

# 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, 23 October 2014.

## PRESENT:

Mr P J Homewood (Chairman)  
Mr M J Harrison (Vice-Chairman)

Mrs A D Allen, MBE, Mr M J Angell, Mr D Baker, Mr M Baldock, Mr M A C Balfour, Mr R H Bird, Mr H Birkby, Mr N J Bond, Mr A H T Bowles, Mr D L Brazier, Mrs P Brivio, Mr R E Brookbank, Mr L Burgess, Mr C W Caller, Miss S J Carey, Mr P B Carter, CBE, Mr N J D Chard, Mr I S Chittenden, Mr B E Clark, Mrs P T Cole, Mr G Cooke, Mr G Cowan, Mrs M E Crabtree, Ms C J Cribbon, Mr A D Crowther, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mr J A Davies, Mrs T Dean, MBE, Dr M R Eddy, Mr J Elenor, Mrs M Elenor, Mr T Gates, Mr G K Gibbens, Mr R W Gough, Ms A Harrison, Mr M Heale, Mr P M Hill, OBE, Mr C P D Hoare, Mrs S V Hohler, Mr S Holden, Mr E E C Hotson, Mrs S Howes, Mr A J King, MBE, Mr J A Kite, MBE, Mr S J G Koowaree, Mr R A Latchford, OBE, Mr R L H Long, TD, Mr G Lymer, Mr T A Maddison, Mr S C Manion, Mr R A Marsh, Mr F McKenna, Mr B Neaves, Mr M J Northey, Mr P J Oakford, Mr J M Ozog, Mr R J Parry, Mr C R Pearman, Mr L B Ridings, MBE, Mrs E D Rowbotham, Mr J E Scholes, Mr W Scobie, Mr T L Shonk, Mr C Simkins, Mr J D Simmonds, MBE, Mr C P Smith, Mr D Smyth, Mrs P A V Stockell, Mr B J Sweetland, Mr A Terry, Mr N S Thandi, Mr R Truelove, Mr M J Vye, Mr M E Whybrow, Mr M A Wickham and Mrs Z Wiltshire

IN ATTENDANCE: David Cockburn (Corporate Director Strategic & Corporate Services), Geoff Wild (Director of Governance and Law) and Denise Fitch (Democratic Services Manager (Council))

## UNRESTRICTED ITEMS

### **37. Apologies for Absence**

The Director of Governance and Law reported apologies from Mr P Harman, Mr B MacDowall, Mr J Wedgbury and Mrs J Whittle.

### **38. Declarations of Disclosable Pecuniary Interests or Other Significant Interests**

(1) Mr Cowan declared an interest in that both he and his wife were foster carers for Kent County Council.

(2) Mr Hoare declared an interest in that he was a director of an employment agency and public interest company called Conduit that sought to get young people into employment in the construction industry.

**39. Minutes of the meeting held on 18 September 2014 and, if in order, to be approved as a correct record**

RESOLVED that the Minutes of the meeting held on 18 September 2014 be approved as a correct record and signed by the Chairman, subject to the amendment of the following typographical errors, Minute no 31 – (d) “Nijmegen” , Minute no 33 (5) – “Members”;(6) – “Mr Carter”; (7) – “priority”; (10) – “saddened”; (11) - “Leader’s”;(21) “transformation” and (29) – “ CCN” “NPPF”.

**40. Chairman's Announcements**

**(a) National Multi-Faith Week**

The Chairman made the Council aware that 16 to 22 November 2014 was designated national multi-faith week. Kent County Council’s Standing Advisory Council for Religious Education, which was chaired by Mr Manion, was celebrating this by holding its second youth conference on 18 November 2014, which would provide an opportunity for young people to improve their understanding of multi-faith issues.

**(b) FT Innovative Lawyers Awards 2014**

The Chairman stated that he was delighted to announce that on 8 October, Geoff Wild had been named Most Innovative European In-House Lawyer at the FT Innovative Lawyers’ Awards 2014. The FT awards were widely recognised as being the most prestigious international legal awards and were the product of in-depth independent research. In winning the award, Geoff fought off competition from across Europe, including General Counsel for EDF Energy, Reckitt Benckiser, E.ON and Roche Products, and was the first public sector lawyer ever to receive the award. The awards panel said “After transforming the council’s legal team into a revenue generator, Geoff Wild is recognised as an industry leader and has had a positive impact on perceptions of public-sector lawyers”.

**(c) CASA (Consortium for Assistive Solutions Adoption) Award for Innovative Excellence**

The Chairman stated that he was pleased to announce that the Kent Integration Pioneer Innovation Hub had been recognised by the EU, as a site of excellence. The Integration Pioneer team, together with the international team in Brussels, had delivered innovative work around assistive technologies creating an Innovation Hub and integrated working with the health service.

The work of the Kent team under the leadership of Dr Robert Stewart, Chairman of the Integration Pioneer, and Anne Tidmarsh, Director Older People and Physical Disability, had been recognised as a good practice example and the award was received by Mr Gibbens at a conference in Brussels of all CASA representatives.

**(d) Dandelion Time's 'Rowathon'**

The Chairman expressed his thanks to Members and officers who gave such generous donations in support of Dandelion Time's 'Rowathon' earlier this month.

He informed the Council that Dandelion Time was a charitable project for children and young people displaying emotional distress through aggressive or withdrawn behaviour. The charity, based in West Farleigh, helped children to overcome previous suffering, develop confidence and self-esteem, and discover a new and positive path to follow.

He explained that a team of seven KCC representatives managed to row more than 10,000 metres in 50 minutes, and in so doing raised over £1,000 for the charity, which would make a significant difference to the life chances of the children and families that came to Dandelion Time.

**(e) Visit to HMS Kent**

The Chairman stated that he was very proud to have been invited to visit HMS Kent at Portsmouth prior to its six-month deployment focusing on maritime security operations in the Indian Ocean.

**41. Questions**

In accordance with Procedure Rule 1.17(4), eight questions were asked and replies given, which are attached as an appendix to the minutes.

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

(1) The Leader updated the County Council on events since the previous meeting.

