

# KENT COUNTY COUNCIL

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MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 15 December 2011.

## PRESENT:

Mrs P A V Stockell (Chairman)

Mr R E King (Vice-Chairman)

Mrs A D Allen, Mr M J Angell, Mr R W Bayford, Mr R E Brookbank,  
Mr J R Bullock, MBE, Mr R B Burgess, Ms S J Carey, Mr P B Carter,  
Mr N J D Chard, Mr I S Chittenden, 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 W A Hayton, Mr P M Hill, OBE, Mr D A Hirst, Ms A Hohler,  
Mrs S V Hohler, Mr E E C Hotson, Mr M J Jarvis, Mr A J King, MBE, Mr J D Kirby,  
Mr J A Kite, Mr P W A Lake, Mrs J P Law, Mr R J Lees, Mr J F London,  
Mr R L H Long, TD, Mr K G Lynes, Mr S C Manion, Mr R F Manning, Mr R A Marsh,  
Mr M J Northey, Mr R J Parry, Mr T Prater, Mr K H Pugh, Mr L B Ridings, MBE,  
Mrs J A Rook, Mr A Sandhu, MBE, 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 M J Whiting, Mrs J Whittle, Mr M A Wickham  
and Mr A T Willicombe

IN ATTENDANCE: Geoff Wild, Director of Governance and Law and Peter Sass, Head of Democratic Services

## UNRESTRICTED ITEMS

### 76. Apologies for Absence

The Director of Governance and Law reported apologies from the following Members:

Mr Andrew Bowles  
Mr David Brazier  
Mr Chris Capon  
Mrs Valerie Dagger  
Mr Peter Homewood  
Mr George Koowaree  
Mr Jan Ozog  
Mr Richard Pascoe

### 77. Declarations of Interest

(1) Mr Manion declared a personal interest in item 10 on the agenda (Select Committee: Dementia – a new stage in life as his wife is the GP tutor for the Dover area.

(2) Mr Sweetland declared a personal interest as a Director of the Kent Community Health Trust.

(3) Mr Gough declared a personal interest as a Co-opted Board Member of the NHS Kent & Medway Cluster Board.

(4) Mr Whiting declared a personal interest as a Trustee of Age UK Citizen Board; Mr Crowther declared a personal interest as Chairman and a Trustee of Age UK Sheppey; Mrs Allen declared a personal interest as a Trustee of North West Kent Age UK; Mr Brookbank declared a personal interest as a Trustee of Darent Valley Age Concern (Age UK) and Mr Willicombe declared an interest as his wife is a Trustee of Age Concern Sittingbourne.

(5) Mr Christie declared a personal interest in item 14 on the agenda (Quarterly Report on Urgent Key Decisions: Citizen's Advice Consumer Advice Service) as his wife is the Chair of the Management Committee of Citizen's Advice Bureau in Gravesham.

#### **78. Minutes of the meeting held on 20 October 2011 and if in order, to be approved as a correct record**

(1) Mr Bullock stated that he had sent his apologies and asked that this be reflected in the Minutes.

Resolved: that, subject to Mr Bullock's apologies being added, the minutes of the meeting held on 20 October 2011 be approved as a correct record and signed by the Chairman.

#### **79. Chairman's Announcements**

(a) Death of Mrs Louise Wilson

(1) The Chairman stated that it was with regret that she learnt of the death of Mrs Louise Wilson on Tuesday 11 October 2011. Mrs Wilson was the Labour Member for Dartford No. 3 Electoral Division from 1974 – 1978.

(2) Mr Gough and Mr Christie gave tributes to Mrs Wilson.

(3) All Members stood in silence as a mark of respect for Mrs Wilson.

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

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

(b) Law Society Awards

(1) The Chairman announced that Geoff Wild, Director of Governance and Law, had won the prestigious LMS Leader of the Year Award at the 2011 Law Society Awards. Of Geoff, the judges said that "Geoff leads a service that makes a

difference and is widely regarded as an exceptional leader who continues to directly and decisively contribute to the health and success of Kent County Council and the whole of the UK public sector”.

(2) Geoff’s award was displayed in the Council Chamber. The Chairman offered her sincere congratulations on behalf of Members.

