

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 13 September 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 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 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, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mrs T Dean, Mr J A Davies, Mr T Gates, Mr G K Gibbens, Mr R W Gough, Mrs E Green, 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 J M Ozog, Mr R J Parry, Mr R A Pascoe, Mr T Prater, Mr L B Ridings, MBE, Mr A Sandhu, MBE, Mr J E Scholes, Mr J D Simmonds, Mr K Smith, Mr M V Snelling, Mrs P A V Stockell, Mr B J Sweetland, Mr J Tansley, 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

148. Apologies for Absence

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

Mr Andrew Bowles
Mr Ken Pugh
Mrs Julie Rook
Mr Chris Smith
Mr Chris Wells

Following this the Chairman explained that a new hearing loop system had been installed in the Chamber. He stated that Members with a hearing aid would need to wear a device that relayed the sound to the hearing aids and that these devices, which were worn around the neck, needed to have the manufacturer's name showing to enable the transmitters to work correctly.

149. Declarations of Interest

Mr Cowan declared an interest as a foster carer with his wife in any item on the agenda relating to Children's Services.

150. Minutes of the meeting held on 19 July 2012 and, if in order, to be approved as a correct record

Resolved: that the minutes of the meeting held on Thursday, 19 July 2012, be approved as a correct record and signed by the Chairman.

151. Chairman's Announcements

(a) Death of Mr Malcolm Robertson

(1) The Chairman informed Members of the sudden death of Malcolm Robertson, Liberal Democrat Member for Maidstone Central, on Friday 10 August 2012.

(2) The Chairman stated that Malcolm had been a fine Councillor and a good friend and that he was greatly saddened by his passing. They had worked together as Councillors on the Planning Applications Committee and Malcolm's knowledge of, and interest in, this area was invaluable. The Chairman stated that Malcolm had worked tirelessly for his constituents, a gentle giant who held the respect of people from all political parties and would be greatly missed at County Hall.

(3) Mr Daley, Mrs Dean, Mr Davies, Mrs Stockell and Mr Cowan all paid tribute to Mr Robertson.

(b) Death of Mr Dennis Hunter

(4) The Chairman informed Members of the death of Dennis Hunter, former Conservative Member for Whitstable West, on Wednesday 29 August 2012. Mr Hunter was a member from 1977–1993.

(5) Mr A King paid tribute to Mr Hunter.

(6) At the end of the tributes, all Members stood in silence in memory of Mr Robertson and Mr Hunter.

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

(8) Resolved unanimously: that this Council desires to record the sense of loss it feels on the sad passing of Mr Malcolm Robertson and Mr Dennis Hunter and extends to their family and friends our heartfelt sympathy to them in their sad bereavements

(c) London 2012 Olympic and Paralympic Games

(9) The Chairman offered his sincere thanks and congratulations to all of the competitors, medal winners, officials and volunteers with connections to Kent for their hard work and success at this summer's Olympic and Paralympic Games. He said

that there were far too many individuals to mention all by name but he was sure all Members agreed that the games were an overwhelming and outstanding success for the country.

(10) He stated that KCC had been awarded "Beacon Status" for its work on the London 2012 games and was only one of 5 authorities to achieve this accolade and the only one to secure the top grade of "Outstanding".

(11) The Chairman offered the Council's sincere thanks and congratulations to the Cabinet Member for Customer and Communities, Mike Hill, Corporate Director, Amanda Honey and staff in the Customer and Communities Directorate, particularly Chris Hespe and his team for their hard work. He stated that this included securing the Paralympic cycling event for Kent as well as training facilities for a number of international teams in the run up to the games and there had been a truly remarkable effort by all concerned.

(d) Members' Information and Communications Technology (ICT)

(12) The Chairman informed Members that staff from the ICT service would be offering advice and support to enable Members to make the most of the ICT needed to fulfil their Council duties. ICT staff would be outside the Darent Room at lunchtime and after the meeting.

(e) Petition

(13) The Chairman informed Members that he had received a petition from Mr Peter Lake on behalf of Hever Parish Council asking for Traffic Calming Measures to be introduced in and around the village of Four Elms. He presented the petition to the Cabinet Member for Environment Highways and Waste, Mr Bryan Sweetland, and asked him to investigate the matter and to respond to the petitioners in accordance with the Council's petition scheme.