(2) Mr Carter referred to the launch of the public consultation for the medium term budget proposals for the next three years. He expressed the view that these had generally been well received. He hoped that opposition Members were pleased with the content, which was a rigorous thrust to deliver effective and efficient services to residents and businesses making sure that best value was extracted from every council tax payer's pound. He believed that the solutions that had been arrived at would allow the Council to pursue with rigour the continuous improvement of good quality frontline services. He referred to what had been said by Mr Hill earlier in the meeting in relation to the community wardens. This related to finding other ways of supplementing community wardens with community volunteer wardens. There was also the potential for parish and town councils to precept if they wanted to retain the same or increased presence.

(3) Mr Carter mentioned that the transformation agenda was gaining pace under the banner of Facing the Challenge and big decisions would be needed very soon. He therefore felt sure that Members would support the principle of establishing the all-party advisory board on commissioning which would be chaired by Mr Hotson, subject to the Council agreeing the recommendations later in the meeting.

(4) Mr Carter then referred to the need to focus on working towards the outcomes framework for the authority, which was currently scheduled to come to the December County Council meeting. That framework would start to articulate the outcomes required to achieve the component parts that made up the complex array of services and support that was delivered in Kent. There was a need for clarity about the component parts of KCC's business to ensure they were delivered in the most efficient and effective way. He said that it was important to ensure that services were effective and efficient regardless of who was commissioned to provide them. Even if services were retained in house the same business rigour had to be applied to the way they were configured and delivered. This message needed to pervade the whole organisation. He stated that KCC needed to be much more commercial in how services were delivered.

(5) Mr Carter mentioned the publication of "NHS Five Year Forward View" which had been produced by Simon Stevens (Chief Executive of NHS England). The report majored on the point that there was no one size fits all solution and, therefore, there was no need for a homogenous delivery pattern across the NHS. This was very much in line with the direction of travel that KCC was taking in delivering social care and public health with clinical commissioning groups and providers such as the acute hospital trusts. This document started to deliver the vision of good quality neighbourhood national health services and social care emphasising the role of community based preventative services. It suggested that the Department of Health should allow different approaches rather than the one size fits all approach imposed by Whitehall, which inhibited innovation across the country.

(6) Mr Carter then referred to devolution and the opportunity for county councils across the country to draw Westminster and Whitehall's attention to the potential of local government. Whitehall should be encouraged to empower good local decision making at the right local level. An example of this was the skills agenda where funding was determined by Whitehall and not by local businesses who were best placed to determine the courses that needed to be run to fit their skills requirements. In relation to skills for the public sector he referred to the need for skills training for the provision of community health services.

(7) Mr Carter stated that he was working with the County Council Network (CCN) to draw the attention of ministers and shadow ministers to the art of the possible and to remind them of the track record county councils had established in saving significant amounts of public money. This had been done through a rigorous efficiency drive to deliver more effective services. The "one place one budget" concept was beginning to gain traction. This was not just about a bit of devolution to city regions and thereby totally ignoring 40% of the rest of the country. Total public expenditure in Kent was in excess of £10bn. If the delivery of 5% efficiencies could be imposed along with the freedoms and flexibility to make good locally based decisions, it would save £500 million a year in the delivery of Kent public services. The 5% over three years could equate to £30bn nationally if the knowledge gained was applied to other areas of significant public expenditure.

(8) Mr Latchford, the Leader of the Opposition, congratulated Mr Wild on the award that he had been given. On behalf of himself and Mr Birkby, Mr Latchford said that they had enjoyed representing their group at the Poppy Day Launch on 22 October and he referred to the excellent work of the Royal British Legion.

(9) Mr Latchford responded to the Leader's report by referring to the medium term budget proposals. He stated that he accepted there would have to be significant cuts. In relation to the draft budget proposals and that he looked forward to the public response on what they perceived to be priority areas. He went on to say that his group would monitor the situation and that at this stage it would be premature to make observations and recommendations. However, he was able to say that already certain proposals did not meet with his Group's approval. He stated that with the national debt at an all-time high of £1.5 trillion and borrowing continuing to increase it was patently clear that there were many more challenges to come.

(10) Mr Latchford mentioned that like all group leaders he had been grateful to have been included in the briefings on the transformation process and that all officers involved should be congratulated on facing such a complex task so professionally. He stated that again there were areas of unease and although the opposition party would be supporting the commissioning framework and the continuing transformation process each step would be subject to scrutiny.

(11) Mr Latchford then referred to devolution. Following the concessions promised during the Scottish referendum there was now a ground-swell of opinion to increase devolution in England. He expressed support for devolution to second tier local authorities but recognised that it was early days and it was important that additional responsibilities were properly funded. He expressed the view that Parliament was basically governed by the European Union and that this would be a major issue in next year's election. He explained that his group supported the form of devolution where there was an English Parliament making decisions for the country as a whole on such issues as defence, foreign affairs, immigration and big infrastructure projects. He stated that he did not see any other powers exercised by Parliament that could not be carried out in Kent. In Kent there were 1.6m people which was more than some US states that had full powers. He believed there was too much interference from Whitehall and that Kent should have more power devolved to it; however, it this must be properly funded.

(12) Mr Latchford then mentioned the recently published "NHS Five Year Forward View" and stated that he was clear that much needed to be done to deliver good NHS services throughout the UK.

(13) Mr Latchford concluded by saying that, although, he was present with other group leaders at the Manston Airport briefing, he was surprised that the Leader had not included this in his report. He believed that all Members should be apprised of this major issue.

(14) Mr Cowan, Leader of the Labour Group, referred to the Medium Term Financial Plan and that KCC was entering this budget consultation with some £93m of cuts having to be made via next year's budget. The Chancellor of the Exchequer was supposed to have eliminated the budget deficit by this time and for there to be some easement in budget cuts. However, the austerity programme continued and he expressed the view that if these policies continued the deficit might not be eliminated until 2020. He would encourage as many people as possible to give their views in the budget consultation to help assess the budget proposals.

