Legal Risks

- 5.1.1 Legal commentators have suggested it will be very difficult for employers to justify maintaining a compulsory retirement age. Although technically feasible, the Government is likely to be opposed in all but exceptional circumstances and an EJRA would need to be, demonstrably, a proportionate means of achieving a legitimate aim, for example succession planning. Although there have been some judgements relating to age discrimination that have indicated the possibility of this being a defensible reason, the UK employment tribunals remain sceptical. There will be significant risks for those employers keeping a retirement age as this is an untested area of law.

5.2 Loss of Organisational Capacity

- 5.2.1 The contraction of the public sector, including KCC, is likely to result in a loss of significant numbers of older workers with valuable skills and knowledge. Compulsory retirement would further reduce the capacity of the organisation in this sense.

5.3 Inhibiting Movement

- 5.3.1 There is a perception that not having a retirement age will inhibit the opportunities for movement and progression within an organisation. The indicators from research amongst those approaching retirement suggests that most people will not necessarily continue to work past retirement age if their financial position allows it and the majority who do so aim only to continue working for a short period. Those wishing to continue working are interested in more flexible work patterns rather than a full time capacity. KCC's current older workforce is comprised people working in predominantly lower graded part time or casual posts and irrespective of an EJRA, an individual can opt to leave the organisation, to 'retire' at state pension age, whenever they wish. The case for the lack of a retirement age inhibiting movement around the organisation is not borne out by the indicators of people's preferences.

5.3.2 KCC has a mature approach to flexible working patterns which reflects the Government's stated intention to extend the statutory right to ask for flexible working to all. Local Government Pension Scheme flexible retirement also offers the opportunity for those achieving pensionable age to opt to continue working in a reduced capacity whilst with accessing or continuing to contribute to a pension. It would seem KCC is suitable equipped to accommodate the work preferences of those wishing to continue working.

5.4 Managing Performance

5.4.1 A commonly held and stereotypical view of older workers is that they may become less effective with age. Since its introduction, the DRA has allowed employers a way of avoiding performance management for those to whom this applies and with its removal that option will no longer be available. Whilst it is true that poor health is one of the key determinants of premature labour market exit, i.e. through early retirement, and this option will still be available, there is no evidence to suggest older people are any less effective than other parts of the workforce. Without a retirement age, employers will have to manage underperformance or ill health of older people in the same way as any other member of staff. Failure to do this, or to treat older workers in a different way, runs the risk of potential discrimination claims.

5.4.2 KCC has and continues to strengthen its performance management framework by reviewing its procedural approach and building line management capacity to handle performance issues. Retirement on ill health grounds remains possible within both the Local Government and Teachers Pension schemes. We are therefore well positioned to deal with any performance issues as they arise without the need to use a retirement age to mask them.

6. Costs

6.1 It is difficult to quantify the actual cost implications of having no retirement age. There are:

6.1.1 **Administrative costs** – those involved in delivering the statutory notification process currently and the management time involved in defending challenges to decisions. Were KCC to maintain a retirement age some those costs would remain.

6.1.2 **Pensions** – Approximately 80% of those currently contributing to the Local Government Pension are aged between 31 and 65³. Without a mandatory retirement age employees are likely to contribute for longer and draw down benefits later. Whilst this is not a major consideration, it is important to note the continuing pensions' contribution made by those continuing to work beyond 65.

6.1.3 **Discrimination** – There is no cap on the compensation for successful age discrimination claims. In the event KCC seeks to justify an employer retirement age it is highly likely to be challenged.

7. Consultation

- 7.1 Consultation has taken place about both the removal of the DRA and a KCC retirement age with trades unions, external organisations, Headteachers, personnel professionals, directorate equality leads and champions and staff groups. In the main there is a strong view that KCC should not seek to retain a retirement age. UNISON, UNITE the Union and the teachers trade unions all indicated support for the removal of the DRA and further indicated their support for no mandatory retirement age for KCC.
- 7.2 Personnel professionals and managers, including Headteachers, have expressed some reservations based on two primary grounds: the pressures on staff budgets implicit in continuing to employ people who are likely to be at the top or towards the top of their grade; and the challenges of managing performance. Whilst there is some merit to both points there are alternative ways of managing these challenges without resorting to a mandatory retirement age.
- 7.3 At its meeting on 28 March, 2011, the Personnel Committee considered this report and stated its endorsement of the recommendation not to seek to retain an employer justified retirement age.

8. CONCLUSION

- 8.1 As an organisation, KCC is well equipped to manage the challenges identified in this report and to respond to the needs of those wishing to extend their working lives.

9. RECOMMENDATIONS:

The County Council is invited to:

- 9.1 agree not to seek to justify a mandatory retirement age for KCC employees; and
- 9.2 ask the Personnel Committee to review this policy annually in the light of evolving organisational needs, workforce composition and developments in the labour market.

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Director of Personnel & Development
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Nicola Lodemore
Employment Policy & Diversity
Manager
Ext 4418

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By: Director of Governance and Law
 To: County Council – 6 April 2011
 Subject: Accountability Protocol for the Director of Children’s Services
 Classification: Unrestricted

Summary: Following the approval by the County Council in December 2010 of the Change to Keep Succeeding proposals, the County Council is invited to approve an accountability protocol for the Corporate Director Families and Social Care with the Corporate Director Education, Learning and Skills to ensure that the current statutory guidance on the post of Director of Children’s Services is met.

FOR DECISION

(1) As part of the Change to Keep Succeeding report, approved by the County Council on 16 December 2010, Members approved a new operating framework. The operating framework is compliant with the legislative requirements placed upon this Authority. The design of the specific Corporate Director posts that have a statutory role incorporated within them are also compliant with the demands placed upon them.

(2) It is proposed that the creation of the combined role of Director of Children’s Services and Director of Adult Social Services as the Corporate Director Families and Social Care will be underpinned by an amendment to the Constitution, enabled through an accountability protocol with the Corporate Director Education Learning & Skills, to ensure that the statutory guidance on the post of the Director of Children’s Services is met. The proposed accountability protocol (attached as **Appendix 1**) will also form part of the job descriptions and employment contracts for both posts.

(3) The Leader has designated the Cabinet Member for Specialist Children’s Services as the Lead Member for Children’s Services and the accountability protocol ensures that the Corporate Director Families and Social Care, as the statutory Director of Children’s Services, is accountable for ensuring that the Lead Member for Children’s Services and other elected Members are supplied with full and accurate information about children’s services in the local authority area and for children outside the area for whom the authority is responsible.

Recommendations

(3) The County Council is invited to approve the accountability protocol for the Director of Children’s Services, appended to this report.

Peter Sass
 Head of Democratic Services and Local Leadership
 01622 694002

Background Papers:

Change to Keep Succeeding – final proposals (County Council report – 16 December 2010)

Accountability Protocol for the Director of Children Services

(As approved by the Council on 6 April 2011)

The Corporate Director for Families & Social Care (CDFSC) is also designated as the Council's statutory Director of Children's Services (DCS).

A range of services for children and young people are managed within other directorates of the Council. This protocol ensures the DCS is able to meet their statutory responsibilities and assures the effective integration of all services for children and young people.

The CDFSC, the Corporate Director for Education Learning & Skills (CDELS) and the Corporate Director for Customers and Communities (CDCC) are all members of the Corporate Management Team and are directly accountable to the Managing Director for the performance of their duties. In addition, the CDELS and the CDCC are accountable to the CDFSC for the functions specified below.

The CDFSC, as the statutory DCS, is accountable for ensuring that:

- there are sufficient financial, human and other resources available across the Council to discharge the authority's statutory children's services functions and maintain service standards in the future within the allocated budget;
- staff are supported and developed so that they are effective, competent and confident; and
- the Lead Member for Children's Services and other elected members are supplied with full and accurate information about children's services in the local authority area and for children outside the area for whom the authority is responsible.

This protocol is enacted through a regular series of meetings. The timing of meetings is determined by the DCS, as appropriate. These meetings:

- provide a regular and formal opportunity for the DCS to be assured that their statutory duties are being met;
- enable the DCS to check and challenge and also direct activity if necessary to ensure that the statutory duties are being met;
- are minuted and maintained as a formal record of assurance.

At all other times the three corporate directors referred to in this protocol will be considered as equal colleagues and equal and full members of the Corporate Management Team.

If there is any dispute recorded in these formal assurance meetings or any concerns registered by the DCS that their statutory duties are not being met, or that remedial action appears not to be being taken or that new direction to ensure those duties will be met is not being accepted, then the Managing Director must be informed immediately and required to resolve the situation.

The CDELS is directly accountable to the CDFSC in the following areas:

- working with local head teachers collectively to drive up standards in schools and ensuring that they work together and with others to improve children's well-being;
- interacting with and supporting local schools and encouraging them to play their full part as relevant partners of the Children's Trust and working productively with other services;
- ensuring services are available for all children within the local authority area, including those attending all types of schools (including independent schools);
- supporting looked after children, in particular by focusing on improving their educational attainment;
- narrowing the gap in outcomes between the most disadvantaged and other children and young people;
- ensuring there are effective arrangements for school improvement in the area, for instance by:
 - raising standards in schools in line with the National Strategy;
 - setting challenging but achievable targets for schools;
 - ensuring a clear and costed menu of support for school improvement;
 - using powers to address underperformance quickly, including warning notices, structural improvement models, creating of Interim Executive Boards and other alternative governance arrangements, and, where necessary, school closures.
- ensuring effective delivery of the authority's responsibilities for 14-19 provision, and liaising with the Young People's Learning Agency on all aspects of 14-19 provision;
- ensuring that there is clear leadership at all levels in schools and education partners;
- ensuring that there is an effective 14–19 Partnership for the area, which can deliver local targets on participation and attainment.
- ensuring that there are effective safeguarding arrangements in place in all schools and educational settings and within the workforce directly accountable to them and be a member of the Kent Safeguarding Children Board;
- ensuring, with the agreement of the CDFSC, that there are sufficient financial, human and other resources available to discharge the authority's statutory education and learning functions and maintaining service standards in the future within the allocated budget;

- being a member of the Children's Trust (or its successor) and ensure effective working across the partnership.

The CDCC is accountable to the CDFSC in the following areas:

- ensuring that young offenders have access to the services and support they need to reduce re-offending. This includes ensuring that there is a joined up approach to resettlement plans and that service are delivered appropriately;
- putting in place procedures which enable youth offending teams and the secure estate to escalate and resolve issues where resettlement services are not being delivered to young people leaving custody;
- facilitating closer links between youth justice and the wider crime and disorder agenda, taking into account the needs of the victim as well as those of the offender;
- ensuring that there are effective safeguarding arrangements in place in all youth justice settings and within the workforce directly accountable to them and be a member of the Kent Safeguarding Children Board;
- being a member of the Children's Trust (or its successor) and ensure effective working across the partnership.