(c) Corporate Director of Families and Social Care

(1) The Chairman welcomed Mr Andrew Ireland, the Council’s newly appointed Corporate Director for Families and Social Care to his first meeting of the County Council.

(d) Length of speeches

(1) Because of the volume of business on today’s agenda and in order to give every Member an opportunity to speak if they wanted to, the Chairman proposed, the Vice Chairman seconded and it was agreed that, with the exception of the speeches on the Leader’s oral report (item 6) and the Cabinet Member’s response to the Petition debate (item 16), speeches on all remaining items be limited to 3 minutes, instead of the usual 5 minutes.

## **80. Questions**

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

(2) Question No. 2 was not asked because the questioner, Ms Carey, was not present at the time the question was due to be put. Question No’s 12 and 13 were not put because the time limit for this item (30 minutes) had been reached.

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

(1) The Leader of the Council updated the County Council on events since the last meeting. In particular, the Leader began by speaking about the monumental challenges that the County Council faced in the previous 12 months, including Children’s Services, a tough local government finance settlement, the significant restructuring of the County Council and the unexpected decision from Pfizer to pull out of the Sandwich site, with the loss of 3,000 jobs. However, he was proud of the way that Members and Officers worked together to respond to these significant challenges. He mentioned the improvements in Children’s Services specifically, as having been achieved in record time and that the recent unannounced Ofsted inspection had gone well, resulting in there being no areas remaining for priority action.

(2) He stated that the Council was on track to balance this year’s revenue budget and was launching next year’s budget for consultation on 20 December. He also mentioned the launch of the Big Society Fund and some of the strategies in place to support the Kent economy, including the support being given by KCC for superfast broadband in Kent. He was also particularly pleased to announce that Royal British Legion Industries had recently won the contract to supply new road signs in Kent. With regard to infrastructure, he mentioned the progress made on the lower Thames crossing and the A21 improvements. He also spoke about the redefined role for

Education and the work being done to support young people not in education, employment or training and the young unemployed. Finally, he stated that none of the Council's achievements could be realised without the hard work and dedication of its staff and he thanked all of them on behalf of the County Council for their efforts in the previous 12 months.

## **82. Vision for Kent 2012-2022**

- (1) Mr A King proposed, Mr Carter seconded that the Council:
- (a) note the key issues raised in the consultation exercise;
  - (b) note the key issues raised in the equality impact assessment; and
  - (c) approve the Vision for Kent (Appendix 1) as required in the Policy Framework.

Resolved: that the recommendations above be approved.

## **83. Proposed revisions to the Council's governance arrangements**

- (1) Mr Carter proposed, Mr A King seconded that the County Council:
- (a) approve the dissolution of the existing suite of Overview and Scrutiny Committees and its replacement with Cabinet Committees and a single Scrutiny Committee but that the Health Overview and Scrutiny Committee be retained as this was a statutory requirement.
  - (b) approve the implementation and operational date for the new governance arrangements on 1 April 2012;
  - (c) approve the establishment of six Cabinet Committees with:
    - (i) an average of 12 Members including a seat for the minority opposition groups on each Committee; and
    - (ii) with the proposed terms of reference as set out in Appendix 2 of the report
  - (d) approve Cabinet Committees subsuming the existing Advisory Boards (with the exception of the Corporate Parenting Panel and the Children's Services Improvement Panel or equivalent Safeguarding Panel for Adults and Children);
  - (e) approve the chairing of Cabinet Committees by a mixed economy which may include non executive Members of the administration, Deputy Cabinet Members and Cabinet Members (subject to review by the Leader within the first twelve months);
  - (f) approve setting the agendas for the Cabinet Committees will be a shared responsibility between the Members of the Cabinet Committee, the Chairman of the Committee, relevant Cabinet Members and senior officers;
  - (g) approve Cabinet Committees establishing sub-committees but that Informal Member Groups will not normally be permitted;

(h) note the new relationship between the Corporate Management Team and the Cabinet;

(i) note the ongoing work on the Constitution and other constitutional framework/operational documents; and

(j) note the arrangements for embedding the new arrangements in the County Council and the training of Members and officers to ensure a smooth transition to the new governance arrangements.

