

# 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, 17 May 2012.

## PRESENT:

Mr R E King (Chairman)  
Mr E E C Hotson (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 E Brookbank, Mr J R Bullock, MBE, Mr R B Burgess, Mr C J Capon, MBE, Ms 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, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mrs T Dean, Mr J A Davies, Mr K A Ferrin, MBE, Mr T Gates, Mr G K Gibbens, Mr R W Gough, Mr M J Harrison, Mr W A Hayton, Mr C Hibberd, Mr P M Hill, OBE, Mr D A Hirst, Ms A Hohler, Mrs S V Hohler, Mr P J Homewood, Mr M J Jarvis, Mr A J King, MBE, Mr J D Kirby, Mr J A Kite, MBE, Mr S J G Koowaree, Mr P W A Lake, Mrs J P Law, Mr R J Lees, Mr J F London, Mr R L H Long, TD, Mr 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 J E Scholes, Mr J D Simmonds, Mr C P Smith, Mr K Smith, Mr M V Snelling, Mrs P A V Stockell, Mr B J Sweetland, Mr R Tolputt, Mrs E M Tweed, Mr M J Vye, 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

### 119. Election of Chairman

(Mrs P A V Stockell, the present Chairman, presided for this item)

(1) Mr G Gibbens moved, Mr A King seconded:

That Mr R E King be elected Chairman of the County Council

Carried without a vote

(2) Mr R E King thereupon took the Chair, made his Declaration of Acceptance of Office and returned thanks for his election.

(3) Mr R E King then paid tribute to Mrs Stockell and thanked her for the manner in which she had carried out her duties as Chairman of the Council from May 2011 to the present day.

(4) Mrs Stockell responded in suitable terms.

## **120. Election of Vice Chairman**

(1) Mr Bullock moved, Mr Hayton seconded:

That Mr E E C Hotson be appointed Vice Chairman of the Council

Carried without a vote

(2) Mr Hotson thereupon made his Declaration of Acceptance of Office and returned thanks for his appointment.

## **121. Apologies for Absence**

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

Mr Ian Chittenden  
Mrs Elizabeth Green  
Mr Richard Pascoe  
Mr Malcolm Robertson  
Mr Avtar Sandhu  
Mrs Carole Waters  
Mr Chris Wells

## **122. Minutes of the meeting held on 29 March 2012 and, if in order, to be approved as a correct record**

(1) Mr Scholes requested that his apologies be noted in the Minutes of the meeting held on 29 March as he had been away playing chess for the country. He also asked that his name be removed from the vote shown on Minute 119 of the Petition Debate on the Closure of Richborough Household Waste Recycling Centre. He requested that the vote be changed to show Mr Manning as he suspected that the wrong button had been pressed in the voting process.

(2) The Chairman agreed that the Minutes would be amended accordingly.

(3) RESOLVED: that subject to the amendment above the Minutes of the meetings held on Thursday, 29 March 2012, be approved as a correct record and signed by the Chairman.

## **123. Declarations of Interest**

Mr Lees declared a personal interest in Item 9 (Adult Social Care Transformation Programme) as his grandmother is a client of Kent's Adult Social Care service.

## **124. Chairman's Announcements**

(1) The Chairman invited Mr Harrison to present a petition from the residents of Tankerton Road, Whitstable on the state of their road as the worst piece of highway in the county to the Cabinet Member for Environment, Highways and Waste, Mr Sweetland which he duly did.

(a) Death of Mr Kevin Lynes

(2) The Chairman informed Members of the sudden death of Kevin Lynes, Cabinet Member for Regeneration and Economic Development, on Friday 30 March 2012.

(3) The Chairman stated that Kevin was elected to the County Council in June 2001 as the Conservative Member for Tunbridge Wells Rural West, and most recently he represented the Tunbridge Wells East division of St James', Pembury and Sherwood.

(4) He added Kevin joined KCC's Cabinet in 2002, a year after his election, where he held the Resources portfolio from 2002 to 2005 and Adult Social Services from 2005 to 2008, before being appointed as Cabinet Member for Regeneration and Economic Development.

(5) The Chairman stated how Kevin was in the premier league of local government councillors nationally – hard working, dedicated and compassionate. He always put the residents he represented in Tunbridge Wells first. Most importantly, Kevin made a huge difference in carrying out his many roles at County Hall. As Cabinet Member for Regeneration and Economic Development, Kevin was in his element, supporting businesses of all shapes and sizes across the Kent economy. The Kent economy is in a better place as a result of Kevin's dedication and endeavours.