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By: Jenny Whittle, Cabinet Member, Specialist Children's Services
Malcolm Newsam, Interim Corporate Director Families & Social Care

To: County Council – 6 April 2011

Subject: Governance Arrangements for Children's Social Care Improvement

Summary: This report outlines the proposed governance arrangements for Children's Social Care Improvement.

1. Improvement Board

(1) The purpose of the Kent Improvement Board is to support rapid and sustainable improvement of services in the county that safeguard children and/or support looked after children. Its key roles are to agree, monitor and report progress on the actions in the Kent Children's Services Improvement Plan. That will include monitoring the targets set out in the Kent Improvement Notice issued by the Secretary of State in January 2011. This report was considered by Vulnerable Children and Partnerships Policy Overview and Scrutiny Committee on 30 March and Cabinet on 4th April and any amendments will be reported back to the county council at this meeting.

(2) The Board has appointed an independent chair, Liz Railton, which has been approved by the Parliamentary under Secretary of State for Children and Families. The Chair will report directly to the Minister and the Leader of the Council on progress on a quarterly basis

(3) The Board meets monthly and its membership includes:

- The Independent Chair
- KCC Lead Member for Children's Services
- KCC Corporate Director Families & Social Care
- KCC Director of Specialist Children's Services
- Department for Education observer
- The Chair of the Kent Safeguarding Children's Board
- The Primary Care Trust Chief Executive
- Kent Police

(4) The Board's work will be reported to:

- KCC Cabinet
- KCC Vulnerable Children's Policy Overview & Scrutiny Committee
- Kent Children's Trust Board
- Kent Safeguarding Children's Board
- County Council
- PCT Executive Board

(5) The Board's membership and Terms of Reference are set out in **Appendix 1** to this report.

2. Governance within Kent County Council

Attached as **Appendix 2** is a diagram illustrating the governance arrangements for Children's Social Care Improvement. There is top level ownership of the Improvement Plan within the Council, as follows:

- a. The Leader will receive quarterly reports from the Chair of the Improvement Board and will meet regularly with the Cabinet Member for Specialist Children's Services and the Interim Managing Director of Children, Families and Education
- b. The Cabinet Member for Specialist Children's Services and Managing Director will have a key leadership role within the Improvement Board
- c. Progress on the Improvement Plan will be monitored by Cabinet and the Vulnerable Children's Policy Overview & Scrutiny Committee. The Vulnerable Children's Policy Overview & Scrutiny Committee will set up a Children's Services Improvement Panel to offer support and challenge and to provide the detailed monitoring of progress
- d. The Children's Services Improvement Panel will be cross party (based on proportionately) and comprise nine Members, chaired by the Cabinet Member for Specialist Children's Services. It will replace the CSS Improvement and Development Steering Group (a Member and Officer working group) and the Children's Champion Board. It will meet after the Vulnerable Children's Policy Overview and Scrutiny Committee and will receive detailed progress reports on the Improvement Plan and up to date management and performance data. The meeting will not be webcast, however papers will be published.
- e. The Children's Services Improvement Panel will be supported by two key groups:
 - (i) **The Corporate Parenting Panel (CPP):** This Panel will be responsible for ensuring the best possible social, emotional, health and educational outcomes for all looked after children. Alongside all its other duties, it will be responsible for listening to the experiences of Looked after Children and feeding this into the Children's Services Improvement Panel. The Panel will be chaired by Mrs Ann Allen (Chairman of the Vulnerable Children and Partnerships POSC)¹, and will have a cross party Membership consisting of 9 County Council members. It will also include two foster carers and two representatives from the Children in Care Council. The CPP will also act as the governing body of the Virtual School for Looked after Children.
 - (ii) **Staff Advisory Group:** this will be the forum in which front-line staff, including managers, will be able to report directly to Members their experience of the improvement plan.
Members of the group will include the Cabinet Member for Specialist Children's Services and Deputy Cabinet Member, social workers, principal social workers and team leaders who are responsible for delivering front-line Children's Specialist services. The group will feed

¹ Subject to approval of County council on 6th April 2011, Vulnerable Children and Partnerships Policy Overview and Scrutiny Committee (POSC) will change to Families & Social Care Policy Overview and Scrutiny Committee (POSC)

back views about the extent to which the improvement actions being taken is impacting on their day to day responsibilities and they will make suggestions about any further action required. They will also assist Elected Members in understanding the support they can provide to front-line workers. In addition the Cabinet Member for Specialist Children's Services will engage with a series of meetings with front line staff.

The Children's Services Improvement Panel, Corporate Parenting Panel and the Staff Advisory Group will be held, informally without webcast in order to allow for in-depth discussion regarding performance and ensuring staff and carers have the freedom to discuss their views. It is not intended that these be formal committees or sub-committees of either the Council or the Cabinet. They have been established to monitor and deliver the objectives set out in the Kent Improvement Notice.

3. Recommendations

The County Council is asked to:

- (i) formally disband the Children's Champion Board, and
- (ii) approve the establishment of the:
 - (a) Kent Improvement Board and draft terms of reference, as set out in Appendix 1
 - (b) Children's Services Improvement Panel and draft terms of reference, as set out in Appendix 3
 - (c) Corporate Parenting Panel and draft terms of reference, as set out in Appendix 4.

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KENT SAFEGUARDING AND LOOKED AFTER CHILDREN'S IMPROVEMENT BOARD

DRAFT TERMS OF REFERENCE

Purpose

The Kent Children's Services Improvement Board will ensure effective, cross-partnership oversight of the Safeguarding and Looked After Children Improvement Plan and Programme in order to ensure delivery of all requirements outlined in the Improvement Notice issued by the Secretary of State in January 2011.

Status of the Board

The Board will report to the Leader and Cabinet of Kent County Council (KCC). The Chair of the Improvement Board will report progress on a quarterly basis to the Parliamentary Under-Secretary of State at the Department for Education (DfE) and the Leader of KCC, including specific commentary against the targets set out in the Improvement Notice.

Chair

- The Board will be chaired by an independent chair.
- Liz Railton CBE, Director of National Programmes and SERCO Education and Children's Services, has been jointly appointed by KCC and the DfE to undertake this role.
- If the Chair is unable to attend any meeting then she shall appoint an appropriate person from the existing Board membership to deputise in her absence.

Board Membership

- Liz Railton CBE, Independent Chair
- Katherine Kerswell, KCC Managing Director
- Jenny Whittle, KCC Cabinet Member for Specialist Children's Services
- Malcolm Newsam, KCC Interim Corporate Director for Families and Social Care
- Alastair Pettigrew, KCC Interim Director of Specialist Children's Services
- Oena Windibank, Interim KSCB Independent Chair
- Ann Sutton, Chief Executive, East Coast Kent PCT
- Lorraine Goodsell, Acting Director of Commissioning (Child Health)
- Marion Dinwoodie, Chief Executive, West Kent PCT
- Maria Shepherd, Detective Superintendent, Kent Police

Others in Attendance

- Julian Ward, Department for Education – Observer.
- Senior colleagues from KCC and partner organisations will attend and report to the Board as required.

Meeting Frequency

The Board will meet on a monthly basis and a schedule of meetings will be agreed for 2011 in the first instance.

Quorum

The Improvement Board has no quorum. It will be a matter for the Chair to determine whether there are sufficient members either present or able to attend to undertake the necessary business of the Board.

Alternates

Members of the Board will be required to attend in person or send their apologies. Deputies cannot attend in place of Board Members. For others attending the Board to support its work, deputies may attend with the prior agreement of the Chair.

Roles and Responsibilities

The Board will:-

1. Consider, comment upon and agree the detail of the KCC Safeguarding and Looked After Children Improvement Plan which will provide the focus for the Board's work.
2. Ensure that the requirements of the Improvement Notice, as issued by the DfE, are adequately and appropriately addressed within the Council's Improvement Plan.
3. Receive proposals for addressing the key performance issues identified within the Improvement Notice and monitor progress including the receipt of relevant performance management information.
4. Oversee, monitor and challenge progress on the implementation of the Council's Improvement Plan.
5. Advise on the implementation of the Improvement Plan, assessing risk and addressing issues that arise that may have an impact on the progress of the plan e.g. resourcing issues.
6. Assure itself that front-line practitioners and partners are all being appropriately engaged in addressing the key performance issues identified within the Improvement Plan.
7. Agree the future workplan of the Board.
8. Support the Chair in agreeing the key issues to be formally reported to the Leader and Cabinet of KCC and the DfE as part of the formal reporting requirements and in addition, ensure effective communication of the programme's progress to the Kent Children's Trust, Kent Safeguarding Children's Board, PCT Executive Board and staff within individual partner organisations.

Dissolution of the Board

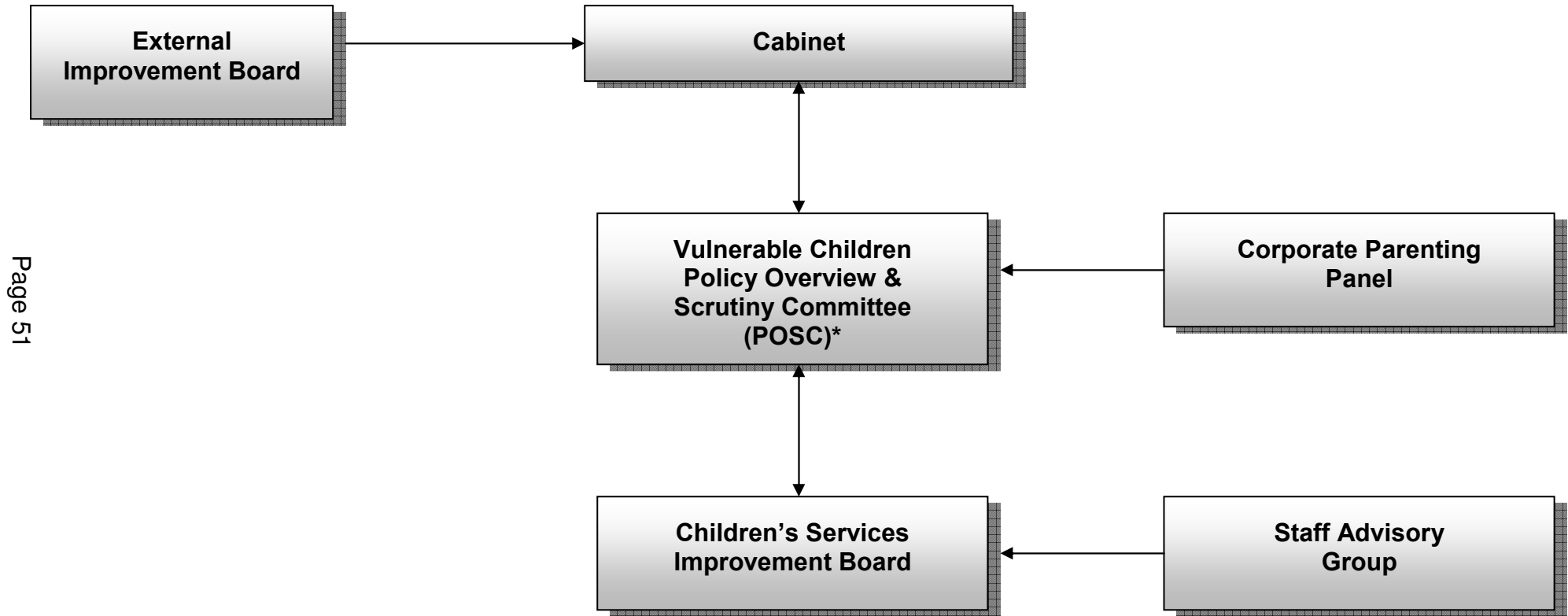
The Board will be dissolved by a joint decision of the Parliamentary Under-Secretary of State for Children and Families and KCC, following a recommendation from the Board that all of the key requirements in the Improvement Notice have been sufficiently met and are sustainable. Any change in the Board membership will need to be agreed with the DfE, KCC and the Independent Chair.