(15) Mr Cowan stated that his group's budget amendments would be designed to ease the burden on those on middle and low incomes. He noted that in the budget consultation views were being sought on a Council Tax rise of 1.99%. His group was prepared to accept this increase providing that the £10m raised was spent on maintaining frontline services and specifically helped those in previously mentioned income groups.

(16) Mr Cowan referred to the "NHS Five Year Forward View". He expressed the view that this should start at the bottom and then push through to the rest of the National Health Service. He stated that the growing crisis in recruitment and retention of GPs was gaining increased attention in the media. A large proportion of GPs were in their 50s and GPs had an average retirement age of 59. Newly qualified doctors were less keen than their predecessors to take on the additional financial worries of a partnership and were reluctant to accept the unsociable, long hours of working as a GP. He mentioned that Concordia Health, which ran surgeries in Dover and Thanet, had restructured their business and had requested the termination of their contract to provide these less profitable surgeries. He emphasised that 90% of GPs were private contractors and were driven by the same need of all small businesses to turn a profit. He agreed that the drive to have more practice nurses in GP surgeries was a sensible one. However, there were problems of recruitment as most nurses were hospital rather than community trained.

(17) Mr Cowan mentioned the transformation agenda. He stated that phase 1, due by May 2015, was critical in terms of the savings that had to be made and in ensuring that the Council was moving into a commissioning programme in the right way.

(18) Mr Cowan emphasised the importance of keeping control of the management of the transformation programme. He believed that it would be better for KCC to keep control of in-house services and to retain a minimum of 51% of whatever was commission externally.

(19) Mr Cowan expressed the view that it was too early to discuss devolution.

(20) Mrs Dean, Leader of the Liberal Democrat Group, referred to the budget consultation and stated that her group was not happy with this as it invited the population of Kent to vote for "motherhood and apple pie". The consultation did not refer to specific service cuts or specific developments and, therefore, was not a budget consultation. Although Mr Latchford had made reference to budget proposals she had not yet seen a draft budget proposal.

(21) Regarding the suggestions made by the Leader for the funding of the community wardens, Mrs Dean stated that if her parish council wished to pay for a community warden it would have to increase the parish precept by 300%. She stated that parish councils did not have the facility to meet this kind of expenditure. She mentioned that she had met with the Police and Crime Commissioner to ask whether it was possible for the parish council to pay for a police officer. Mrs Dean had been strongly advised that such an officer would still be regarded as part of the general complement and there would be no guarantee therefore, that they would work in specific parishes.

(22) Mrs Dean referred to devolution and welcomed the all-party support she anticipated for this during the debate later in the meeting. She stated that devolution had been a central policy of the Liberal Democrat party for many years but that governments of all descriptions had been somewhat schizophrenic with regard to devolution. Governments could devolve and they could claw back control. She mentioned the Localism Act was which supposed to provide control over planning decisions to the local communities. However, the National Planning Policy Framework allowed the Secretary of State to sweep that aside. As far as KCC was concerned Mrs Dean wondered how much of the devolution agenda could reasonably be handled when every service was part of a range of restructuring. She stated that she preferred people in this Chamber rather than the people in Whitehall to be running services so the principle had to be right but the devil was in the detail.

(23) In terms of commissioning and the outcomes framework Mrs Dean referred to two recent reports, which emphasised the gap between the rich and the poor in this country. A recent Cabinet Office report pointed out that the end of this decade might be the first when the attainment gap between children from poor families and those from wealthy families would have got worse rather than better. The report suggested that a new focus was needed in national education policy to ensure that this gap was narrowed. If there was not a new focus, it would take 20 years before the difference in the attainment gap could be halved. She hoped that the Leader would agree that this was one of the priorities in the outcomes framework.

(24) Mr Whybrow, Leader of the Independents' Group, stated that he welcomed the CCN's report on devolution. He was concerned about the lack of publicity for the report and would like the Leader to confirm whether there had been a positive reaction to the report from the Secretary of State for Communities and Local Government. He believed that the report highlighted some anomalies in the allocation of monies across London, the cities and county councils. The report also had some very good recommendations such as a five year budget settlement, fully integrated budgets and a Care Act reserve fund.

(25) Mr Whybrow stated that he particularly liked what the CCN's report said about Council Tax; it talked about revaluation and a review of the number of bands. He expressed the view that at least one new Council Tax band should be introduced at the higher end. He stated that for every £1 of additional tax raised by this government, it had made £9 of spending cuts. The CCN had said that 87% of county councils said that their budget pressures were severe. Finally the report said that local government finance was becoming increasingly unsustainable. He believed that this should be given more publicity otherwise, without a major restructuring of the way in which local government was funded, the cuts that the Council had to make this year would become harder to achieve.

(26) In replying to the other group leaders' responses, Mr Carter stated that the CCN document was gaining real traction. He stated that he and the chairman of the CCN had been invited to the Cabinet Office to meet Joseph Johnson MP. Mr Johnson insisted that they spoke to Lord Heseltine and Greg Clerk MP regarding Local Enterprise Partnerships and general devolution to county councils. Mr Johnson had also insisted that they had a high level meeting with the Treasury about the content of this document.

(27) Mr Carter agreed that in relation to devolution the devil was in the detail, the track record of being empowered with no money was quite a significant one. He stated that it was not necessarily about the transfer of functions and powers to local government, it was also about having the influence to bring people together in a sensible way, to make partnerships deliver and having the necessary tools to take action if those partnerships did not come together.

(28) Mr Carter stated that he had been assured by Mr Gough that the educational attainment of those on free school meals had improved in last 12 months. KCC had been focusing on this for some time.

(29) In relation to retaining services in-house, Mr Carter stated that there were many voluntary, charitable and community organisations that needed to be empowered who may then be able to provide some services better than the in-house provider. The adoption service was an example of this; the adoption statistics had been greatly improved by the transfer of that function to another body.

(30) Mr Carter stated that all group leaders had received a briefing by David Smith, Director of Economic Development, on KCC's position on the future of Manston Airport and the suggestion that there may or may not be a Compulsory Purchase Order. If Members would like a briefing, David Smith would be pleased to assist.