152. Questions

Under Procedure Rule 1.17 (4), 7 questions were asked and replies given. 3 questions remained unanswered at the end of the thirty minutes and written answers were given.

153. Report by Leader of the Council (Oral)

(1) The Leader stated that he intended to spend the majority of his time talking about the budget proposals for the year 2013/14 which had been launched the previous week, but that there were a number of other important issues he would briefly touch on.

(2) He said that he wanted to endorse the Chairman's remarks on the success of the Olympics. It had been good to see one of the venues in Kent being used to its fullest and the Council was enormously indebted to Chris Hespe and his team, along with Mike Hill and Amanda Honey, for securing the Paralympic cycling to be held at Brands Hatch, it had been an enormous success and this had really showcased Kent at its very best.

(3) The Leader stated that the Council owed an enormous debt of thanks to all the individuals in Kent who volunteered to be Gamesmakers. He said that when you met people who had been to the Olympic and Paralympics, their work and engagement really made the Games such a phenomenal success and everybody he had met who had been to the Games had talked about the atmosphere those Gamesmakers helped to set. He said he had met a number of Kent volunteers at Brands Hatch who were Gamesmakers and they had done a phenomenal job.

(4) The Leader said that he had been in recent dialogue with Hugh Robertson, the Sports Minister. The dialogue had been about how the National School Games can mirror and reflect to a greater extent the extraordinary success of the Kent School Games where every year 30,000 young people participate and enjoy competitive sport and how to bring together the schools across the country and the professional sports bodies in really giving the National School Games gravitas so that there really is a long term legacy of getting more young people enjoying and participating in sport. He said that it was not just about those who are at the elite level, but those young people who are doing for the first time much more activity and much more competitive sport.

(5) The Leader then turned to one the prime priorities in supporting the Kent economy. He spoke about the recent engagement with Seven Hills, a new fresh marketing agency that had been engaged to really promote and put the East Kent economy on the map. He said that a presentation had been given in the lecture theatre and again at the Chairman's reception in East Kent which had been enormously well received by the business community in East Kent and colleagues in local government of all political persuasions across the four districts. He spoke about getting behind the campaign to realise the enormous opportunity that the East Kent economy could deliver.

(6) He stated that since the Council last met, the transfer of ownership of the Pfizer site at Discovery park had taken place and that the Council must work to support the ambitious new owners who had a phenomenal track record of success in turning round some very challenging sites, particularly in the North East, to make sure to maximise the opportunity of creating really good employment prospects in East Kent and contributing to the East Kent economy. Likewise in West Kent, the Council had a very ambitious Regional Growth Fund bid before national government at the moment, working with district colleagues and Medway Council. The 'Tiger bid's' aim was to be recipients of a significant similar Regional Growth Fund allocation to East Kent to really stimulate and help and support the Thames Gateway to get underway.

(7) He said that it was very refreshing to be able to announce, alongside Dartford Borough Council, some of the work that had been going on with national government to increase viability and start to get things happening in Eastern Quarry of a significant nature, for the first time after an enormous amount of negotiation and talking. Flexibility both from national and local government had lead to this happening. He stated that he was pleased to announce that in the next few weeks the Council hoped to announce the first recipients of the first loans from the Regional Growth Fund for East Kent which would hopefully be a significant contributor to building confidence in the East Kent economy, helping and supporting new and existing ventures to grow and expand.

(8) The Leader stated that as far as the budget proposals were concerned, he hoped everybody would agree that the document produced the previous week 'Framing the budget' was very fresh in the way that the document was laid out, not just in pulling together a number of figures, but also showing how the budget could be utilised to deliver that transformational service delivery around the four 'P's that he had mentioned in his last speech to full Council; greater investment in prevention, productivity, procurement and partnership. He said that this would all come to the fore, particularly around the health reforms, in trying to improve the quality of support and services to the elderly and vulnerable with better use of national health resource and social care resource.