(6) The Chairman stated that Kevin would be enormously missed not only in the corridors of County Hall but around the county.

(7) Mr Carter, Mr Dance, Mrs Dean and Mr Cowan all paid tributes to Mr Lynes.

(b) Death of Councillor Mark Worrall, OBE

(8) The Chairman informed Members of the death of Mark Worrall, Tonbridge and Malling Borough Council Leader who died on 26 April 2012. Councillor Worrall was the representative for West Malling and Leybourne for 30 years.

(9) The Chairman stated that Councillor Worrall was Leader of Tonbridge and Malling Borough Council from 1985 to 1995 and again from 2003 to his death. He was elected Leader of the Conservative group in 1985. Despite suffering from multiple sclerosis and requiring a mobility scooter to get around, Councillor Worrall was awarded an OBE for services to local government in the Queen's Birthday Honours list in 2008.

(10) The Chairman added that David Hughes, the Borough Council's chief executive, had paid tribute to his former colleague and said: "Councillor Worrall was held in great esteem and he promoted a culture within the council of service to the community. It was undoubtedly as a result of his great skill and personal qualities that the council was judged by the Audit Commission to be the best in the country."

(11) Mr C Smith paid tribute to Councillor Worrall.

(c) Death of Sir Brandon Gough, DL

(12) The Chairman informed Members of the sad death of Sir Brandon Gough, DL. Sir Brandon passed away suddenly on 25 April 2012 at the age of 72.

(13) The Chairman stated that among many distinguished roles, Sir Brandon was a Kent Ambassador, a Deputy Lieutenant, Chairman of Locate in Kent, chairman of Leeds Castle Foundation and a trustee of Canterbury Cathedral.

(14) The Chairman added that Sir Brandon was a former Cambridge scholar and was installed as chancellor at the University of East Anglia in October 2003 where he played an active role in university life despite his ceremonial role. Sir Brandon read natural sciences and law at Cambridge University and was awarded an Open University degree in humanities with classical studies. Sir Brandon was a chartered accountant and for most of his business career was a partner at Coopers and Lybrand, where he spent 11 years as head of the firm and served terms as chairman of its international organisation.

(15) The Chairman stated that, in the public sector Sir Brandon was chairman of Yorkshire Water, chairman of the Higher Education Funding Council for England, from 1993 to 1997, and chairman of the Review Body on Doctors' and Dentists' Remuneration. Sir Brandon was awarded an honorary doctorate from City University and has also received honorary degrees from UEA and the University of Kent. A committed Christian, Sir Brandon was a big fan of the opera and a keen singer. He championed Knole Academy with head teacher Mary Boyle describing him as "a good and honest man – a true gentleman". He was knighted in 2002 for his public service.

(16) Mr A King and Mr Gough paid tribute to Sir Brandon.

(17) At the end of the tributes, all Members stood in silence in memory of Mr Lynes, Councillor Worrall, OBE and Sir Brandon Gough, DL.

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

(19) Resolved unanimously: that this Council desires to record the sense of loss it feels on the sad passing of Mr Kevin Lynes, Councillor Mark Worrall, OBE and Sir Brandon Gough, DL and extends to their family and friends our heartfelt sympathy to them in their sad bereavements.

(d) Petition Scheme Debate – Pedestrian Crossing on St. Stephen's Hill, Canterbury

(20) The Chairman announced that, as detailed in the letter to Members from the Head of Democratic Services, he proposed to defer consideration of this item until such time as the various outstanding investigations into a recent fatal accident on that road have been completed.

(21) The Vice Chairman seconded this proposal and it was agreed.

## 125. Questions

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

## 126. Report by Leader of the Council (Oral)

(1) The Leader announced that, despite the number of tragic and untimely deaths in recent weeks, he felt it was good to focus on some of the good things that have been going on in the county since the last meeting at the end of March, as well as identifying one or two clouds on the horizon. He felt sure that all those representing the West Kent area were delighted to hear the announcement by the Roads minister following the persistent lobbying that Tunbridge Wells Borough Council, Kent County Council and the MP Greg Clark have carried out to try and bring forward the A21 dualling scheme.