Administration

KCC will be responsible for the preparation of the agenda and papers for the meetings of the Board, in consultation with the Independent Chair. Papers will be distributed to Board Members at least 5 days in advance of any meeting. KCC will also be responsible for the administration, clerking and hosting of the Board meetings and will ensure that minutes are taken and distributed to Board Members within one week of a Board meeting. The Chair will agree minutes before circulation.

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Revised Governance Arrangements



* Subject to approval of County council on 6th April 2011, Vulnerable Children and Partnerships Policy Overview and Scrutiny Committee (POSC) will change to Families & Social Care Policy Overview and Scrutiny Committee (POSC)

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CHILDRENS SERVICES IMPROVEMENT PANEL

DRAFT TERMS OF REFERENCE APRIL 2011

1. The Kent Children's Services Improvement Panel will ensure effective, cross-party oversight of the improvement priorities outlined in the Kent Improvement Notice issued by the Secretary of State in January 2011.
2. Develop expertise that enables Members to act as the champions for Kent children who are in need, with a particular focus on those in need of protection;
3. Review the progress of the improvement plan; consider relevant statistical information, including staffing levels.
4. Consider reports regarding the quality of delivery and management of risk associated with the protection and safeguarding of children, *including those submitted to the Improvement Board*.
5. Work alongside the Staff Advisory Group and user groups in order to gather feedback from all those involved in Child Protection and Safeguarding;
6. Work with the Corporate Parenting Panel to ensure that they are able to conduct their targeted Corporate Parenting roles and responsibilities
7. Report in a timely manner to the relevant local Member(s) as and when such may be required.
8. Support all Members build their understanding of the levels and responsibilities associated with Corporate Parenting and Safeguarding.

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CORPORATE PARENTING PANEL

REVISED TERMS OF REFERENCE, APRIL 2011

1. To develop expertise that enables Members to fulfil their role as Corporate Parents and act as Champions for Kent children who are looked after;
2. To consider statistical information that includes staffing levels, relevant indicators from the National Indicator Set (NIS) and national Looked After Children returns.
3. To consider reports from the Kent Safeguarding Children Board (KSCB), Kent Children's Trust Board, and in relation to Looked After Children, and any changes to relevant legislation and guidance;
4. To work alongside the Staff Advisory Group and Children in Care Council in order to gather feedback from all those involved in and working with or on behalf of Looked After Children. This will include ongoing engagement with Foster Carers and other user groups;
5. To lead on ensuring that the targeted Corporate Parenting roles and responsibilities of the Local Authority are being met, including:-
 - a) To be aware of national expectations regarding the service to Looked After Children and Care Leavers, including those contained in Every Child Matters, the Healthy Care Initiative and the Care Matters agenda;
 - b) To have access to qualitative as well as quantitative information on the service, and to ensure that Corporate Parenting Panel Members have enough background knowledge to understand and evaluate this information;
 - c) To consider ways in which the Corporate Parenting Panel will hear and respond to the views of Looked After Children, their parents and carers;
 - d) To have an understanding of the arrangements that need to be in place in order to be an effective Corporate Parent;
 - e) To undertake an in-depth analysis of the needs of the County Council's care population and all aspects of the service required to meet those needs, so there is clear evidence to inform future action.
 - f) To take action continually, in conjunction with officers and partner agencies, to improve the service and ensure it responds to changing needs.
 - g) To report in a timely manner to the relevant local Member(s) as and when such may be required.

- h) To support the Chairman of the Corporate Parenting Panel in undertaking their specialist Level 3 Corporate Parenting responsibilities.
- i) To highlight issues relevant for scrutiny
- k) To act as the Governing Body to the Virtual School for Kent.

By: Director of Governance and Law

To: County Council – 6 April 2011

Subject: Proposed Revised Committee Structure and Proportionality

Classification: Unrestricted

Summary: This report invites the County Council to agree the new proposed committee structure, the revised total number of Committee places and the allocation of those places between the political groups as recommended by the Selection and Member Services Committee.

FOR DECISION

Composition of the County Council

1. (1) The current composition of the County Council is set out in the table below:

Political Group	Number of seats	Proportion of seats
Conservative	73	87% (86.90%)
Liberal Democrat	7	8% (8.33%)
Labour	3	4% (3.57%)
Other	1	1% (1.19%)
Total	84	100%

Revisions to the County Council's Committee Structure

2. (1) Selection and Member Services Committee, which met on 22 March 2011 has recommended a revised Committee structure for the County Council, as follows:

- (a) the three Children, Families and Education Policy Overview and Scrutiny Committees (POSCs) would be replaced by the Education, Learning and Skills POSC;
- (b) the Adult Social Services POSC would be replaced by an Adult Social Services & Public Health POSC and a Specialist Children's Services POSC; and
- (c) the Communities POSC would become the Customer and Communities POSC

(2) The net effect of these changes would be to reduce the number of POSCs by 1. This would bring about a consequent reduction in the overall number of Committee places to be allocated from 230 to 218.

(3) The Local Government and Housing Act 1989 requires Committee places to be allocated between the political groups in accordance with the following principles:

- (a) the group with the majority of seats on the Council is allowed to have a majority of seats on each Committee;
- (b) subject to (a) above, the number of seats on the total of all Committees allocated to any political group must be proportional to the number of seats which that group holds on the County Council;
- (c) subject to (a) and (b) above, the number of seats on each Committee allocated to any political group must be proportional to the number of seats which that group holds on the County Council;

(4) The Table below shows how the total number of seats would be allocated within the new proposed structure.

(5) The Liberal Democrat Group has currently 1 more seat than it is entitled to because places on the Flood Risk Management Committee were allocated initially according to a calculation for the Committee with no reference being made to overall proportionality. The County Council agreed on 17 January 2011 to vary the proportionality rules so that the Liberal Democrat Group retained its place on this Committee.

(6) Entitlement to places on Select Committees and Panels is unaffected by the proposed changes.

Committee	Con	Lib Dem	Lab	Independent	Total	Non KCC
Cabinet Scrutiny Committee	11 (11.30)	1 (1.08)	1 (0.46)	1 (0.15)	13 + 1	*5
Corporate Policy Overview Committee	11 (10.42)	1 (1.00)	0 (0.43)	0 (0.14)	12	
Adult Social Services and Public Health POSC	11 (11.30)	1 (1.08)	1 (0.46)	0 (0.15)	13	
Customer and Communities POSC	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	
Education, Learning and Skills POSC	11 (10.42)	1 (1.00)	1 (0.46)	0 (0.15)	13	@ 11
Specialist Children's Services POSC	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	
Environment, Highways and Waste POSC	11 (10.42)	1 (1.00)	0 (0.43)	0 (0.14)	12	
Regeneration and Economic Development	11 (10.42)	1 (1.00)	0 (0.43)	0 (0.14)	12	

POSC						
Health Overview and Scrutiny Committee	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	4 \$
Scrutiny Board	9 (8.69)	1 (0.83)	0 (0.36)	0 (0.12)	10	+
Governance and Audit Committee	12 (11.30)	1 (1.08)	0 (0.46)	0 (0.15)	13	
Electoral & Boundary Review Committee	7 (6.95)	1 (0.66)	0 (0.29)	0 (0.10)	8	
Personnel Committee	6 (6.95)	1 (0.66)	1 (0.29)	0 (0.10)	8	
Planning Applications Committee	16 (14.77)	1 (1.41)	0 (0.61)	1 (0.20)	17+1	
Regulation Committee	15 (13.90)	1 (1.33)	0 (0.57)	1 (0.20)	16 +1	
Selection and Member Services Committee	7 (7.82)	1 (0.75)	1 (0.31)	0 (0.11)	9	
Superannuation Fund Committee	7 (6.95)	1 (0.66)	0 (0.29)	0 (0.10)	8	3 (1/1/1) #
Children's Champions Board	7 (6.95)	1 (0.66)	0 (0.29)	0 (0.10)	8	
Flood Risk Management Committee	6 (6.08)	1 (0.58)	0 (0.25)	0 (0.08)	7	
TOTAL	188	19	8	3	218	
Proportionate Share of Total	189 (188.57)	18 (18.08)	8 (7.75)	3 (2.58)	218 (+3)	
Difference to Proportionate share	-1	+1	0	0		

* 3 diocesan representatives and 2 parent governor representatives with voting powers on education issues only.

@ 3 Diocesan representatives, 2 parent governor representatives and 6 Teacher representatives.

+ To include the Chairmen of the preceding nine Committees (as agreed previously by the County Council).

\$ 4 District Council representatives with voting powers.

3 District Council Members with voting powers (1 from each of the Conservative, Liberal Democrat and Labour Parties).

Sub-Committees	Con	LD	Lab	Ind/un-allocated	Non KCC	Total
Select Committees	7	1	0	0		8
Regulation Committee Panels (School-related Appeals (mainly Transport); Enforcement, Public Rights of Way, Marriage Premises, Village/Town Greens, Mental health Guardianship)	4	1	0	0		5
Advisory Boards	Con	LD	Lab	Ind/un-allocated	Non KCC	Total
Gypsy and Traveller Advisory Board	7	1	0	0		8
School Organisation Advisory Board	7	1	0	0		8

(7) In respect of the Regulation Committee Member Panels, the Chairman of the Regulation Committee has requested that a place be offered to the Independent Member of that Committee whenever either the Conservative or Liberal Democrat Groups offers to give up a place.