(9) He stated that drafting the budget proposals really had been a quite extraordinary challenge. He reminded everybody that the 2013/14 budget would complete the three year journey of significant pain, imposed by national government on local government, with some 30%, outside of schools, being taken out of the budget. He said that the next year would be the completion of the three year programme and he thought that, in Kent, the County Council had responded very intelligently in a very innovative way going about transforming services to try and do more with less money and at the same time hopefully completing a three year freeze in council tax for the residents of Kent. Most importantly, the Council had a proven track record of delivering the past two years' very challenging budgets and there was an indication in the quarterly monitoring report that this year's budget was already starting to deliver a modest underspend in projections and the next year would be no different.

(10) He stated that in the proposals, the Council were still planning to maintain many discretionary services including; the Freedom Pass, Community Wardens and an ambitious capital programme, preserving member grants, continuing to invest significantly in the Kent economy, maintaining the Big Society Fund, introducing the first district partnership on the local authority mortgage scheme for first time buyers in the endeavour to help and support stimulating the housing market in Kent. He said there would also be a particular focus on trying to create employment opportunities for young people through the Kent Jobs for Kent Young People programme and he hoped that the proposals would be well received.

(11) Finally he explained that the proposals had been launched much earlier than before to give time for a comprehensive consultation with the residents of Kent, the businesses in Kent and partners in the voluntary and community sector in Kent to shape the final proposals which will come to the County Council in February and more importantly go through a committee stage to receive feedback from that consultation process and give more shape and form in continuation of transforming how front line service with less money deliver better support, particularly for the elderly and vulnerable in the county.

(12) Mrs Dean, as the Leader of the Opposition and Mr Cowan, as Labour group leader both responded to the Leader's report as is their right under paragraph 1.19(2) of the Constitution.

154. Community Safety Framework 2012-2015

(1) Mr Hill proposed, Mrs Waters seconded that the County Council approve the adoption of the Community Safety Framework 2012-2015.

- (2) RESOLVED that this recommendation be approved.

155. The Integrated Youth Service – Youth Justice Plan 2012-13

(1) Mr Hill proposed, Mrs Waters seconded that the County Council approve the statutory Annual Youth Justice Plan.

- (2) RESOLVED that this recommendation be approved.

156. Treasury Management Annual Review 2011-12

(1) Mr Simmonds proposed, Miss Carey seconded, that the County Council note this report.

- (2) RESOLVED that this report be noted.

157. Petition Scheme Review

(1) Mr A King proposed, Mr Homewood seconded, the recommendations below that the County Council be invited to approve the following recommendations from the Selection and Member Services Committee:

(a) Revisions to the Petition Scheme, together with the amendments and aspects to be retained, as set out below:

- (i) There be no change to the details that must be included for a petition to be valid, other than that petitions should be signed by people who live, work or study in Kent (paragraphs 2(3) & (4) of the report refer);
- (ii) Retention of timescale for processing and responding to petitions (paragraph 2(5) of the report refers);
- (iii) Replacement of the current list of ways that the County Council will respond to petitions with the following wording (paragraphs 2(6) to (8) of the report refer):

“Each petition that does not have the required number of signatures to trigger a debate will receive a written response from the appropriate Cabinet Member(s), which will set out their views on the petition and what action, if any, will be taken.”

- (iv) Retention of the provision to consider petitions on matters outside the County Council’s direct remit but over which it may have some influence (paragraph 2(9) of the report refers);
- (v) Introduction of amended provisions for:
 - Debates for those petitions that achieve 10,000 or more signatures to be considered at County Council;
 - Debates for those petitions that achieve between 2,500 and 9,999 signatures to be considered at the appropriate Cabinet Committee;

- District/Borough specific petitions of 1,000 or more signatures to be considered at the most appropriate local level (usually by a Local Board, Locality Board or a Joint Transportation Board);
 - Petitions that achieve up to 1,000 signatures to be referred to the appropriate Cabinet Member(s) for response, which may include a discussion at a Local Board, Locality Board or Joint Transportation Board (paragraphs 2(10) and (11) of the report refer),
- (vi) Amendment of the time allocated to the lead petitioner and Cabinet Member to speak on the petition at County Council or Cabinet Committees debates to three minutes (paragraph 2(12) of the report refers);
- (vii) Retention of the facility for e-petitions (paragraphs 2(13) and (14) of the report refer);
- (viii) Removal of the requirement for an officer to give evidence at the Scrutiny Committee if a petition requesting this achieves a certain number of signatures (paragraph 2(15) of the report refers); and
- (ix) Amendment of the process set out in the scheme for reviewing the way that a petition has been dealt with, to refer any requests to the Selection and Member Services Committee and the terms of reference of that Committee be amended accordingly (paragraphs 2(16) and (17) of the report refer).