(2) Mrs Dean proposed, Mr Vye seconded the following amendment:

(i) Recommendation (e): to read: “the chairing of Cabinet Committees by non-executive Members of the administration” (with all other words deleted)

(3) The Chairman then put the Amendment to the vote, whereupon the number of votes cast was as follows:-

For (8)

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

Against (58)

Mrs A Allen, Mr M Angell, Mr R Bayford, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Mr P Carter, 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 W Hayton, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr E Hotson, Mr M Jarvis, Mr A King, Mr J Kirby, Mr J Kite, Mr P Lake, Mrs J Law, Mr R Lees, Mr R Long, Mr K Lynes, Mr S Manion, Mr R Manning, Mr A Marsh, Mr M Northey, Mr R Parry, Mr K Pugh, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr M Snelling, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

*Lost*

(4) Mrs Dean proposed, Mr Vye seconded the following amendment:

(ii) Additional recommendation (h): “The Overview and Scrutiny Committee will normally be chaired by the Leader of the Opposition” and existing recommendations (h), (i) and (j) being re-lettered as (i), (j) and (k)

(5) The Chairman then put the Amendment to the vote, whereupon the number of votes cast was as follows:-

For (9)

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

Abstain (1)

Mr K Smith

Against (57)

Mrs A Allen, Mr M Angell, Mr R Bayford, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Miss S Carey, 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 W Hayton, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr E Hotson, Mr M Jarvis, Mr A King, Mr J Kirby, Mr J Kite, Mr P Lake, Mrs J Law, Mr J London, Mr R Long, Mr K Lynes, Mr S Manion, Mr R Manning, Mr A Marsh, Mr M Northey, Mr R Parry, Mr K Pugh, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr M Snelling, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

*Lost*

(6) Mrs Dean proposed, Mr Vye seconded the following amendment:

(iii) Additional recommendation (i) if second amendment successful or (h) if not: "The report goes to Selection and Member Services Committee for discussion of the protocols and constitutional changes including specifically the procedure for dealing with urgent decisions between scheduled Committee meetings"

(7) With the permission of his seconder, Mr Carter agreed to accept this amendment and, accordingly, it was not put to the vote.

(8) There being no further amendments to the motion, the Chairman then put the substantive motion to the vote, whereupon the number of votes cast was as follows:-

For (62)

Mrs A Allen, Mr M Angell, Mr R Bayford, Mr R Brookbank, Mr R Bullock, Miss S Carey, Mr P Carter, Mr L Christie, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr G Cowan, 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, Mrs E Green, Mr M Harrison, Mr W Hayton, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr E Hotson, Mr M Jarvis, Mr A King, Mr J Kirby, Mr J Kite, Mr P Lake, Mrs J Law, Mr R Lees, Mr J London, Mr R Long, Mr K Lynes, Mr S Manion, Mr R Manning, Mr A Marsh, Mr M Northey, Mr R Parry, Mr K Pugh, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr M Snelling, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Abstain (5)

Mr I Chittenden, Mr D Daley, Mrs T Dean, Mr T Prater, Mr M Vye

Against (0)

*Carried*

Resolved: that the County Council:

- (a) approve the dissolution of the existing suite of Overview and Scrutiny Committees and its replacement with Cabinet Committees and a single Scrutiny Committee but that the Health Overview and Scrutiny Committee be retained as this was a statutory requirement.
- (b) approve the implementation and operational date for the new governance arrangements on 1 April 2012;
- (c) approve the establishment of six Cabinet Committees with:
  - (i) an average of 12 Members including a seat for the minority opposition groups on each Committee; and
  - (ii) with the proposed terms of reference as set out in Appendix 2 of the report
- (d) approve Cabinet Committees subsuming the existing Advisory Boards (with the exception of the Corporate Parenting Panel and the Children's Services Improvement Panel or equivalent Safeguarding Panel for Adults and Children);
- (e) approve the chairing of Cabinet Committees by a mixed economy which may include non executive Members of the administration, Deputy Cabinet Members and Cabinet Members (subject to review by the Leader within the first twelve months);
- (f) approve setting the agendas for the Cabinet Committees will be a shared responsibility between the Members of the Cabinet Committee, the Chairman of the Committee, relevant Cabinet Members and senior officers;
- (g) approve Cabinet Committees establishing sub-committees but that Informal Member Groups will not normally be permitted;
- (h) agree that the report goes to Selection and Member Services Committee for discussion of the protocols and constitutional changes including specifically the procedure for dealing with urgent decisions between scheduled Committee meetings;
- (i) note the new relationship between the Corporate Management Team and the Cabinet;
- (ji) note the ongoing work on the Constitution and other constitutional framework/operational documents; and
- (k) note the arrangements for embedding the new arrangements in the County Council and the training of Members and officers to ensure a smooth transition to the new governance arrangements.