(8) Selection and Member Services Committee agreed at its meeting on 22 March 2011 to recommend these proposed changes to the County Council for approval.

Recommendations

4. (1) The County Council is invited to agree:
 - (a) 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.
 - (b) that 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.

Peter Sass
 Head of Democratic Services and Local Leadership
 01622 694002

KENT COUNTY COUNCIL**PLANNING APPLICATIONS COMMITTEE**

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 7 December 2010.

PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R Brookbank, Mr A R Chell, Mrs P T Cole (Substitute for Mr P J Homewood), Mr J A Davies, Mr T Gates, Mr J D Kirby, Mr R J Parry, Mr R A Pascoe, Mr M B Robertson, Mr C P Smith, Mr K Smith, Mrs P A V Stockell (Substitute for Mr P J Homewood) and Mr A T Willicombe

ALSO PRESENT: Mr I S Chittenden

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

UNRESTRICTED ITEMS**58. Mr Godfrey Horne**
(Item)

The Committee observed a moment of silence in respect of the memory of Mr Godfrey Horne.

59. Membership
(Item A1)

The Committee noted the appointment of Mr P M Homewood to the Committee.

60. Minutes - 2 November 2010
(Item A4)

(1) The Head of Planning Applications Group informed the Committee that the reason that the applications determined at its previous meeting were being reconsidered was because of a successful legal challenge to the Secretary of State's advice that the South East Plan had been abolished.

(2) As a consequence, the South East Plan had been re-established as a material planning consideration. This had become clear before the decision notices had been issued. Therefore, each of the applications would need to be reconsidered in the light of the policies contained within the South East Plan, together with all other material planning considerations. In each case, the Committee would need to have regard to both the main report contained within the papers and the previous month's report (which had been appended).

- (3) RESOLVED that the Minutes of the meeting held on 2 November 2010 are correctly recorded and that they be signed by the Chairman.

61. Application MA/10/167 - Materials Recycling Facility and transfer station for waste recovery at SBS Recycling, Straw Mill Hill, Tovil; Pinden Ltd
(Item C1)

(1) Mr M B Robertson declared that he had previously been lobbied by objectors to the application. As a Member of Maidstone BC, he knew those of its Members who were opposed to the application. He was also acquainted with one of the Objectors, Mr A Smith and was a distant relative of another objector, Mr D Finnegan (who he had not seen for many years). He had not taken any part in the preparation and signature gathering organised by the Liberal Democrat Group on Maidstone BC. He had not in any way been involved in consideration of the application by the Borough Council itself, nor had he expressed any opinion on it apart from at the previous meeting. He was, therefore in a position to reconsider the application with a fresh mind.

(2) Mr A R Chell had made a declaration during the previous meeting that he had been lobbied by objectors to the application. He had not expressed any opinion on it prior to that meeting and was therefore in a position to approach it with a fresh mind.

(3) Mr R A Pascoe was not present for the whole item and therefore did not vote in its determination.

(4) The following items of correspondence were tabled:-

- (a) a letter from Mr P Aelen of dha Planning;
- (b) a document to accompany the oral representations from Mrs S Bister of the Tovil Action Group;
- (c) a submission from the Valley Conservation Society to accompany the oral submission from Mr G Stead;
- (d) a further submission from Mr P Aelen with an accompanying letter from the Maidstone BC Head of Development Management;
- (e) correspondence from Helen Grant, MP; and
- (f) correspondence from Mr R Sanders, a local resident.

(5) Mr I S Chittenden was present for this item subject to Committee Procedure Rule 2.24 and spoke.

(6) Mr C English from Tovil PC, Mr G Stead, Mr P Aelen and Mrs S Bister spoke in opposition to the application. Mrs V Sampson from Environmental Scientifics Group spoke in reply on behalf of the applicants.

(7) Mr M B Robertson moved, seconded by Mr A R Chell that the application be refused.

Carried 7 votes to 5

(8) RESOLVED that:-

- (a) the application be refused on the grounds that it is contrary to the principles of sustainable development in respect of the adverse impact on the character of the local area and lack of need; and
- (b) approval be given to the Head of Planning Applications Group to provide the precise wording of the grounds for refusal in consultation with the Chairman, Vice-Chairman and the Lead Member of the Liberal Democrat Group on the Committee.

62. Application GR/09/286 - Bulk aggregates Import Terminal handling up to 3 million tpa and associated infrastructure, including reinstated rail access at Northfleet Works, The Shore, Northfleet; Lafarge Cement UK

(Item C2)

(1) The Head of Planning Applications Group informed the Committee that Footnote 8 on Page 107 of the agenda papers should read: "a possible definition would be for deliveries in the area to the east of the BAIT on land north of London Road (B2175) and Overcliffe (A226) and west of Bath Street (A226)."

(2) RESOLVED that permission be granted to the application subject to the prior satisfactory conclusion of a legal agreement to secure the Heads of Terms given in Appendix 3 of the 2 November 2010 Committee report and to conditions, including covering a 5 years time limit to implement the permission; maximum of 3 million tonnes per annum of imports; the prior approval of various details (including conveyors, gatehouse / security lodge, weighbridge, parking arrangements, external construction materials and fencing); the prior approval of a Code of Construction Practice (relating to air quality, noise, vibration, geotechnics and soil contamination and waste); crushed rock only being stored outside the enclosed aggregate storage building exceptionally in the event of plant / equipment failure or unless otherwise agreed; protection of Port of London Authority radar equipment; the prior approval of a Tunnels Report (dealing with current condition, repairs / remedial measures, monitoring, maintenance and management of road and rail access tunnels and cliffs above their portals); hours of use (ship, barge and rail arrival, departure, loading and unloading and HGV movements being permitted 24 hours a day 7 days a week with all other activities restricted to between 0700 and 1800 hours Monday to Friday, 0700 and 1300 hours on Saturdays with no working on Saturday afternoons, Sundays, Bank and Public Holidays unless the prior written approval of the County Council has been obtained to depart from these hours); no more than 1.2 million tonnes of materials being exported by road each year; the implementation of a travel plan; measures to prevent mud and debris on the highway (e.g. sheeting of loaded HGVs); safeguarding of Fastrack route; HGVs entering and leaving via Thames Way (A226) and only using The Shore, Granby Road and Crete Hall Road unless delivering locally, in emergencies or otherwise agreed beforehand); no more than 200 HGV movements between 0700 and 1000 hours and 1600 and 1900 hours in any one day; no more than 13,500 HGV movements in any one calendar month; rights of way being kept free of obstruction and available for use unless formal replacements are provided; the rating noise level not exceeding the background noise level by more than 3dB; measures being employed to minimise noise impacts of vehicles, railway locomotives and wagons, ships and barges, plant, machinery and other equipment; reversing vehicles and plant not emitting warning noise

that is audible at noise sensitive properties; no commercial operations taking place until a dust management plan has been submitted and approved; the implementation of flood risk and water protection measures; the submission and approval of a foul and surface water management scheme; the submission, approval and implementation of a contaminated land assessment scheme; archaeology; ecological mitigation, compensation and enhancement; a landscaping scheme; and no external lighting until an appropriate scheme has been submitted and approved.

63. Application AS/10/1010 - Extension of the timescale for the implementation of Permission AS/06/4 (Waste transfer Station) until 8 May 2014 at Waterbrook Park; Waterbrook Avenue, Ashford; Robert Brett and Sons Ltd
(Item C3)

RESOLVED that permission be granted for the extension the timescale for the implementation of Permission AS/06/4 until 8 May 2014 subject to conditions, including conditions covering hours of working, including peak hour restrictions, the number of vehicle movements; landscaping and floodlighting, noise, dust and odour controls; archaeological investigations; drainage; footpath diversions; ecological mitigation; details of the low energy internal lighting to be employed in the waste transfer building; and details of the design of any heating to be employed within the waste transfer building prior to its installation which shall have regard to the BREEAM energy standards.

64. Proposal AS/10/1211 - Proven 15kw wind turbine on a 15m mast in the school playing field at Aldington Primary School, Roman Road, Aldington; Governors of Aldington Primary School
(Item D1)

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time condition for implementation; the development being completed in accordance with the approved plans; the noise condition recommended in paragraph (4) of the report; a consultant being employed to measure the impacts in the event of complaints relating to noise arising; and ecology advice being sought in the event of dead bats being found on site.

65. Proposal SW/10/545 - Floodlit synthetic turf pitch at The Abbey School, London Road, Faversham; Governors of The Abbey School
(Item D2)

(1) Mr T Gates informed the Committee that he had taken no part in discussion of this item at Faversham TC and that he had also attended a meeting between the School and local residents which had discussed the proposal. He had not given a view during this meeting and was therefore in a position to approach the proposal with a fresh mind.

(2) The Head of Planning Applications Group advised the Committee that, although Swale BC was not due to discuss the application until after the Committee meeting, the Borough Council's Planning Officers were recommending that there

should be no objection. The Head of Planning Applications Group also reported the receipt of late letters of objection from 5 neighbouring residents.

(3) Mrs M McCreedy and Mr S Curling addressed the Committee in opposition to the proposal. Mrs C Woodend (Head Teacher) and Mr S Finlan (Director of Sports) of Abbey School spoke in reply.

(4) In agreeing the Head of Planning Applications Group's recommendations, the Committee asked for an Informative to advise the School of the need for careful irrigation measures for the proposed bund.

(5) RESOLVED that:-

- (a) subject to the views of Swale Borough Council, permission be granted to the proposal subject to conditions, including conditions covering a 3 year time limit for implementation; the development being carried out in accordance with the permitted details; colour and specification of fencing and surfacing; precise details of the bunding, including its landscaped appearance; a detailed scheme of landscaping, including a maintenance programme; protection of the trees which are to be retained; further details of the exact positioning of the acoustic barrier; an acoustic barrier to be constructed in accordance with the specification provided and installed on site prior to first use of the floodlit pitch; hours of use to be restricted to between 0700 and 2130 Monday to Friday, between 0900 and 1800 on Saturdays, and between 1000 to 1800 on Sundays and Bank Holidays; all lighting on site (except security lighting) being extinguished by 2130, or 15 minutes after last use of the facility if earlier; extinguishing of lighting when the pitch is not in use; the level of use of the facilities according with the submitted details; lighting being installed in accordance with approved details, and checked on site; lighting levels not exceeding those specified within the application; no further lighting being installed without planning permission; land contamination and drainage; car parking being completed and operational prior to first use of the floodlit pitch; submission of a revised School Travel Plan; parking being available out of school hours for community use; hours of working during construction being restricted to between 0800 and 1800 Monday to Friday and 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; measures to prevent mud and debris on the highway; and a construction code of practice; and
- (b) the applicants be informed by Informative of the Committee's view of the need for careful irrigation measures for the permitted bund.