(b) The Petition Scheme agreed by the County Council be reviewed by the Selection & Member Services Committee after 12 months.

(2) Mr Christie moved, Mrs Dean seconded an amendment to these recommendations that the Lead Petitioner and Cabinet Member should have up to 5 minutes to address the Council/Cabinet Committee on each petition. The mover and seconder of the original motion, Mr A King and Mr Homewood, agreed to this requested change to the recommendations.

(3) Mrs Dean proposed, Mr Chittenden seconded, an amendment to the recommendations as set out above in paragraph 1(a) and (b) as follows; it being noted that the third part of Mrs Dean's original amendment in relation to the length of time allocated to the lead petitioner to address the meeting had already been accepted by the mover and seconder of the original motion earlier in the debate:

2. (a)(iii) insert the words "*following discussion with the local Members(s)*" after the words Cabinet Member(s)

2. (a)(v) first bullet point delete 10,000, insert 6,000;
second bullet point delete 9,999 insert 5,999; and
add the words "*meeting in public*" at the ends of both the third and the fourth bullet points

(4) Following a debate, the Chairman put to the vote the amendment as set out above, when the voting was as follows:

For (10)

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

Abstain (3)

Mr C Capon, Mr B Cope, Mr P Lake

Against (60)

Mrs A Allen, Mr R Bayford, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Miss S Carey, Mr P Carter, Mr N Chard, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr W Hayton, 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, Mrs J Law, Mr J London, Mr R Long, Mr S Manion, Mr R Manning, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr R Parry, Mr R Pascoe, Mr L Ridings, Mr A Sandhu, Mr J Scholes, Mr J Simmonds, Mr M Snelling, Mrs P Stockell, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Lost

(5) Mr Christie moved, Mr Cowan seconded that a maximum of two petition debates be heard at any one meeting of the County Council or a Cabinet Committee. The mover and seconder of the original motion, Mr A King and Mr Homewood, agreed to this requested change to the recommendations.

(6) RESOLVED that the substantive recommendation be approved as follows:

(a) Revisions to the Petition Scheme, together with the amendments and aspects to be retained, as set out below:

- (i) There be no change to the details that must be included for a petition to be valid, other than that petitions should be signed by people who live, work or study in Kent (paragraphs 2(3) & (4) of the report refer);
- (ii) Retention of timescale for processing and responding to petitions (paragraph 2(5) of the report refers);
- (iii) Replacement of the current list of ways that the County Council will respond to petitions with the following wording (paragraphs 2(6) to (8) of the report refer):

“Each petition that does not have the required number of signatures to trigger a debate will receive a written response from the appropriate Cabinet Member(s), which will set out their views on the petition and what action, if any, will be taken.”

- (iv) Retention of the provision to consider petitions on matters outside the County Council’s direct remit but over which it may have some influence (paragraph 2(9) of the report refers);

- (v) Introduction of amended provisions for:
- Debates for those petitions that achieve 10,000 or more signatures to be considered at County Council;
 - Debates for those petitions that achieve between 2,500 and 9,999 signatures to be considered at the appropriate Cabinet Committee;
 - District/Borough specific petitions of 1,000 or more signatures to be considered at the most appropriate local level (usually by a Local Board, Locality Board or a Joint Transportation Board);
 - Petitions that achieve up to 1,000 signatures to be referred to the appropriate Cabinet Member(s) for response, which may include a discussion at a Local Board, Locality Board or Joint Transportation Board (paragraphs 2(10) and (11) of the report refer),
- (vi) Amendment of the time allocated to the lead petitioner and Cabinet Member to speak on the petition at County Council or Cabinet Committees debates to five minutes (paragraph 2(12) of the report refers);
- (vii) Retention of the facility for e-petitions (paragraphs 2(13) and (14) of the report refer);
- (viii) Removal of the requirement for an officer to give evidence at the Scrutiny Committee if a petition requesting this achieves a certain number of signatures (paragraph 2(15) of the report refers);
- (ix) Amendment of the process set out in the scheme for reviewing the way that a petition has been dealt with, to refer any requests to the Selection and Member Services Committee and the terms of reference of that Committee be amended accordingly (paragraphs 2(16) and (17) of the report refer); and
- (x) A maximum of two petition debates be heard at any one meeting of the County Council or a Cabinet Committee.