(2) The Leader informed the Council of a very successful launch of the Expansion East Kent programme, giving detail around how KCC intend to go about fully utilising the £35m of Regional Growth Fund to stimulate and support economic growth in East Kent; with interest free loans to businesses of all shapes and sizes, provided they can take on more employees and they can grow the economy of East Kent, both the indigenous businesses of East Kent and encouraging new business start ups and getting inward investment to the area. He stated he was very pleased to announce that 133 bids had been received to be recipients of the Regional Growth Fund. There would now be a series of sifting processes to ensure backing and support for the right business cases to enable KCC to recycle time and time again as much from this fund as possible.

(3) He also spoke about the additional £5m that would be utilised in addition to the £35m to secure the rail upgrade for High Speed 1 trains from Ashford and Canterbury through to East Kent.

(4) At the recent Kent 2020 business conference at Detling, the Leader launched the programme of 'Kent Jobs for Kent Young people' with an aim to double the number of apprenticeships for those aged 16-24 that are on offer across both public sector organisations and private businesses. It is intended to be a real marketing campaign to wake up all public sector organisations and private businesses to open their doors to give young people job opportunities and be good for young people and good for business. The Leader spoke about the pooling of government subsidies that are there to help to support employers as well as fully utilising £2m of the Big Society Fund to do exactly that. He was pleased to say there have been 80 new contacts from employers who have already pledged 90 new apprenticeships and there are already 7 new young people in modern apprenticeships that would not have otherwise had those jobs had the campaign not started. This, the Leader said, was one of a package of support mechanisms that were being introduced to make sure the Council does all it can alongside other public bodies to give young people the best training and skills for full time employment in the Kent economy.

(5) The Leader announced that, since the last County Council and the debate on the new governance arrangements, many of the new Cabinet Committees had now had their first meeting. These Cabinet Committees are there to focus on policy development, pre-scrutiny of the big decisions in the forward plan and also to make sure that there is an intelligent cycle of performance management through them. He

stated that he would be working with the Chairmen of the Cabinet Committees and Cabinet Members on what was appropriate for Informal Member Groups and sub groups to those Cabinet Committees.

(6) The Leader stated that he was absolutely delighted that Kent County Council had been chosen as one of the only 16 government Troubled Families pilot. He stated that, as had been said before, there was a need to change that name because it sounded both condescending and demeaning. The Council has signed up to the full Troubled Families programme where there will be 1082 families in need of extra support geared at improving attendance at school, reducing permanent exclusions, reducing criminality and antisocial behaviour and supporting family members into full time employment and off benefits.

(7) He stated that this was a massive task. The programme would start in the autumn of this year and the Council will have to use all its creativity and innovation to work out how it is going to help and support those families to achieve the targets set by government. He was pleased to say that there was some £3m of forward funding for the first year to facilitate this and he was absolutely convinced that a significant part of the solution in delivering that support would be through joined up, integrated support services around the community based budget concept. He said there was a need for support to families with young children under the age of 11 and 12 to be joined up with working together with GPs, the service delivery out of Children's Centres and the new £400k investment in health visitors that are going to be brought in to help those families with young children across the county.

(8) The Leader stated that the Council needed to watch closely the talk of building an estuary airport and having more influence and control over the way train services are delivered, potentially at the detriment of Kent commuters.

(9) Finally the Leader spoke about the proposal to consult with the residents of Shepway on a significant nuclear waste dump on Romney Marsh. He stated that his Group was totally and utterly opposed to this proposition and he assured the residents of Kent that his administration would do all it could to stop this proposition as fast as possible and avoid blighting the beautiful county of Kent and inhibiting the exciting potential for the East Kent economy in future years.

## **127. Adult Social Care Transformation Programme**

(1) Mr Mark Lobban, Director of Strategic Commissioning, Families and Social Care, gave a short presentation to Members.

(2) Mr Gibbens proposed, Mr Lake seconded that the Council notes the Adult Social Care Transformation Programme Blueprint and Preparation Plan.

(3) The Chairman put to the vote the recommendation as set out in (2) above, when the voting was as follows:

For (62)

Mrs A Allen, Mr M Angell, Mr R Bayford, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Mr R Burgess, 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 D Daley, 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 J Kirby, Mr J Kite, Mr G Koowaree, Mr P Lake, Mrs J Law, Mr R Lees, Mr J London, Mr R Long, Mr S Manion, Mr R Manning, Mr M Northey, Mr T Prater, 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 R Tolputt, Mrs E Tweed, Mr M Vye, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Against (2)

Mr L Christie, Mr G Cowan

*Carried*

### **128. Student Journey Select Committee - final report**

(1) The Chairman invited Mr Kit Smith, Chairman of the Select Committee to introduce his Committee's report.