66. Proposal SE/10/2312 - Single storey extension to the existing sports hall for storage and spectators at The Valence School, Westerham Road, Westerham; Governors of The Valence School
(Item D3)

- (1) Mr R E Brookbank informed the Committee that he had taken no part in the discussion of the proposal by Sevenoaks DC. He was therefore in a position to approach the proposal with a fresh mind.
- (2) RESOLVED that permission be granted to the proposal subject to the standard time condition for implementation and the development being carried out in accordance with the approved plans.

67. County matters dealt with under delegated powers
(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils and Government Departments;
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 20 January 2011.

PRESENT: Mr R E King (Chairman), Mr R Brookbank, Mr A R Chell, Mrs V J Dagger, Mr J A Davies, Mr T Gates, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr R J Lees, Mr R F Manning, Mr R J Parry, Mr R A Pascoe, Mr M B Robertson, Mr C P Smith, Mr K Smith and Mr A T Willicombe

ALSO PRESENT:

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Team Leader - County Council Development), Mr R White (Transport and Development Business Manager), Mrs L McCutcheon (Senior Solicitor) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

1. Minutes - 7 December 2010

(Item 4)

(1) In respect of Minute 61, the Head of Planning Applications Group reported the detailed grounds for refusal of Application MA/10/167 (Straw Mill Hill, Tovil). The Committee agreed to record these grounds in the Minutes of this meeting.

(2) RESOLVED that:-

- (a) the Minutes of the meeting held on 7 December 2010 are correctly recorded and that they be signed by the Chairman; and
- (b) the detailed grounds for refusal of Application MA/10/167 be noted as set out below:-
 - (i) The development would undermine the character and distinctiveness of the local area and fails to deliver a high quality built environment contrary to the objectives of sustainable development and urban renaissance. It is therefore contrary to the objectives of Planning Policy Statement 1: Planning for Sustainable Development 2005 (PPS1), Planning Policy Statement 10: Planning for Sustainable Waste Management, July 2005 (PPS10) and policies CC1, CC6 and BE1 *I and v) of the South East Plan, May 2009.
 - (ii) No case of need for the development at this particular site has been demonstrated sufficient to override and justify the material harm being caused to the character and amenity of the area. The proposal is therefore contrary to Policy W6 of the Kent Waste Local Plan, 1998.

2. Site Meetings and Other Meetings

(Item A4)

(1) The Committee agreed to visit the site of the proposed cremation unit for fallen agricultural livestock T Pett Farm, Charing on Tuesday, 15 March 2011; and that its next training session would be held on Tuesday, 12 April 2011.

3. Revised and updated Validation Requirements for Planning Applications

(Item B1)

RESOLVED that:-

- (a) the responses received and the proposed revisions be noted together with the updates to the County Council Development and Waste Planning Applications Validation Documents;
- (b) the Head of Planning Applications Group be authorised to publish the revised and updated Validation Documents on the County Council's website; and
- (c) delegated authority be given to the Head of Planning Applications Group to undertake the more regular updating of the references to current policy documents and the technical and policy guidance cited in the Validation Documents, to ensure that they remain technically up to date in between further formal reviews of the contents.

4. Recorded Voting at Planning Application Committee meetings

(Item B2)

(1) The Committee agreed in the light of comments made at the meeting that the Chairman of Selection and Member Services Committee would be requested to agree to the withdrawal of this item from that Committee's agenda. This would enable further consideration to take place on this and a number of related issues, resulting in a report being brought to a future meeting of the Committee.

(2) RESOLVED that:-

- (a) Selection and Member Services Committee be requested to not consider this matter at its next meeting;
- (b) a further report be made to a future meeting of the Committee giving more detailed consideration of this and related issues.

5. Proposal SH/09/534 - New 0.5 FE Primary School for Seabrook CEP School with associated playing field, parking and turning facilities, access road and new level games pitch at land off Eversley Road, Seabrook, Hythe; KCC Children, Families and Education

(Item D1)

(1) Mr R A Pascoe informed the Committee that he had already considered and voted on this application as a member of Shepway DC. He therefore took no part in the decision making process for this item.

(2) The Head of Planning Applications Group informed the Committee of the views of the Local Member, Mr C J Capon in support of the application.

(3) In agreeing the Head of Planning Applications Group's recommendations, the Committee agreed to the inclusion of Conditions clarifying hours of use within the Community Use Scheme; and to dog bones (white access markings) being considered for the neighbouring properties.

(4) RESOLVED that the proposal be referred to the Secretary of State and that subject to him giving no direction to the contrary permission be granted subject to conditions, including conditions covering a 5 year time limit; the development being carried out in accordance with the permitted details; details of external materials being submitted; details of external lighting being submitted; the sports pitch being constructed in accordance with the levels provided; detailed proposals for installing acoustic fencing for the sports pitch and implementation if wanted by the immediately adjacent property occupiers; submission of a Community Use Scheme for the level games pitch (including clarification of hours of use); details of a Sustainable Urban Drainage System being submitted; a scheme of landscaping, its implementation and maintenance (including evergreen planting to the southern boundary) being submitted; a Habitat Management Plan being submitted; the development being undertaken in accordance with the recommendations made in the submitted ecological surveys; the submission of provisions for the protection of nesting birds; the provision of 'School Keep Clear' road markings; the provision and retention of car parking, cycle parking and turning area as indicated; the preparation, implementation and ongoing review of a Revised School Travel Plan; restrictions on the hours of working during construction; details of a Construction Management Strategy being submitted; details of parking for site construction personnel being submitted; and the possible provision of dog bones (white access marking) for the neighbouring properties.

6. Proposal AS/10/512 - 2 FE primary School and Day Nursery provided as part of the overall development of the former Rowcroft and Templar Barracks site, Repton Avenue, Ashford; KCC Children, Families and Education
(Item D2)

(1) The Head of Planning Applications Group reported that although Ashford BC had not formally considered the amended application, informal discussions between its Officers and Planning Committee Members strongly indicated that there were no outstanding objections to the proposal.

(2) RESOLVED that:-

(a) permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission for

approval of details of all external materials; clear glazing being provided and maintained to the street elevations unless otherwise approved by the County Planning Authority; provision of all the communal spaces which form the central hub, including the small hall as part of Phase 1 of the building as shown on the phasing drawing; the development meeting the BREEAM rating of 'Very Good'; the submission for approval of details of the electricity substation and enclosure; the submission for approval of details of finished floor and site levels; the submission for approval of details, implementation and subsequent maintenance of landscaping proposals, including gates, fencing and boundary treatment; the submission for approval of details of the 'square' including paving, street furniture and planting proposals; submission for approval of details of external lighting; the submission for approval of details of surface water drainage, including details of sustainable drainage systems (SUDS) to demonstrate how the required minimum discharge rate of 10 litres per second to the public storm water sewer would be achieved; ground contamination; implementation of the recommendations for biodiversity mitigation and enhancement set out in the Protected Species Report; implementation of an archaeological watching brief; the submission for approval of details of a school crossing facility, signage, and 'school keep clear' and 'zig zag' markings; the submission for approval of details of a school travel plan its implementation and ongoing review; the provision and retention of parking for cars and cycles; and the submission for approval of details of a Construction Management Strategy; and

- (b) the applicant be advised by Informative that:-
- (i) account should be taken of the Environment Agency's advice relating to surface water drainage and sustainability; and
 - (ii) account should be taken of the Divisional Transportation Manager's advice that a licence must be obtained from Kent Highway Services for the required vehicular crossovers and any other works within the highway.

7. Proposal SW/10/1377 - Single storey extension to provide replacement classroom accommodation for existing mobile buildings, a small activity hall, ITC room, library and associated facilities at Richmond Primary School, Nursery Close, Sheerness; KCC Property Group
(Item D3)

RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions covering (amongst other matters) the submission of a scheme of flood resilience measures; the submission of a scheme for the disposal of surface waters; the submission of details of external materials; the submission of a landscaping scheme and measures to ensure the scheme is successfully implemented; the submission of details of contractor's compound, parking and associated facilities during

construction; precautions to prevent the deposit of mud on the highway; hours of operation during construction work; provision of the cycle parking shown in the application; and removal of the mobile buildings within 1 month of first occupation of the extension; and

- (b) the applicant be informed by Informative of the Committee's view that the school should ensure that the flood evacuation plan for the site is adapted to include the extension; and that the School Travel Plan should be subject to ongoing monitoring and review.

8. County matters dealt with under delegated powers

(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils and Government Departments (None);
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 15 February 2011.

PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R Brookbank, Mr A R Chell, Mrs V J Dagger, Mr J A Davies, Mr T Gates, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr R J Lees, Mr R F Manning, Mr R A Pascoe, Mr M B Robertson, Mr C P Smith, Mr K Smith and Mr A T Willicombe

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

UNRESTRICTED ITEMS

9. Minutes - 20 January 2011

(Item A3)

RESOLVED that the Minutes of the meeting held on 20 January 2011 are correctly recorded and that they be signed by the Chairman.

10. Site Meetings and Other Meetings

(Item A4)

(1) The Committee noted that the site visit to the proposed Incinerator at Charing had been cancelled, and that the training session on 12 April would be on minerals and waste issues.

11. South East Plan Update

(Item)

(1) The Chairman declared this item to be Urgent as the Committee needed to be aware of the latest developments when it determined applications.

(2) The Head of Planning Applications Group informed the Committee that the Government had won its case in the High Court against Cala Homes. As a consequence, the Government's intention to abolish the South East Plan was a material planning consideration for the determination of planning applications - as were relevant policies in the South East Plan. The Judgement made clear that the weight to be afforded to any material consideration depended on the individual circumstances and was a matter for the decision maker, who needed to act reasonably and consistently.

12. Application TM/10/3056 - Renewable electricity generating equipment with associated alterations to the design of part of consented southern composting

hall building with additional car parking spaces at Blaise Composting Facility, Kings Hill, West Malling; New Earth Solutions (Kent) Ltd and William Riddle
(Item C1)

The Chairman informed the Committee that he had agreed to the applicants' request that consideration of this application should be deferred for three months.