(b) The Petition Scheme agreed by the County Council be reviewed by the Selection & Member Services Committee after 12 months.

158. Independent Person - New Standards Regime

(1) Mr A King proposed, Mr Homewood seconded, that the County Council consider the recommendation of the Panel of Honorary Aldermen and appoint Mr M E George as the County Council's Independent Person for the new Standards Regime for a four year term 1 July 2012 to 30 June 2016.

(2) RESOLVED that Mr George be appointed as the Independent Person for the County Council's new Standards Regime for a four year term 1 July 2012 to 30 June 2016.

159. Motion for Time Limited Debate

(1) Mr M Vye proposed, Mr T Prater seconded the following Motion for Time Limited Debate:-

'KCC receives an increasing number of requests for 20mph limits, reflecting the findings of a DfT survey which has consistently found 80% of the public and 75% of drivers support 20 mph speed limits on residential streets (1).

Local Authorities are able to use their powers to introduce 20 mph speed schemes in residential roads in cities, towns and villages (2).

This Council agrees that Kent County Council should act on these powers without further delay and gives its authority to allow Member Highway Funds to be used to fund the creation of new 20mph schemes (zones/limits) where there is community support and where streets are being used by pedestrians and cyclists.'

Notes:

- (1) Survey source – [Department for Transport \(DfT\) 'British Social Attitudes Survey: attitudes to transport'](#), conducted annually over the last ten years.
- (2) Particularly where this would be reasonable for the road environment, there is community support and where streets are being used by pedestrians and cyclists where business on foot is more important than delaying road traffic.

(2) Mr Sweetland proposed, Mr Brazier seconded the following amendment to the original motion as set out in paragraph (1) above:

"Delete all of the original text and substitute the following:

'KCC has one of the best road safety records of any local authority. In Kent, serious road casualty numbers continue to fall year on year. Over the last ten years KCC has supported over fifty 20mph schemes covering 791 roads in Kent.

This council agrees to continue our current policy of providing 20mph schemes on appropriate roads in residential areas as part of a Casualty Reduction programme until the current trial schemes in Maidstone have been evaluated and reviewed by Members.

Any new 20mph schemes will follow the normal process of consultation involving local communities and where the criteria for central funding are not met, the council agrees that schemes promoted by Members through their Member Highway Funds should be considered."

(3) The mover and seconder of the original motion, Mr Vye and Mr Prater, agreed Mr Sweetland's amendment without the need for a vote and, therefore, the amendment outlined in paragraph (2) above became the substantive motion.

(4) After further discussion, Mr Christie moved, Mr Cowan seconded that the question of the substantive motion be put. There was no debate on this procedural motion and it was agreed. The Chairman then asked if Members agreed the substantive motion and it was agreed.

(5) RESOLVED that:

- (a) the Council notes that 'KCC has one of the best road safety records of any local authority. In Kent, serious road casualty numbers continue to fall year on year. Over the last ten years KCC has supported over fifty 20mph schemes covering 791 roads in Kent;
- (b) the Council agrees to continue its current policy of providing 20mph schemes on appropriate roads in residential areas as part of a Casualty Reduction programme until the current trial schemes in Maidstone have been evaluated and reviewed by Members; and
- (c) any new 20mph schemes follow the normal process of consultation involving local communities and, where the criteria for central funding are not met, schemes promoted by Members through their Member Highway Funds should be considered.

160. Minutes for Approval

RESOLVED: that the Minutes of the meeting of the Governance and Audit Committee held on 26 July 2012 be approved.

161. Minutes for Information

Pursuant to Procedure Rule 1.10(8) and 1.23(4), the minutes of the Planning Applications Committee meetings held on 24 July 2012 and the Superannuation Fund Committee meeting held on 29 June 2012 were noted.