(31) Regarding the relationship with Europe and the future potential of that relationship, Mr Carter stated that before the referendum took place there was a need to have a sensible debate around what the strengths and positives had been and issues that may be to our detriment.

#### **43. A collaborative approach to Member involvement in Commissioning - Report of the Member Working Group**

(1) Mr Hotson moved and Mr Carter seconded the following recommendations as set out on page 29 of the report:

“County Council is asked to:

- a) Note and comment on the deliberations and findings set out in section 3 of the report.
- b) Agree that a cross-party, informal advisory board, chaired by a backbench Member, should consider commissioning decisions in depth and advise Cabinet Committees accordingly before Key Decisions are made, with the arrangement reviewed after a 12 month period
- c) Agree that given the majority of significant commissioning decisions facing the council over the next 12 months will come from the Facing the Challenge transformation programme, that the advisory board should also take on the responsibilities of the Transformation Board, with the arrangement reviewed after a 12 month period



d) Delegate to the Head of Democratic Services, in consultation with the Group Leaders, the establishment of a cross-party, advisory board as set out in this report.”

(2) RESOLVED that the recommendations set out in paragraph (1) above be approved.

#### **44. Motions for Time Limited Debate**

##### **a) Devolution**

(1) Miss Carey moved and Mr Marsh seconded the following motion:

“Kent County Council calls upon central government to devolve more powers and money not just to Scotland but to existing levels of local government at county, district and parish level. We also call for a transfer of powers from unelected and remote quangos to existing democratically elected bodies.”

(2) Dr Eddy moved and Mr Truelove seconded the following amendment:

“Kent County Council calls upon Central Government to devolve more powers and finance from central government to appropriate communities across England. We call for a Constitutional Convention as proposed by the Local Government Association, to determine what powers should be devolved in England and to determine the appropriate structure to dispense these powers in a more democratic and accountable way. We also call for a well-planned transfer of power from unelected and remote quangos to democratically elected bodies”

(3) Mr Parry moved and Mr Baldock seconded the procedural motion “that the question be put” and the votes cast were as follows:

For (63)

Mrs A Allen, Mr M Angell, Mr D Baker, Mr M Baldock, Mr M Balfour, Mr R Bird, Mr N Bond, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr L Burgess, Miss S Carey, Mr P Carter, Mr N Chard, Mr I Chittenden, Mr B Clark, Mrs P Cole, Mr G Cowan, Mrs M Crabtree, Ms J Cribbon, Mr A Crowther, Mrs V Dagger, Mr D Daley, Mr M Dance, Mr J Davies, Mrs T Dean, Dr M Eddy, Mr J Elenor, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr M Heale, Mr M Hill, Mr C Hoare, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Ms S Howes, Mr G Koowaree, Mr G Lymer, Mr S Manion, Mr A Marsh, Mr F McKenna, Mr B Neaves, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mr J Scholes, Mr T Shonk, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mr B Sweetland, Mr A Terry, Mr M Vye, Mr M Whybrow, Mr A Wickham, Mrs Z Wiltshire.

Against (9)

Mr H Birkby, Mrs P Brivio, Mr C Caller, Ms A Harrison, Mr R Latchford, Mr T Maddison, Mrs E Rowbotham, Mr W Scobie, Mr N Thandi.

Abstain (2)

Mrs M Elenor, Mrs P Stockell.

*Procedural motion carried*

(4) The Chairman then put the amendment outlined in paragraph (2) above to the vote and the votes cast were as follows:

For (19)

Mr N Bond, Mrs P Brivio, Mr L Burgess, Mr C Caller, Mr G Cowan, Ms J Cribbon, Mr D Daley, Dr M Eddy, Ms A Harrison, Ms S Howes, Mr T Maddison, Mrs E Rowbotham, Mr W Scobie, Mr T Shonk, Mr D Smyth, Mr A Terry, Mr N Thandi, Mr R Truelove, Mr M Whybrow.

Against (55)

Mrs A Allen, Mr M Angell, Mr M Baldock, Mr M Balfour, Mr R Bird, Mr H Birkby, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr P Carter, Mr N Chard, Mr I Chittenden, Mr B Clark, Mrs P Cole, Mr G Cooke, Mrs M Crabtree, Mr A Crowther, Mrs V Dagger, Mr M Dance, Mr J Davies, Mrs T Dean, Mr J Elenor, Mrs M Elenor, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr M Heale, Mr M Hill, Mr C Hoare, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Mr A King, Mr J Kite, Mr R Latchford, Mr G Lymer, Mr S Manion, Mr A Marsh, Mr F McKenna, Mr B Neaves, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mr J Scholes, Mr C Simkins, Mr J Simmonds, Mrs P Stockell, Mr B Sweetland, Mr M Vye, Mr A Wickham.

Abstain (5)

Mr D Baker, Miss S Carey, Mr G Koowaree, Mr C Smith, Mrs Z Wiltshire.

*Amendment lost*

(5) Mr Vye moved and Mrs Dean seconded the following amendment:

“KCC calls upon central government to devolve more powers and budgetary responsibility, not just to Scotland but to existing levels of local government at county, district and parish level, and to restore powers and responsibility taken from these democratically elected authorities, for example under the current academy schools programme. We also call for a transfer of powers from unelected and remote quangos to existing democratically elected bodies.”

(6) Mr Parry moved and Mr Sweetland seconded the procedural motion “that the question be put” and the votes cast were as follows:

For (58)

Mrs A Allen, Mr M Angell, Mr D Baker, Mr H Birkby, Mr N Bond, Mr A Bowles, Mr D Brazier, Mrs P Brivio, Mr R Brookbank, Mr L Burgess, Mr C Caller, Miss S Carey, Mr P Carter, Mr N Chard, Mrs P Cole, Mr G Cooke, Mrs M Crabtree, Mr A Crowther, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr J Elenor, Mr T Gates, Mr G Gibbens, Mr R

Gough, Ms A Harrison, Mr M Harrison, Mr M Hill, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Ms S Howes, Mr A King, Mr J Kite, Mr R Long, Mr G Lymer, Mr T Maddison, Mr S Manion, Mr A Marsh, Mr F McKenna, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mrs E Rowbotham, Mr J Scholes, Mr T Shonk, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mr B Sweetland, Mr N Thandi, Mr M Whybrow, Mr A Wickham, Mrs Z Wiltshire.