13. Proposal CA/10/1790 - State of the art educational building together with outdoor sports pitches, a new three court multi-use games area, new parking provision, drop-off zones, new circulatory access and landscaping and ancillary works for Spires Academy at Land at Bredlands Lane, Westbere, Canterbury; KVV Children, Families and Education
(Item D1)

(1) The Head of Planning Applications group informed the Committee that Sport England had withdrawn its concern over the loss adequacy of storage space for the proposed sports hall. As a consequence, the condition requiring its design to accord with their specifications was no longer needed.

(2) The Head of Planning Applications Group informed the Committee that the local Member, Mr R A Marsh had expressed his support for the recommendations and that two local City Council Members had also written in to express their support.

(3) In agreeing the recommendations (as amended in (1) above, the Committee asked for the inclusion of a condition advising that the existing building and its site needed to be secured once vacated.

(4) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials to be used externally; details of all external lighting; a scheme of landscaping, including hard surfacing, its implementation and maintenance; measures to protect those trees to be retained; details of fencing, gates and means of enclosure, including colour finishes; no tree removal during the bird breeding season; the development according with the recommendations of the ecological surveys; the submission of a reptile mitigation strategy; archaeological field evaluation works and subsequent safeguarding measures; a BREEAM rating of 'Very Good' being achieved; the submission of a detailed surface water drainage scheme; the submission of details regarding ground conditions and playing field quality; retention of playing field land to the north of the existing buildings on the west of Bredlands Lane; the MUGA being constructed in accordance with Sport England Technical Design Guidance Notes; the submission of a report setting out expected community use of the indoor and outdoor facilities, including hours of use; the provision of a pedestrian and vehicular visibility splay; the provision of access, car parking, pick-up/drop-off, circulatory space, and cycle parking prior to first occupation, and subsequent retention; car parking on site being available out of school hours to accommodate evening and weekend use; a combined footway

and cycle route being provided prior to first occupation, its subsequent retention and availability for public use; the submission of a revised School Travel Plan, its implementation and ongoing review; no flood lighting being erected on the multi-use games area (or elsewhere on the site) without the written permission of the County Planning Authority; hours of working during construction and demolition being restricted to between 0800 and 1800 Monday to Friday and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; a construction management plan, including access, parking and circulation within the site for contractors and other vehicles related to construction and demolition operations; adequate measures being taken to ensure the security of the existing buildings and their site once vacated; and measures to prevent mud and debris being taken onto the public highway; and

(b) the applicants be advised by Informative that:-

- (i) account should be taken of Environment Agency's advice relating to flood risk, land contamination, drainage, and the storage of fuel, oil and chemicals; and
- (ii) planning permission does not convey any approval for the required vehicular crossing or any other works within the highway for which a licence must be obtained.

14. Proposal DO/10/507 - Removal of a mobile classroom unit and construction of a single storey building at Goodnestone CEP School, The Street, Goodnestone, Canterbury; Governors of Goodnestone CEP School
(Item D2)

(1) Mr K Smith made a declaration of Personal Interest as he had formerly been Chairman of Governors at Goodnestone CEP School.

(2) Mr C Hibberd informed the Committee of the strong support of Mr L B Ridings, the Local Member for the proposal.

(3) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit condition; the development being completed in accordance with the approved plans; details of external materials being submitted and approved prior to commencement; adequate facilities being provided during construction to prevent the deposit of mud on the highway; and no border trees, hedgerows or shrubs being removed without written approval from the County Planning Authority.

15. Proposal SE/10/1416 - Multispan green house and roof garage at The Milestone School, Ash Road, New Ash Green; Governors of The Milestone School
(Item D3)

(1) In agreeing the recommendations, the Committee requested the inclusion of an Informative advising the applicants of the need to ensure that the poly-tunnel should be kept in good repair.

(2) RESOLVED that:-

- (a) permission be granted to the proposal subject to conditions including conditions covering the standard time condition; and the development being completed in accordance with the approved plans; and
- (b) the applicants be advised by Informative of the Committee's view of the need to ensure that the poly-tunnel is kept in good repair.

16. Proposal TW/10/3477 - Mew Maths, English and Languages building on The Mascalls School site providing 24 new classrooms, 2 media suites, hall and dining area, kitchen, servery, staff area and toilet provision. Demolition of existing A Block at Phase 2 of the development at The Mascalls School, Paddock Wood; Governors of The Mascalls School
(Item D4)

(1) The Head of Planning Applications Group informed the Committee of the views of the Local Member, Mr A J King in strong support of the proposal; of late comments from Tunbridge Wells BC, welcoming the planned planting scheme on the southern side of the site; and the further views of Paddock Wood Town Council raising no further issues.

(2) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering a 5 year implementation period; the development being carried out in accordance with the permitted details; full implementation of the tree planting scheme (associated with the proposed development) as proposed within the application within the first planting season following the completion of Phase 1; implementation of the original Riley building landscaping measures (as originally agreed pursuant to Permission TW/04/1935) within the first planting season following completion of Phase 1; the submission for approval of the details of internal site landscaping measures, including proposed allotments, orchard, sculpture garden and wildflower meadow and their subsequent implementation within the first planting season following completion of Phase 2; the erection and subsequent maintenance of tree protection fencing (in accordance with the relevant British Standard) around all the trees and groups of trees to be retained during construction activities; the approval of details of all external materials to be used in Phases 1 and 2 prior to construction; appropriate measures being installed on site to prevent mud and debris being tracked out of the site to the public highway; the submission and approval of a Construction Management Plan prior to commencement of construction activities; the existing Caretaker's House and Caretaker's Workshop being demolished upon completion of Phase 1; the existing 'A' Block being demolished upon completion of Phase 2; ecological mitigation measures being undertaken in full as detailed in paragraph 18 of the report ; and the submission and approval of foul and surface water drainage schemes prior to commencement.

17. County matter applications dealt with under delegated powers

(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils and Government Departments (None);
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999 (None).

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KENT COUNTY COUNCIL

PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 15 March 2011.

PRESENT: Mr R E King (Chairman), Mr J F London (Vice-Chairman), Mr R Brookbank, Mr A R Chell, Mrs V J Dagger, Mr T Gates, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr S J G Koowaree (Substitute for Mr M B Robertson), Mr R J Lees, Mr R F Manning, Mr R J Parry, Mr R A Pascoe, Mr C P Smith, Mr K Smith, Mr R Tolputt (Substitute for Mr J A Davies) Mr A T Willicombe

ALSO PRESENT: Miss S J Carey Mr K G Lynes

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr M Clifton (Team Leader - Waste Developments), Mr J Crossley (Team Leader - County Council Development), Mr N Sarrafan (County Transport & Development Manager) Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

18. Minutes - 15 February 2011

(Item 4)

RESOLVED that the Minutes of the meeting held on 15 February 2011 are correctly recorded and that they be signed by the Chairman.

19. Site Meetings and Other Meetings

(Item A4)

The Committee noted that the next training session on Minerals and Waste matters would be held during the afternoon of 12 April 2011. It was confirmed that there would be no visit to the proposed incinerator at Charing as the application had been withdrawn.

20. Pre and Post Planning Application Charging Service

(Item B1)

RESOLVED that the content of the report be noted and that:-

- (a) the implementation of a pre and post planning application charging strategy be agreed as set out in Option 2 in paragraphs 26 to 32 of the report; and
- (b) the Head of Planning Applications Group prepare a Pre and Post Advice Protocol to accompany the charging scheme based upon the information contained in the report.

21. Application SH/08/124 - Materials Recycling Facility, Anaerobic Digestion Plant and associated office and parking facilities at Otterpool Quarry, Ashford Road, Sellindge; Countrystyle Recycling Ltd
(Item C1)

(1) Mr R A Pascoe informed the Committee that he was acquainted with some of the objectors to the application. He was also a Member of Shepway DC. He had, however, not taken part in any discussion of the application and was in a position to approach it with a fresh mind.

(2) Each Member of the Committee had received lobbying correspondence, including a DVD from objectors to the application prior to the meeting.

(3) Mrs S J Carey was present for this item pursuant to Committee Procedure Rule 2.24 and spoke. She also delivered a petition signed by some 2,000 local residents calling for the application to be refused permission.

(4) The following items of correspondence were tabled:-

- (a) a letter from Damian Collins MP dated 10 March 2011;
- (b) correspondence from the Sellindge and District Residents Association summarising their grounds for objection and suggested conditions if permission were to be granted;
- (c) correspondence from Mrs M Turton to Mr Carter, the Leader of the Council; and
- (d) the notes from the public meeting on 8 February 2010.

(5) Mr L Baxter (Sellindge Parish Council), Mr R Lello (Sellindge and District Residents Association) and Mr S Furey (CPRE) addressed the Committee in opposition to the application. Mr N Cronin (SLR Consulting) spoke in reply on behalf of the applicants.

(6) The Head of Planning Applications Group advised the Committee that, with one exception, the list of particular conditions suggested by Sellindge and District Residents' Association that they wished to be applied to any consent, would all be covered; albeit that the specific wording would need to be drafted in a manner which would ensure their enforceability. The only exception would be their first proposed condition, which called for the requirements of the Environmental Permitting Regulations to be fully met and confirmed to be so by the Environment Agency. This was because it was not a matter for the Committee, as the Environment Agency itself would determine whether a permit would be issued.

(7) Mr C P Smith moved, seconded by Mr R F Manning that the recommendations of the Head of Planning Applications Group be agreed.

(8) The mover and seconder of the motion accepted amendments which added a no left turn condition; a requirement that there should be no queuing on the public highway; and an Informative that the buildings should be lowered as far as was possible.

(9) On being put to the vote, the Motion set out in (7) above (as amended in (8) above) was carried by 14 votes to 3.

(10) RESOLVED that:-

- (a) permission be granted to the application subject to conditions, including conditions (incorporating Conditions 2 – 12 proposed by the Sellindge and District residents' Association) covering waste throughputs; daily vehicle movements; a prohibition on left turning for vehicles exiting the site; the prevention of vehicles queuing on the public highway; contamination risk assessment details; badger mitigation (construction stage and post construction); weighbridge details; access arrangements; access gates and fencing details; signage; code of construction practice; landscaping details; operating hours; noise controls; notification of commencement; a dust and odour Management Plan; and an electricity generation strategy; and
- (b) the applicants be informed by Informative of the Committee's view that the buildings should be sunk as low into the ground as possible.