**84. Change to Keep Succeeding: the next steps**

- (1) Mr Carter proposed, Mr A King seconded that the Council:
- (a) agree the deletion of the post of Managing Director from the operating framework
  - (b) agree that the Head of Paid Service responsibilities are designated to the Corporate Director of Business Strategy and Support
  - (c) approve the revised job descriptions for the Corporate Director Business Strategy and Support; the Corporate Director Customer and Communities; the Corporate Director Human Resources and the Director of Governance and Law
  - (d) agree the change of reporting line for the Director of Public Health to the Corporate Director Families and Social Care
  - (e) agree that the posts of Director of Education Standards and Director of Education Planning and Access as part of the senior structure in ELS
  - (f) designate the Director of Governance and Law as the Returning Officer
  - (g) support a proposal being made to the Lord Lieutenant that the Director of Governance and Law becomes the Clerk of the Lieutenancy for Kent
  - (h) note the proposed change in the contracts of employment for the Corporate Director Families and Social Care as described in Section 9 (8)
  - (i) authorise the Monitoring Officer to make any necessary changes to the Constitution as outlined in Section 9 (9) and set out in Appendix 3.

(2) In response to a question from Mr Christie, the Chairman agreed to put recommendation (a) above to the vote separately (in relation to the deletion of the post of Managing Director), whereupon the number of votes cast was as follows:-

For (55)

Mrs A Allen, Mr M Angell, Mr R Bayford, Mr R Bullock, Miss S Carey, Mr P Carter, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr M Dance, Mr J Davies, Mr K Ferrin, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr E Hotson, Mr M Jarvis, Mr A King, Mr J Kirby, Mr J Kite, Mr P Lake, Mrs J Law, Mr R Lees, Mr J London, Mr K Lynes, Mr S Manion, Mr R Manning, Mr A Marsh, Mr M Northey, Mr R Parry, Mr K Pugh, Mr L Ridings, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr K Smith, Mr M Snelling, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Against (7)

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

*Carried*

(3) The Chairman then put the remaining recommendations to the County Council, which were approved without the need for a formal vote.



Resolved: that the Council:

- (a) agree the deletion of the post of Managing Director from the operating framework;
- (b) agree that the Head of Paid Service responsibilities are designated to the Corporate Director of Business Strategy and Support;
- (c) approve the revised job descriptions for the Corporate Director Business Strategy and Support; the Corporate Director Customer and Communities; the Corporate Director Human Resources and the Director of Governance and Law;
- (d) agree the change of reporting line for the Director of Public Health to the Corporate Director Families and Social Care;
- (e) agree that the posts of Director of Education Standards and Director of Education Planning and Access as part of the senior structure in ELS;
- (f) designate the Director of Governance and Law as the Returning Officer;
- (g) support a proposal being made to the Lord Lieutenant that the Director of Governance and Law becomes the Clerk of the Lieutenancy for Kent;
- (h) note the proposed change in the contracts of employment for the Corporate Director Families and Social Care as described in Section 9 (8);
- (i) authorise the Monitoring Officer to make any necessary changes to the Constitution as outlined in Section 9 (9) and set out in Appendix 3.

**85. Select Committee: Dementia - a new stage in life**

(1) Mr Gibbens proposed, Mrs Dean seconded that the Council:

- (a) thank the Select Committee for its work and for producing a useful and encouraging document;
- (b) thank the witnesses and others who provided evidence and made valuable contributions to the Select Committee; and
- (c) endorse the Select Committee report and its recommendations subject to resources being identified.