Against (19)

Mr M Baldock, Mr R Bird, Mr I Chittenden, Mr B Clark, Ms J Cribbon, Mr G Cowan, Mr D Daley, Mrs T Dean, Dr M Eddy, Mrs M Elenor, Mr M Heale, Mr C Hoare, Mr G Koowaree, Mr R Latchford, Mr B Neaves, Mr W Scobie, Mr A Terry, Mr R Truelove, Mr M Vye.

Abstain (0)

*Procedural motion carried*

(7) The Chairman put the amendment outlined in paragraph (5) above to the vote and the votes cast were as follows:

For (17)

Mr M Baldock, Mr R Bird, Mr N Bond, Mr L Burgess, Mr I Chittenden, Mr B Clark, Mr D Daley, Mrs T Dean, Mr T Maddison, Mr F McKenna, Mr G Koowaree, Mrs E Rowbotham, Mr W Scobie, Mr T Shonk, Mr A Terry, Mr M Vye, Mr M Whybrow.

Against (57)

Mrs A Allen, Mr M Angell, Mr D Baker, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr C Caller, Miss S Carey, Mr P Carter, Mr N Chard, Mrs P Cole, Mr G Cooke, Mr G Cowan, Mrs M Crabtree, Ms J Cribbon, Mr A Crowther, Mrs V Dagger, Mr M Dance, Mr J Davies, Dr M Eddy, Mr J Elenor, Mr T Gates, Mr G Gibbens, Mr R Gough, Ms A Harrison, Mr M Harrison, Mr M Heale, Mr M Hill, Mr C Hoare, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Ms S Howes, Mr A King, Mr J Kite, Mr R Latchford, Mr R Long, Mr G Lymer, Mr S Manion, Mr A Marsh, Mr B Neaves, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mr J Scholes, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mr D Smyth, Mr B Sweetland, Mr N Thandi, Mr R Truelove, Mr A Wickham.

Abstain (3)

Mr H Birkby, Mrs M Elenor, Mrs Z Wiltshire.

*Amendment lost*

(8) Mr Caller moved and Mr Scobie seconded the procedural motion that “the question be put” in relation to the original motion and the votes cast were as follows:

For (56)

Mrs A Allen, Mr M Angell, Mr D Baker, Mr N Bond, Mr A Bowles, Mr R Brookbank, Mr L Burgess, Mr C Caller, Miss S Carey, Mr P Carter, Mr N Chard, Mrs P Cole, Mr G Cooke, Mr G Cowan, Mrs M Crabtree, Ms J Cribbon, Mr A Crowther, Mrs V Dagger, Mr D Daley, Mr M Dance, Dr M Eddy, Mr J Elenor, Mr G Gibbens, Mr R Gough, Ms A Harrison, Mr M Harrison, Mr M Hill, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Ms S Howes, Mr J Kite, Mr G Koowaree, Mr R Long, Mr G Lymer, Mr T Maddison, Mr S Manion, Mr A Marsh, Mr M Northey, Mr P Oakford, Mr R Parry, Mr C Pearman, Mr L Ridings, Mrs E Rowbotham, Mr J Scholes, Mr W Scobie, Mr T Shonk, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mr D Smyth, Mr B Sweetland, Mr A Terry, Mr N Thandi, Mr R Truelove.

Against (15)

Mr M Baldock, Mr R Bird, Mr H Birkby, Mr D Brazier, Mr J Davies, Mrs T Dean, Mrs M Elenor, Mr T Gates, Mr M Heale, Mr C Hoare, Mr R Latchford, Mr F McKenna, Mr B Neaves, Mr M Whybrow, Mr A Wickham.

Abstain (2)

Mr I Chittenden, Mr B Clark.

*Procedural motion carried*

(9) The Chairman put the original motion set out in paragraph (1) above to the vote and the votes cast were as follows:

For (77)

Mrs A Allen, Mr M Angell, Mr D Baker, Mr M Baldock, Mr R Bird, Mr H Birkby, Mr N Bond, Mr A Bowles, Mr D Brazier, Mrs P Brivio, Mr R Brookbank, Mr L Burgess, Mr C Caller, Miss S Carey, Mr P Carter, Mr N Chard, Mr I Chittenden, Mr B Clark, Mrs P Cole, Mr G Cooke, Mr G Cowan, Mrs M Crabtree, Ms J Cribbon, Mr A Crowther, Mrs V Dagger, Mr D Daley, Mr M Dance, Mr J Davies, Mrs T Dean, Dr M Eddy, Mr T Gates, Mr G Gibbens, Mr R Gough, Ms A Harrison, Mr M Harrison, Mr M Heale, Mr M Hill, Mr C Hoare, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Ms S Howes, Mr A King, Mr J Kite, Mr G Koowaree, Mr R Latchford, Mr R Long, Mr G Lymer, Mr T Maddison, Mr S Manion, Mr A Marsh, Mr F McKenna, Mr B Neaves, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mrs E Rowbotham, Mr J Scholes, Mr W Scobie, Mr T Shonk, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mr D Smyth, Mrs P Stockell, Mr B Sweetland, Mr A Terry, Mr N Thandi, Mr R Truelove, Mr M Vye, Mr M Whybrow, Mr A Wickham, Mrs Z Wiltshire.

Against (1)

Mr J Elenor.

Abstain (1)

Mrs M Elenor.

*Motion carried*

- (10) RESOLVED: that Kent County Council calls upon central government to devolve more powers and money not just to Scotland but to existing levels of local government at county, district and parish level. We also call for a transfer of powers from unelected and remote quangos to existing democratically elected bodies.

**b) Reduction in the voting age**

- (1) Mr Clark moved and Mr Bird seconded the following motion:

"This Council supports reducing the voting age to 16 and believe that encouraging participation in the political process is a valuable means of engaging young people in modern society.