22. Application DA/10/1232 -- Change of use of part of yard from open storage to increase area for waste transfer and recycling of waste; and provision of a trommel with covered waste sorting facility, partly within existing yard and partly within new extended area of yard at Lees Yard, Rochester Way, Dartford; Easy Load Ltd

(Item C2)

RESOLVED that:-

- (a) permission be granted subject to conditions including conditions covering the development being carried out within 5 years; the development being carried out in accordance with the scheme as submitted together with any subsequently approved details, including a single site access (with reserved emergency access) and the footprint of the proposed waste stockpiles on site; restriction of waste types, hours of operation, throughput and traffic movements to the level of those already permitted at the site; the Trommel and picking station being of a fixed specification and location within 1 metre of the northern site boundary; stockpile heights being no greater than the boundary fencing and below the visible eye-line; operational safeguarding measures to control noise, dust, odour, related emissions, surface run-off and drainage, light pollution and mud and debris on the road. Such measures including transitional arrangements (without undue amenity impacts) for the re-location of skip storage and vehicle parking within the 'extension' area, in favour of active waste management within the same footprint; and remediation measures to handle any unsuspected site contamination issues that may arise during the carrying out of the development; and
- (b) the applicants be informed by Informative that whilst planning and Environment Agency Permitting controls are designed to be complementary in these types of waste management settings, planning controls always preside.

23. Application MA/10/1932 - Replacement building for waste processing on Unit 6 with provision of revised access and parking at Unit 6, Detling Aerodrome Estate, Detling; D&D Waste Recycling Ltd
(Item C3)

RESOLVED that permission be granted to the application subject to conditions including conditions covering the development being carried out within five years; the development being carried out in accordance with the scheme as submitted and in accordance with the approved plans; details of the external materials being submitted and approved by the County Planning Authority; a restriction of waste types; restriction of waste processing throughput to 38,400 tonnes per annum; vehicle movements being restricted to 30 per day (15 in and 15 out); no waste processing outside of the waste building; no external storage of any waste materials; hours of operation; and operational safeguarding measures to control noise, dust, odour, vibration and mud and debris on the road.

24. Application MA/10/1931 - Change of use of land to provide for skip hire depot, including retention of existing portacabins for use as office, canteen and toilet (dual use) at Unit 13/14, Detling Aerodrome Estate, Detling; D&D Waste Ltd
(Item C4)

RESOLVED that permission be granted to the application subject to conditions including conditions covering the development being carried out within five years; the development being carried out in accordance with the scheme as submitted (together with the approved plans), for the interrelated uses of Units 13 and 14 with the adjoining Unit 6; details of the external materials being submitted and approved by the County Planning Authority; vehicle movements directed through the single and common site access for Units 6, 13 and 14 being restricted to 30 per day (15 in and 15 out); no processing or storage of waste being carried out on Units 13 and 14; hours of operation being restricted to 06:00 to 18:00 hrs Monday to Friday and 07:00 to 17:00 hrs on Saturdays; operational safeguarding measures to control noise, dust, odour, vibration and mud and debris on the road; the skips that are stored on Unit 13 not exceeding a height of 3 metres from the adjoining ground level; Unit 14 being used for no other purpose than to accommodate the existing site office, canteen facility and car parking area; the boundary palisade fencing being maintained throughout the use of the site; and landscaping along the rear boundary being maintained and replaced if necessary.

25. Proposal TW/10/434 - Redevelopment of existing school site to provide a new academy at The Skinners Kent Academy, Land east of Blackhurst Lane and between Sandown Park and Pembury Road, Tunbridge Wells; KCC Building Schools for the Future and Academy Team
(Item D1)

(1) Mr K G Lynes was present for this item pursuant to Committee Procedure Rule 2.24 and spoke;

(2) Correspondence from Mr T Draper (a local resident) and Mr J A Davies suggesting a deferment pending a Members' site visit was tabled.

(3) The Head of Planning Applications Group informed the Committee of late correspondence from Mr A J King in support of the proposal subject to appropriate conditions.

(4) The Head of Planning Applications Group informed the Committee of late correspondence from Sport England requesting a condition requiring details of the Community Use scheme prior to first use of the site; from Tunbridge Wells Environmental Health requesting that full details of the proposed biomass plant be submitted to them for consultation and requesting the inclusion of an Air Quality Assessment as an evidence base in the preparation of the school travel plan. These requests were all agreed. The Committee was also informed that Tunbridge Wells Environmental Health had requested that the travel plan should require the use of low emission school busses, but the head of Planning Applications Group did not consider it would be a reasonable requirement.

(5) The Head of Planning Applications Group summarised late correspondence from the following local residents:-

- (a) Mrs I Jackson;
- (b) Mrs J Guthrie;
- (c) Mr J Pomeroy;
- (d) Mrs B Kiely;
- (e) Mr T Draper;
- (f) Mrs M Henson; and
- (g) Advance Land and Planning Ltd on behalf of Leonard Cheshire Disability.

(5) Mr R Backhouse (local ward councillor); a resident from the Leonard Cheshire Disability Seven Springs Home; Mr Shorrick (Sandown Park and Blackhurst Lane Local Community Group); Mr D Simmonds (RPS on behalf of Mrs A Flynn – local resident); Mr J Kiely and Mr C Jackson (local residents) addressed the Committee in opposition to the application. Mr C Everett (Deputy Chair of The Skinners Company) and Mr M Page (DHA on behalf of Wilmott Dixon) spoke in reply on behalf of the applicants.

(6) The Committee specified that use of the external amphitheatre should be by the academy only. It also asked for the inclusion of an Informative that the road improvements should be installed as swiftly as possible and that they should make all reasonable effort to ensure that the works were undertaken during the School Holiday period in order to minimise the impact upon the local community and road users.

(7) On being put to the vote, the recommendations of the Head of Planning Applications Group (as amended in (6) above) were carried unanimously.

(8) RESOLVED that: -

- (a) permission be granted to the proposal subject to conditions, including conditions covering a 5 year implementation period; the development being carried out in accordance with the permitted details; junction

improvements being implemented in full (in accordance with final details to be agreed with the Highway Authority) prior to first occupation of the new Academy; details of the Community Use scheme being submitted for approval prior to first use of the site; on-site vehicles parking and turning areas being provided (as detailed within the application) prior to first occupation of the new Academy and maintained in perpetuity thereafter; coach, vehicle and cycle parking (as detailed within the application) being made available for the community use associated with Sites 1 and 2 at all times when the community facilities are in use; a pedestrian link between the main Academy car park area and Sandown Park (to access sports facilities on Site 2) being provided and maintained for users of the all weather pitch; pedestrian footway reinstatement (including full kerbing) at the two existing pedestrian entrances which are to be closed, as detailed within the application; pedestrian enhancement facilities being carried out (as detailed within the application) prior to the first occupation of the new Academy; a pre-construction highway condition survey being undertaken prior to commencement of the works in Sandown Park and Blackhurst Lane, together with a post completion survey and completion of any consequential remedial measures; measures to guard against the deposit of mud and debris on the public highway during construction/demolition operations; a requirement for the applicant to fund the reasonable installation of waiting restrictions on surrounding residential roads should they prove necessary in the future; the submission of a new School Travel Plan (including an Air Quality Assessment), its implementation and ongoing monitoring; the submission of a Code of Construction Practice; details of ground contamination; the submission of lighting details for car park/general areas for approval by the County Planning Authority; full implementation of the ecological recommendations for precautionary mitigation being carried out prior to commencement of the development; a programme of archaeological work, including a historic site survey and a watching brief on below ground works; the submission of details of external materials for approval by the County Planning Authority; the submission of acoustic details of all external plant/equipment on new the Academy building; details and specification of all fencing proposed on Sites 1 and 2 for approval by the County Planning Authority; hours of construction being limited to: Monday to Friday 08:00-18:00, Saturday 09:00-13:00, and no operations on Sunday and Bank Holidays; the submission of detailed landscape/vegetation planting schemes for Sites 1 and 2, their implementation within the first planting season following the completion of development and maintenance for a period of 5 years thereafter; tree protection details being implemented on Sites 1 and 2 in accordance with British Standard 5837:2005 (Trees in Relation to Construction); noise levels of biomass fuel deliveries being limited to ensure that the rating level emanating from the facility does not exceed the background noise level at nearby residential properties by +5 dB when assessed in accordance with BS 4142; hours of use of the floodlit MUGAs (Site 1) being limited to: Monday to Friday 08:30-22:00, Saturday 08:30-21:00, Sunday and Bank Holidays 08:30-20:00; hours of use of the all weather pitch (Site 2) being limited to: Monday to Thursday 08:30-21:00, Friday 08:30-20:00, Saturday 10:00-16:00, and no use on Sunday and Bank

Holidays; hours of use of the external amphitheatre (Site 1) being limited to Monday to Saturday 08:30-19:30 and for Academy use only, and no use on Sunday and Bank Holidays; and details of the biomass boiler being submitted for approval by the County Planning Authority following consultation with Tunbridge Wells Borough Council; and

- (b) the applicant be advised by way of Informatives of the following matters:-
 - (i) the applicant is required to seek an Environmental Permit from the Environment Agency to operate the proposed biomass boiler;
 - (ii) the Low/Medium/Intermediate pressure gas mains in proximity to the application sites;
 - (iii) that lighting for the car park/general areas should be designed to meet an average of 10 lux with a uniformity of 0.25 to meet ILE Best Practice guidelines; and
 - (iv) that the Committee considers that the road improvements should be installed as swiftly as possible and that the applicant should make all reasonable effort to ensure that the works are undertaken during the School Holiday period in order to minimise the impact upon the local community and road users.

26. County matter applications

(Item E1)

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;
- (b) consultations on applications submitted by District Councils and Government Departments (None);
- (c) County Council developments;
- (d) Screening opinions under Environmental Impact Assessment Regulations 1999; and
- (e) Scoping opinions under Environmental Impact Assessment Regulations 1999.

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KENT COUNTY COUNCIL

REGULATION COMMITTEE

MINUTES of a meeting of the Regulation Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 25 January 2011.

PRESENT: Mr M J Harrison (Chairman) Mr A D Crowther (Vice-Chairman) Mr R Brookbank, Mr C J Capon, Mr I S Chittenden (Substitute for Mr S J G Koowaree), Mr H J Craske, Mr J M Cubitt, Mr J A Davies, Mr T Gates, Mr S Manion, Mr R F Manning, Mr J M Ozog, Mr R A Pascoe, Mr J N Wedgbury, Mr M J Whiting and Mr A T Willicombe (Substitute for Mr A H T Bowles)

ALSO PRESENT: Mr P J Homewood and Mr R Tolputt

IN ATTENDANCE: Mr G Rudd (Assistant Democratic Services Manager), Mr S Bagshaw (Head of Admissions & Transport), Mr C Feltham (Head Of Additional Educational Needs & Resources), Mr K Cobb (Transport Integration Manager), Mr C Wade (Countryside Access Principal Case Officer), Miss M McNeir (Public Rights Of Way and Commons Registration Officer), Mrs S Thompson (Head of Planning Applications Group), Mr R Gregory (Principal Planning Officer - Enforcement) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

1. Minutes

(Item 3)

RESOLVED that the Minutes of the Committee meeting held on 9 September 2010 and of the Member Panel meetings held on 14 September 2010, 19 October 2010, 26 October 2010 and 30 November 2010 are correctly recorded and that they be signed by the Chairman.