Resolved: that the recommendations above be approved.

**86. Item for full debate - Supporting the Kent economy - presentation**

(1) In response to a Point of Order from Mr Christie, the Chairman moved, the Vice Chairman seconded and it was agreed that Council Procedure Rule 1.21(1) be suspended to enable the item for full debate to proceed.

(2) Mr Lynes gave a detailed presentation to the County Council on the various initiatives and strategies to support the Kent economy.

(3) Mr Lynes moved, Mr Wickham seconded that the County Council note the challenges facing our local economy and the range of projects being planned and delivered to address them; and that officers from across the Council be commended for their continued efforts in this regard.

Resolved: that the County Council note the challenges facing our local economy and the range of projects being planned and delivered to address them; and that officers from across the Council be commended for their continued efforts in this regard.

### **87. The Annual Operating Plan 2011/12 of the Youth Offending Service**

(1) Mr Hill proposed, Mr Sandhu seconded the approval of the objectives of the Annual Operating Plan for the Youth Offending Service and the contribution the County Council is making with respect to improving both public safety and the life chances of those both at risk of entering the youth justice system and those who have offended.

Resolved: that approval be given to the objectives of the Annual Operating Plan for the Youth Offending Service and the contribution the County Council is making with respect to improving both public safety and the life chances of those both at risk of entering the youth justice system and those who have offended.

### **88. Bribery Act Policy**

(1) Mr Gough proposed, Mr Pugh seconded that the Council:

(i) approve the proposed Bribery Act Policy, together with the consequential changes to the Constitution, including the Members' Code of Conduct; and

(ii) note that the Director of Governance and Law will make the necessary consequential changes to the Constitution detailed in Appendix 3 in line with his authority to change the Appendices to the Constitution to reflect decisions duly taken by the Council.

Resolved: that the recommendations above be approved.

### **89. Quarterly Report On Urgent Key Decisions: Citizen's Advice Consumer Advice Service**

Mr Carter proposed, Mr A King seconded that this report be noted.

Resolved: that the recommendation above be noted.

### **90. Petition Scheme Debate - Youth Services in Deal**

(1) The following individuals addressed the County Council on the above petition.

1. Mrs Pam Hawkins– the lead petitioner

2. Mrs Pam Brivio – Petitioner
3. Mr T Johnston - Petitioner

(2) As two of the relevant local Members, Mr Manion and Mr Kit Smith addressed the meeting on the subject of the petition.

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

(4) The Chairman then invited the Cabinet Member for Customer and Communities, Mr Hill, to respond to the debate and describe how he intended to take the petitioner's concerns forward. Mr Hill stated that he had set out his position on this petition and in relation to the transformation of the youth service in Appendix 2 of the report. He reiterated that no decision had been made as yet with regard to the future of either the Aylesham or Linwood Youth Clubs and that he was committed to ensuring that there was a robust youth service provision in both areas into the future. He commented that the transformation of the youth service would involve a mixed economy of direct provision, commissioned provision and voluntary provision and the Locality Boards would begin work early in the New Year with regard to working with local communities to shape the future provision. In relation to the specific comments of the petitioners, Mr Hill stated that he agreed that the Kent Youth Service was something to be proud of and that he would not expect any young person to have to travel 9 miles from their home to enjoy KCC's youth service provision. Finally, he stated that the transformation proposals would deliver a youth service fit for the 21<sup>st</sup> Century.

(4) The Chairman advised the petitioners that their concerns had been noted and the issue of changes to the provision of youth services in the Dover District would be taken forward as indicated by the Cabinet Member for Customer and Communities, Mr Hill.

## **91. Minutes for Information**

Pursuant to Procedure Rule 1.10 and 1.23(1), the minutes of the Planning Applications Committee meetings held on 11 October and 8 November 2011, were noted.

## **92. Exclusion of the Press and Public**

Resolved: that under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

## **93. Quarterly Report on Urgent Key Decisions: Academy conversions**

Mr Carter proposed, Mr A King seconded that this report be noted.

Resolved: that the recommendation above be noted.

15 DECEMBER 2011