We recognise the important contribution of 16 and 17 year olds to the recent Scottish Independence referendum and believe that the young people of Kent should also play a role in determining the future of their county and country.

Therefore, we propose that the Chairman should write an open letter to the Prime Minister urging him to introduce legislation to reduce the voting age to 16."

- (2) Following a debate the Chairman put the motion outlined in paragraph (1) above to the vote and the votes cast were as follows:

For (56)

Mrs A Allen, Mr M Baldock, Mr R Bird, Mr N Bond, Mr A Bowles, Mr D Brazier, Mrs P Brivio, Mr R Brookbank, Mr L Burgess, Mr C Caller, Miss S Carey, Mr P Carter, Mr N Chard, Mr I Chittenden, Mr B Clark, Mrs P Cole, Mr G Cooke, Mr G Cowan, Mrs M Crabtree, Mr A Crowther, Mr D Daley, Mr M Dance, Mr J Davies, Mrs T Dean, Dr M Eddy, Mr T Gates, Mr G Gibbens, Mr R Gough, Ms A Harrison, Mr M Harrison, Mr M Heale, Mr M Hill, Mr S Holden, Mr P Homewood, Mr E Hotson, Ms S Howes, Mr A King, Mr J Kite, Mr G Koowaree, Mr G Lymer, Mr T Maddison, Mr S Manion, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mr W Scobie, Mr J Simmonds, Mr D Smyth, Mr B Sweetland, Mr N Thandi, Mr R Truelove, Mr M Vye, Mr M Whybrow.

Against (17)

Mr M Angell, Mr D Baker, Mr H Birkby, Mr J Elenor, Mrs M Elenor, Mrs V Dagger, Mr C Hoare, Mrs S Hohler, Mr R Long, Mr F McKenna, Mr J Scholes, Mr T Shonk, Mr C Simkins, Mr C Smith, Mr A Terry, Mr A Wickham, Mrs Z Wiltshire.

Abstain (4)

Ms J Cribbon, Mr R Latchford, Mrs E Rowbotham, Mrs P Stockell.

*Motion carried*

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(3) RESOLVED: that this Council supports reducing the voting age to 16 and believe that encouraging participation in the political process is a valuable means of engaging young people in modern society.

We recognise the important contribution of 16 and 17 year olds to the recent Scottish Independence referendum and believe that the young people of Kent should also play a role in determining the future of their county and country.

Therefore, we propose that the Chairman should write an open letter to the Prime Minister urging him to introduce legislation to reduce the voting age to 16.

**APPENDIX****Question 1****COUNTY COUNCIL****Thursday 23 October 2014****Question by Susan Carey to David Brazier, Cabinet Member for Environment and Transport**

Last year one of my parish councils was warned by its insurance company that the parish council should not clear any snow and ice in case they set up an expectation that the area would be regularly cleared and leave the parish council open to a claim from anyone who slipped. As we make preparations for winter would the cabinet member for environment and transport give some guidance to parish and town councils and volunteers who want to help keep pavements and public areas in their community clear of snow and ice.

**Answer**

As Miss Carey states many parish councils are keen to get involved in snow clearance and this is welcomed by Highways, Transportation and Waste.

The question of liability has come up several times over the years and we have sought advice from our risk and insurance team. I have left copies of the advice received outside the chamber for Members to consider, but in short, Zurich Municipal, who insures many parish councils, advises it should not be a problem for parish councils to extend their normal business activities to include snow clearing. Whilst Zurich acknowledge there is an issue around expectation management, KCC's Risk and Insurance team's opinion is that they would hope the courts would prefer to see this activity taking place rather than abandoned due to the fear of being sued. KCC will provide this full guidance to any parish councils seeking to clear snow in their area.

The advice to parish councils also applies to town councils, though I recommend they seek guidance from their legal departments. However, it is likely that many town areas will be on primary routes cleared by Kent County Council and its partners as part of our local winter service plans.

For members of the public wishing to volunteer to clear snow or grit footpaths, if they are acting on behalf of the parish or town councils any potential liability should be covered by their own household insurance. If they are acting on their own initiative then they should abide by the guidance on the [www.gov.uk](http://www.gov.uk) website which states that

*“despite some media reports to the contrary, it is extremely unlikely that someone who has attempted to clear snow in a careful manner will be sued or held legally responsible if someone slips or falls on ice or snow at their property. People should not be deterred from performing a socially responsible act.*

*Though the person clearing the snow does have responsibilities when doing the job, mainly to ensure that they are not making the area more dangerous by allowing it to*

*refreeze, it is important to note that those walking on snow and ice have responsibilities themselves. A common sense approach is encouraged.”*

## **Question 2**

### **Question by Martin Vye to Graham Gibbens, Cabinet Member for Adult Social Care and Public Health**

Given the increasing number of residents of Kent falling into food poverty, as evidenced by those needing to make use of Foodbanks, will the Leader:

- undertake to make safeguarding of the budget for the Kent Support and Assistance Service a priority for 2015/16, in the case that Government does not continue its funding of this service; and
- will he take steps to ensure that the County Council, as the strategic lead authority for Kent, uses its influence to help coordinate the response to the crisis by voluntary and statutory organisations?

### **Answer**

The Kent Support and Assistance Service (KSAS) was established following the abolition of central government operated crisis loans and community care grants, as part of the package of measures to reduce spending nationally on welfare payments. A reduced level of resource was allocated to county and single tier authorities to provide some emergency assistance. KCC used this money to establish KSAS, which is an innovative local welfare provision service that works with the voluntary and community sector and other partners to target funding at those most in need and has moved away from the purely financial transaction model that had previously existed. KSAS now plays a pivotal role by supporting those going through a financial crisis with the provision of information and signposting; emergency support (such as grocery products and reconnection of fuel supply charges); and non-emergency support (such as the provision of furniture, white goods and cookers).

Like Mr Vye, I and the Cabinet wish to express our support for KSAS, which has quickly established a good reputation as a service of first and last resort when Kent residents are faced with a crisis or have no other recourse.