2. Home to School Transport

(Item 4)

(1) Members of the Committee asked questions on the wider issues associated with Home to School Transport. The Transport Integration Manager described the various means of provision and explained the methodology used by his Team to assess the most appropriate form of transport in each individual case.

(2) The Committee agreed to the arrangement of educational visits by small numbers of Committee Members to the Transport Integration Team and to the Admissions and Transport Team.

(3) RESOLVED that the report be noted and that educational visits by small numbers of Committee Members to the Transport Integration Team and to the Admissions and Transport Team be arranged.

3. Presentation by Kenneth Cobb (Transport Integration Manager) on Bus Passes

(Item 5)

(1) The Transport Integration Manager tabled a document identifying the three types of bus pass (Entitled Scholar, Kent Freedom Pass and Zip (Oyster)) and describing their validity, entitlement and retention period. He briefly described the operation of the system and answered questions from the Committee Members.

(2) RESOLVED that Mr Kenneth Cobb be thanked for his interesting and informative presentation.

4. Update from the Commons Registration Team

(Item 6)

(1) The Public Rights of Way Principal Case Officer displayed files relating to three cases in order to give the Committee Members an illustration of the volume of work involved in each of these individual representative cases.

(2) The Public Rights of Way Principal Case Officer drew the Committee's attention to the implications of the "Betterment case" in terms of the importance of "contentiousness" when assessing whether use of land was as of right.

(3) RESOLVED that the report be received and that educational visits by small numbers of Committee Members to the Commons Registration Team be arranged.

5. Proposals arising from the review of the Register of Common Land and Town and Village Greens

(Item 7)

RESOLVED that the errors identified as a result of the review of the Registers of Common Land and Town or Village Greens be dealt with accordingly; and that proposals be initiated under Section 19 of the Commons Act 2006 to seek to rectify these errors.

6. Update on Planning Enforcement Issues

(Item 8)

(1) Mr P M Homewood was present for this item pursuant to Committee Procedure 2.24 and spoke.

(2) The views of Mrs J Whittle in respect of unauthorised sites in her constituency were tabled, noting in particular the efforts of the County's Planning Contraventions Officer, Mr Alan Goodison.

(3) RESOLVED that:-

- (a) the actions taken or contemplated on the respective cases set out in paragraphs 5 to 41 of the report be endorsed, together with those contained within the Schedules in Appendices 1 and 2 of the report; and

- (b) educational visits by small numbers of Committee Members to the Planning Enforcement Team be arranged.

7. Strengthening of Planning Enforcement

(Item 9)

(1) The Chairman informed the Committee that he was attempting to speak to the Minister, Greg Clark, MP in order to ensure that he was fully aware of the County Council's views on the key problems and suggested solutions summarised in Appendix 1 to the report. Although he had not at this stage succeeded in discussing this matter with him, he was reassured that the Minister was indeed giving this document his consideration.

(2) RESOLVED that:-

- (a) the report be noted; and
- (b) the current lobbying of the Government in the pursuit of enhanced planning enforcement powers be endorsed.

8. Update on planning enforcement issues at Deal Field Shaw (Shaw Grange), Charing

(Item 10)

RESOLVED that:-

- (a) the content of paragraph 7 of the report concerning the surface engineering of the site and related technical works be endorsed on the proviso that details are first lodged with the Head of Planning Applications group for enforcement and verification purposes; and
- (b) the report form the basis of any briefing concerning the site given to local residents or other adjoining land interests.

EXEMPT ITEMS
(Open Access to Minutes)

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

9. Enforcement Strategy for Four Gun Field, Otterham Quay Lane, Upchurch
(Item 13)

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

(2) RESOLVED that the report be received.

KENT COUNTY COUNCIL

SUPERANNUATION FUND COMMITTEE

MINUTES of a meeting of the Superannuation Fund Committee held in the Medway Room, Sessions House, County Hall, Maidstone on Friday, 11 February 2011.

PRESENT: Mr J E Scholes (Chairman), Mr P Clokie, Mr D S Daley, Mr J A Davies, Mrs J De Rochefort, Ms A Dickensen, Mr M J Jarvis, Mr J F London, Mr R A Marsh, Mr R Packham, Mr R J Parry, Mr S Richards, Mr M V Snelling Mrs M Wiggins.

ALSO PRESENT: Mr J McDonald of Hymans Robertson and Miss S J Carey.

IN ATTENDANCE: Mr N Vickers (Head of Financial Services), Ms K Gray (Senior Accountant Investments), Ms A Mings (Treasury & Investments Manager) Mr G Rudd (Assistant Democratic Services Manager).

UNRESTRICTED ITEMS

A. COMMITTEE BUSINESS

1. Declarations of Interests by Members in items on the Agenda for this meeting.
(Item A2)

There were none.

2. Minutes
(Item A3)

RESOLVED that the Minutes of the meeting held on 19 November 2010 are correctly recorded and that they be signed by the Chairman.

3. Matters Arising from the Minutes

Mr N Vickers referred to paragraph 46(1) of the Minutes of the meeting held on 19 November 2010 and confirmed that the item relating to the risk register of outside bodies would be brought to the Committee at its meeting on the 4 March 2011.

D. MATTERS FOR REPORT/DECISION BY THE COMMITTEE

4. Admissions to the Fund
(Item D1 - report by the Chairman of the Superannuation Fund Committee and the Head of Financial Services)

RESOLVED that:-

- (a) the admission to the Kent County Council Pension Fund of Project Salus Community Interest Company Ltd be agreed; and
- (b) once legal agreements have been prepared for the matter referred to in (a) above, the Kent County Council seal can be affixed to the legal documents.

C. MATTERS FOR REPORT/DECISION BY THE COMMITTEE

5. Minutes

(Item C1)

RESOLVED that the exempt Minutes of the meeting held on 19 November 2010 are correctly recorded and that they be signed by the Chairman.

6. State Street- Passive Equity Investing

(Item C2)

(1) Ms M Gorman and Mr R Hannam of State Street Global Advisors attended the meeting to give a presentation on Passive Equity Investing and answer Members questions.

(2) RESOLVED that the report from State Street Global Advisors be noted.

7. Baillie Gifford- Emerging markets

(Item C3)

(1) Ms L Dewar and Mr W Sutcliffe of Baillie Gifford attended the meeting to give a presentation on Emerging Markets and answer Members questions.

(2) RESOLVED that the report from Baillie Gifford be noted.

8. Active Currency Hedging

(Item C4 - report by the Chairman of the Superannuation Fund Committee and the Head of Financial Services)

(Mr J McDonald of Hymans Robertson was in attendance for this item)

The Committee agreed on how it wished to proceed with currency management.

SUPERANNUATION FUND COMMITTEE

MINUTES of a meeting of the Superannuation Fund Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Friday, 4 March 2011.

PRESENT: Mr J E Scholes (Chairman), Mr P Clokie, Mr J A Davies, Ms A Dickensen, Mr M J Jarvis, Mr J F London, Mr R A Marsh, Mr R Packham, Mr R J Parry, Mr S Richards, Mr M V Snelling Mrs M Wiggins.

ALSO PRESENT: Miss S J Carey.

IN ATTENDANCE: Mr N Vickers (Head of Financial Services), Ms K Gray (Senior Accountant Investments), Ms A Mings (Treasury & Investments Manager) Mr G Rudd (Assistant Democratic Services Manager).

UNRESTRICTED ITEMS

A. COMMITTEE BUSINESS

10. Declarations of Interests by Members in items on the Agenda for this meeting.

(Item A2)

Mr P Clokie, Mr J F London, Mr R J Parry and Mr M V Snelling declared non – pecuniary interests in specific Community Admission Bodies referred to in Item C4.

11. Minutes

(Item A3)

RESOLVED that the Minutes of the meeting held on 11 February 2011 are correctly recorded subject to the clarification of the paragraph numbers and that they be signed by the Chairman.

12. Fund Position Statement

(Item D1- report by the Chairman of the Superannuation Fund Committee and the Head of Financial Services)

RESOLVED that:-

- (a) the report be noted;
- (b) Schrodgers be invited to the May 2011 meeting to explain how the Pension Fund's surplus cash could be utilised in a Diversified Fund; and
- (c) The position with regard to Fund Managers to be considered at the May 2011 meeting.

13. Treasure Management Update

(Item D2 - report by the Chairman of the Superannuation Fund Committee and the Head of Financial Services)

RESOLVED that:-

- (a) the Pension Fund's cash balance and cashflow be noted;
- (b) Mr Vickers be asked to investigate appropriate secure government backed funds in which to deposit the cash
- (b) no more allocations be made for the time being from the internally managed cash balance to fund managers; and
- (c) Mr G Muir of Barnett Waddington be asked to provide a long term cashflow projection to show how long before assets have to be sold to fund payments of pensions.

14. Admissions to the Fund

(Item D3 - report by the Chairman of the Superannuation Fund Committee and the Head of Financial Services)

RESOLVED that:-

- (a) the admission to the Kent County Council Pension Fund of Northgate Managed Services Ltd be agreed subject to final satisfactory negotiations with Northgate Managed Services Ltd and the Isle of Sheppey Academy; and
- (b) once legal agreements have been prepared for the matter referred to in (a) above, the Kent County Council seal can be affixed to the legal Documents.

15. Minutes

(Item C1)

RESOLVED that the exempt Minutes of the meeting held on 11 February 2011 are correctly recorded subject to the clarification of the paragraph numbers and that they be signed by the Chairman.

16. GMO

(Item C2)

- (1) Mr A Hene and Mr I Thompson of GMO were in attendance for this item.
- (2) RESOLVED that the report be noted.

17. Fund Structure

(Item C3 - report by the Chairman of the Superannuation Fund Committee and the Head of Financial Services)

The Committee agreed a number of issues relating to the structure and management of the Fund.

18. Employer Financial Security

(Item C4 - report by the Chairman of the Superannuation Fund Committee and the Head of Financial Services)

The Committee noted and agreed issues relating to Employer Financial Security.

19. Pension Reform Meeting - 29 March 2011

(1) Mr G Rudd advised the Committee that he had been contacted by Public Service Events Co Ltd offering 5 free places for members to attend the Pension Reform meeting in London on the 29 March 2011.

(2) Following discussion on this matter the members decided that they did not wish to take up the offer from Public Service Events Co Ltd.

(3) RESOVED that the decision in (2) above be noted.

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