(2) Mr Whiting proposed, Mr Cubitt seconded, the following recommendations, that the Council:

- (a) endorse the Select Committee report;
- (b) thank the Select Committee for a useful report on a complex and challenging issue; and
- (c) thank the witnesses and others who provided evidence and made valuable contributions to the work of the Select Committee.

(3) RESOLVED: that the above recommendations be agreed.

### **129. Review of the Code of Corporate Governance**

(1) Mr Long proposed, Mr Snelling seconded, the following recommendations, that Council:

- (a) approve the draft revised Code of Corporate Governance; and
- (b) note the position in relation to the additional actions recommended following the 2010/11 Corporate Governance Audit.

(2) RESOLVED: that the recommendations above be agreed.

### **130. Local Government Ombudsman's Report**

(1) The Chairman made reference to the supplementary paper that had been published and circulated to Members in respect of this item. Mr Whiting proposed, Mr Cubitt seconded that the County Council consider and approve the proposed response to the Local Government Ombudsman as set below:

(a) Testing

The County Council will investigate the principle of introducing a mechanism for re-testing in circumstances where a child has been placed at a significant disadvantage by a grave administrative error in the original testing process. In this regard, it is proposed that the headteacher-led review group already in place to conduct a review of the wider selection process be asked to consider the issue of errors in testing and the implications of re-testing and make recommendations accordingly. It is, however, essential that any re-tests that might be offered in the future must be both comparable and secure and also represent good value for money for the County Council and the schools concerned. It is therefore proposed that any recommendations resulting from the review be reported to a future Education Cabinet Committee before a decision is taken.

(b) Invigilator Training

The County Council has already addressed the matter of invigilator training and introduced a set of record sheets for invigilators. The Council will continue to keep the matter under review, to ensure that all invigilators are adequately trained to deal with untoward events in testing.

(c) Panel arrangements

The Head of Democratic Services will continue to maintain and, where necessary, enhance the level of resources for both internal and external training for panel members and clerks on an annual basis, to ensure that the clerking service offered by the County Council is effective and complies with the law and statutory guidance. In addition, the Ombudsman is invited to note that the Head of Democratic Services will continue to reserve the right to suspend and re-train and/or dismiss any panel member or clerk if he is not satisfied with their performance, as well as continuing to advertise on a regular basis for new panel members and clerks so that new appointees are able to work alongside and shadow more experienced individuals before being given more responsibility, e.g. as a panel chairman or clerk.

With regard to decision letters, the Head of Democratic Services fully accepts that the content of the decision letters sent to parents must reflect the panels' decisions and the reasons for their decisions so that the decision letters can be owned by the Panel. A review of the number and content of standard decision letters has already been completed, which has resulted in there being fewer standard glossary letters and clerks are required to state on their decision record forms which lettered glossary letter should be used by the Democratic Services team to send to the parent. In addition, the panel clerk and panel chairman are required to include on the decision record form the precise reasons for the decision in respect of all of the cases they have considered, so in this way, the content of the decision letters are agreed with both the clerk and the chairman. Any apparent inconsistencies or omissions on the decision record forms are taken up by Democratic Services Officers directly with the relevant clerk before decision letters are sent out. The County Council wishes to express its gratitude to the Ombudsman for the opportunity of explaining the process for agreeing the content of decision letters and, on this basis, it is proposed that the continued use of the clerks' scanned electronic signatures is an efficient and appropriate method, particularly given the high number of appeals in Kent and the

logistics of ensuring that decision letters are sent to parents in accordance with the timetable contained in the statutory appeals admissions code.

(2) RESOLVED: that the proposed response to the Local Government Ombudsman as set out in (1) (a), (b) and (c) above be agreed.

### **131. Petition Debate Scheme**

The County Council agreed to defer consideration of the petition with regard to a proposed pedestrian crossing on St Stephen's Hill, Canterbury until such time as the various outstanding investigations into a recent fatal accident on that road had been completed.

### **132. Minutes for Approval**

RESOLVED: that the Minutes of the meeting of the Governance and Audit Committee held on 18 April 2012 be noted.

### **133. Minutes for Information**

Pursuant to Procedure Rule 1.10(8) and 1.24(4), the minutes of the Planning Applications Committee meetings held on 13 March and 10 April 2012 and the Superannuation Fund Committee meetings held on 2 March 2012 were noted.