Whilst I cannot make a firm commitment on the future KSAS budget at this stage of the budgetary cycle, I can confirm my preference is for the service to continue. As John Simmonds will inform Council colleagues shortly, in response to Mr Whybrow's question, it is our intention to roll-forward this year's forecast underspend into next year subject to there being no shortfall at the end of this financial year - and at this time, we are on track to balance the books.

It will be possible to provide greater clarity later in the budgetary cycle and a paper on the future of KSAS will be taken to Adults Social Care & Health Cabinet Committee on 4<sup>th</sup> December. I would be delighted to speak to Mr Vye at that time, when further details will be known, about the actions being taken by the County Council.



### **Question 3**

#### **Question by Ian Chittenden to David Brazier, Cabinet Member for Environment & Transport**

Most of us love Kent's green landscapes but as I travel along the roads in Maidstone and the surrounding countryside I have noticed that much of our greenery has become overly rampant. More and more roadside signs are obscured, some are completely hidden and footways are becoming impassable.

In most cases residents, farmers and other landowners are responsible for cutting back hedgerows bordering their properties. However, it is Kent County Council that is responsible for safety on our roads.

Would the Cabinet Member for Environment and Transport please advise what steps Kent Highways are taking to ensure the county's hedgerows are properly maintained?

#### **Answer**

As has rightly been pointed out, in most cases the responsibility for cutting back of vegetation rests with the adjacent landowners. Kent County Council has a duty to ensure the highway is clear so as not to cause a danger for highway users.

As you are no doubt aware, we have a team that inspect the network at set frequencies depending on the classification of the road. In real terms it can mean an inspection takes place on either a monthly or six monthly basis for carriageways and monthly or annually for footways. Where vegetation is noted to be causing a safety issue, action is taken ranging from knocking on doors asking for the vegetation to be cut back, to legal action for non-compliance. If the overgrowth is considered to be of such severity that it is causing a potential hazard, then Kent County Council Highways, Transportation & Waste may take direct action to remove it to ensure public safety.

In addition, we have our highway stewards dealing with individual enquiries from parishes and customers. Each enquiry is investigated and the appropriate action taken depending on the severity of the issue.

We are given powers under the Highways Act 1980 Section 154 to carry out enforcement action if necessary. This however can be a lengthy process and take many months to bring to a conclusion. Whilst we have to take into consideration the bird nesting season, public safety will always come first.

As far as county-owned hedgerows are concerned, these are cut annually over the winter months.

#### **Question 4**

##### **Question by Martin Whybrow to John Simmonds, Cabinet Member for Finance and Procurement**

The Kent Support and Assistance Service (KSAS) is a vital lifeline for Kent's most vulnerable and impoverished residents. Would the Cabinet Member for Finance and Procurement confirm that any underspend (currently predicted at £2.691 million) will be ring-fenced for the purpose for which it was intended and will not be used to make up for any overspend elsewhere? This is regardless of whether or not the service continues to be financed next year by central government in light of the high court action by Islington Council.

#### **Answer**

I totally understand your concern Mr Whybrow, and it is our intention to roll-forward this year's forecast underspend into next year, subject to there being no shortfall at the end of this financial year. In these difficult financial times, if a shortfall occurs then we would have to reassess this situation, however at this this time I'm satisfied that we are on track to balance the books. We are very mindful of the value of this fund in supporting and assisting the most vulnerable, and I hope we are able to do so beyond the 31 March.

#### **Question 5**

##### **Question by Rob Bird to Peter Oakford, Cabinet Member for Specialist Children's Services**

Given the persistent excess of demand for Specialist Children's Services, and of unit costs, over the level budgeted for in this financial year, will the Cabinet Member for Specialist Children's Services specify what action has been taken to reduce the forecast deficit in the budget for which he is responsible, and how he proposes to eliminate the deficit by the end of the financial year?

#### **Answer**

Thank you for your question. Specialist Children's Services were set a challenging £7 million saving target for 2014/15, following a number of years in which spending had increased to reflect demand. This additional investment helped to substantially improve children's services in the county and culminated in the lifting of OFSTED's improvement notice in 2013.

As part of the council's Facing the Challenge, the service is now engaged in the ambitious 0-25 Transformation Programme with the assistance of our Efficiency Partner, Newton Europe. Following a detailed diagnostic assessment, it was decided that some elements of the initial savings plans would not be delivered in 2014/15 as these would impact on the long-term efficiency of the service. This means the service will overspend this year against that challenging saving target and currently this is

forecasted to be by £6.5 million. However, management action is already in place to reduce this by £1.9 million to a £4.6 million overspend. We are doing everything possible to reduce this even further, including continuing to raise with the government the £1.8m unfunded cost of unaccompanied asylum seeking children.

We are starting to see the impact of this action with a steady decrease in the number of children needing to be taken into care, reflecting the quality of our early help and social work services. In addition we fully anticipate that further savings will be achieved in subsequent years as the Transformation Programme progresses.

As a final note, one aspect of the service which has created a financial pressure in recent years has been the cost of employing agency staff due to challenges with the recruitment of permanent social work professionals. I am pleased to be able to say that we have recently taken action in this regard – by agreeing to a range of salary incentives that aim to attract the best talent to the county, and encourage the excellent social workers we already have to stay.

### **Question 6**

#### **Question by Dan Daley to Graham Gibbens, Cabinet Member for Adult Social Care & Public Health**

With an apparently increasing likelihood of the Ebola virus eventually coming to the British Isles, would the Cabinet Member for Adult Social Care & Public Health please advise what preparations KCC's Public Health team have already made or are making for the immediate containment of any case - or epidemic in Kent - should this sadly come to pass.

### **Answer**

The outbreak of Ebola virus disease (EVD), first reported in March 2014, continues in three countries in West Africa, Sierra Leone, Guinea and Liberia. Additionally other countries have experienced importation of cases (Nigeria, Senegal, USA) and limited local transmission has occurred (Nigeria and Spain).

Ebola can only be transmitted from one person to another by direct contact with blood or bodily fluids of an infected person. No cases of Ebola have been contracted in the UK; the overall risk still remains low, but never the less there remains a risk of importing cases from West Africa into the UK.

Public Health England (PHE) as the lead agency is co-ordinating the NHS response. PHE is providing regular information to front-line health services including Hospitals, Microbiologists, GP's, Ambulance Services, Community Pharmacists and Dentists, the Border Agency and the Private Hospital sector. Advice has also been provided to universities, schools and other childcare settings.

If a case is identified here in the UK there is robust, well developed, well tested NHS systems for managing unusual infectious diseases such as Ebola.

Enhanced screening in Heathrow, Gatwick and Eurostar has been recently initiated on the basis that these are the significant ports of entry for people travelling to the UK from West Africa.

The County Council has no specific responsibilities in respect of Ebola other than to gain assurance that PHE and the NHS have robust local systems. We must ensure that our role of informing and warning is co-ordinated with the NHS and PHE. I have asked for assurance that suitable protections are in place at the Port of Dover, to ensure, that people entering through the port are screened as appropriate. We are aware of the situation in Calais of people seeking entry to the UK and, therefore, it is very important that suitable protections are in place at Dover. Our communications team have good links with both PHE and local NHS.

In summary the risk of Ebola virus disease remains low in Kent and the UK. Never the less there is a real risk; PHE and the NHS have plans in place to prepare for and manage that risk.

### **Question 7**

#### **Question by Chris Hoare to Roger Gough, Cabinet Member for Education and Health Reform**

On 15<sup>th</sup> May you told this council that the KSA contractor (Wilmot Dixon) had confirmed that they had delivered four apprenticeships, an offer of 60 days of work experience, for local students, and that the contractor made contact with K-College and Job Centre Plus to offer trade awareness, mentoring and shadow opportunities.

Each of those assertions has proved to be untrue. I have since shown you that Wilmot Dixon maintained throughout the life of the contract that they had no apprentices, and confirmed in writing to the Mystery Shopper that they did not provide apprenticeships. Towards the end of the contract, in their KPI reports to the council, they said that apprenticeships had been provided by their subcontractors. There has been no evidence of any subcontractor having any apprenticeships. And no evidence of any new apprenticeships being offered through or because of this contract. K-College agreed that there was a meeting with the contractor, but confirmed that no such places or trade awareness, mentoring or shadow opportunities were offered, and that there were no apprenticeships on the KSA site. Job Centre Plus confirmed the same.

What action do you propose to take on Wilmot Dixon's breach of their contractual commitments?

### **Answer**

The detail provided on 15<sup>th</sup> May 2014 relates to the information provided by Willmott Dixon Construction directly. We have asked for substantiation of these figures with actual names and subcontractors who employed these apprentices. Willmott Dixon Construction have agreed to provide this information but this has necessitated contact with their subcontractors directly which has taken time. The project finished, in the majority, in April 2013 and therefore the attendance and subcontractor information has been archived since this time. I cannot agree that my answer to the

CCQ on the 15<sup>th</sup> May has proved to be untrue and I will address each of these in turn:

Within the Cabinet Office Mystery Shopper exercise of October 2012 which you have referred to, Willmott Dixon focussed their reply on the engagement with SME's, Employment of Local Labour and their engagement with the local community. Willmott Dixon confirmed that they do not directly employ Apprentices as they do not employ staff directly engaged in construction trades as is common with many large contractors. Willmott Dixon however do encourage their trade subcontractors to undertake this directly and this is how the upskilling/ apprenticeship requirement was met. The Mystery Shopper exercise confirmed that this was the approach that has been taken and indeed in your own question you go onto to confirm that Willmott Dixon did report that they have apprentices on site as part of the works.

With regard to engagement with the local employment agencies, Willmott Dixon did make contact with the local Job Centre Plus and K-college, and whilst this contact did falter due to changes in personnel, Willmott Dixon gave us assurance that they would make contact and continue this association for their subcontractor use. You have also shown me copies of correspondence which confirm in the case of K-college that this contact was made and that Willmott Dixon did provide opportunities but that the college was unable to take these up at that particular time. It must also be noted that apprenticeships may be arranged through a variety of organisations and are not always directly through the local FE college.

We take our responsibilities to manage the contract requirements seriously, and request updates on a periodic basis. Once the main construction period ended in April 2013, there was very little opportunity for further upskilling and apprenticeships. It was accepted by ourselves that Willmott Dixon had engaged with their subcontractors and had engaged within the local area. Our intention is to always to encourage our main contractors to look for additional upskilling opportunities and we know of a number of other organisations who are indeed working within Kent to provide Apprenticeships.

As you are aware we have subsequently met and you showed me hard copies of various documents which you took away with you. You undertook to provide copies of the various correspondence so that these matters can be looked into further. I have yet to receive these but please be assured if there is any evidence that our contractor has not delivered then we of course be taking appropriate action, however at the present time I am unable to agree with your assertions.

### **Question 8**

#### **Question by Brian Clark to Mike Hill, Cabinet Member for Community Services**

I am sure members will agree that Kent's community wardens provide a valuable service, preventing low level crime in local communities. In reducing warden numbers from 79 to 40 across the county as outlined in the public consultation, there is a real risk that the scheme will become inadequate, local crime will increase and long term viability of community wardens called into question.

Beyond the consultation, can the cabinet member for communities explain how he will ensure that the quality of this service will remain fit for purpose, and how he will prevent residents, businesses and the county from bearing a cost greater than the savings made?

**Answer**

I thank Mr Clark for his praise and understanding of the value of the wardens which I fully endorse and it is with regret that we are having to propose a reduction in this highly successful service. But I recognise the realities of life and the enormous savings the authority is required to make and I accept that the warden service must play its part in achieving these savings. However I am absolutely determined that we will retain a robust and efficient service, even though there will be some reduction in the numbers.

Officers are working very closely with our Police colleagues to ensure that the high quality of the service is maintained and interlinked with the neighbourhood policing model.

Wardens will maintain a connection with the areas and localities they currently serve and will be tasked and coordinated via the local community safety unit to respond to any other appropriate issues across the District on a daily basis.

We are considering establishing a cadre of volunteer wardens across the county based upon the special police constable model. This I hope will provide an additional presence on the ground.