

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 26 March 2015.

PRESENT:

Mr M J Harrison (Vice-Chairman in the Chair)

Mrs A D Allen, MBE, 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 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, 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, Mr P M Harman, 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 M J Vye, Mr J N Wedgbury, Mrs J Whittle, Mr M E Whybrow, Mr M A Wickham and Mrs Z Wiltshire

IN ATTENDANCE: David Cockburn (Corporate Director Strategic & Corporate Services), Denise Fitch (Democratic Services Manager (Council)), Andrew Ireland (Corporate Director Social Care, Health & Wellbeing), Andrew Scott-Clark (Director of Public Health), Peter Sass (Head of Democratic Services) and Andy Wood (Corporate Director Finance and Procurement)

UNRESTRICTED ITEMS

62. Apologies for Absence

The Head of Democratic Services reported apologies from Mr M J Angell, Mr L Burgess, Mr A D Crowther, Mr P J Homewood, Mr B E MacDowall and Mr R Truelove.

63. Declarations of Disclosable Pecuniary Interests or Other Significant Interests

Mr Cowan declared an interest in that both he and his wife were KCC foster carers.

64. Minutes of the meeting held on 12 February 2015 and, if in order, to be approved as a correct record

RESOLVED that the minutes of the meeting held on 12 February 2015 be approved as a correct record.

65. Chairman's Announcements

(a) Dr Peter Draper

(1) The Vice-Chairman announced that it was with regret that he had to inform the Council of the death of Dr Peter Draper, on 14 February 2015.

(2) He stated that Dr Draper was a former Conservative Member for Dartford West (formerly Dartford No 2) from 1973 to 1985. During his time with KCC he served on the Development Planning & Transportation Committee, the Amenities Sub-Group, the Education Committee, Adult Education & Youth Service Sub-Committee and the Further Education Sub-Committee.

(3) All Members stood in silence in memory of Dr Draper.

(4) After the silence, it was moved by the Vice-Chairman, seconded by Mrs Allen and

(5) RESOLVED unanimously that this Council desires to record the sense of loss it feels on the sad passing of Dr Draper and extends to his family and friends our heartfelt sympathy to them in their sad bereavement.

(b) Office visits

(6) The Vice-Chairman stated that he and the Chairman had visited the Amey facilities management team based at Brenchley House, The company Amey had taken over the facilities management here at County Hall and for the rest of Kent County Council, They found the visit interesting and enjoyed meeting the staff and hearing about the range of services offered by Amey.

(7) The Vice-Chairman explained that he and the Chairman intended to visit as many teams and offices across the County as possible. In the past weeks they had had a guided tour of Finance and Procurement, and Internal Audit based at Sessions House. He encouraged Members to visit the different teams and staff that were based in the corporate H.Q to see the fantastic services and frontline support being delivered. He referred to the other visits scheduled for the next month.

(c) Royal Visits

(8) The Vice-Chairman informed the Council that the Chairman had welcomed visits from the Duke of York at Sevenoaks School at the beginning of the month and more recently the Duchess of Cambridge's visit to the Turner Contemporary at Margate. Today the Chairman was welcoming Her Majesty the Queen and the Duke of Edinburgh to Kent hence his apologies for this meeting.

(d) Requiem

(9) The Vice-Chairman stated that he had enjoyed attending the Colyer-Fergusson Concert 2015 where the University of Kent Chorus and Symphony Orchestra performed Verdi's Requiem at Canterbury Cathedral on Saturday 14 March 2015.

(e) By-election caused by the resignation of Mr David Baker (Romney Marsh)

(10) The Vice-Chairman informed the Council that the by-election caused by the resignation of Mr Baker had now been called and the Notice of Election would be published on 30 March 2015. Assuming there was a contest, the poll will be held on Thursday 7 May 2015.

66. Questions

In accordance with Procedure Rule 1.17(4), nine questions were asked and replies given, these are attached as an appendix to the minutes. In accordance with Procedural rule 2.13 the County Council agreed to suspend Procedural Rule 1.17

(10) In order to allow all nine questions to be concluded.

67. 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 question asked earlier in the meeting relating to Furness School and explained the work that was being undertaken by Special School Head teachers to support the continuation of this school.

(3) Mr Carter mentioned the very pleasing third quarter's monitoring report which had been received at Cabinet on Monday 23 March 2015. In particular he referred to the re-employment rates for 16 – 64 year olds, which were above the national average. Also the number of apprenticeships in Kent had doubled in the last 5 years and the number of 18 – 24 year olds receiving job seekers allowance was the lowest for a decade.

(4) In relation to the education outcome statistics reported with the monitoring report, Mr Carter stated that for the first time in 17 years, Primary Schools were achieving national levels of attainment and Ofsted reports produced since Aug 2014 were showing a considerable improvement in performance.

(5) Mr Carter also referred to the significant improvements in adoption rates and the reduction in the number of children being taken into care. Also there had been a substantial improvement in the stability of placements for young people in foster care over the last quarter.

(6) Mr Carter made reference to the third quarter's revenue outturn report, which showed a projected underspend of £3m, which would be the thirteenth year running that a revenue underspend had been achieved.

(7) Mr Carter then mentioned the devolution debate, and the three independent reports produced by the Local Government Association (LGA) and the County Council Network (CCN). The LGA report had been produced by Ernst & Young and had identified key points that would be a requirement for devolution. These included a cohesive and coherent economic area; an area with significant scale to manage a wide range of public services; strong relationships across those local public services; mature governance arrangements and robust and visible leadership. He expressed the view that generally Kent and Medway were well positioned to achieve this and had with a very positive relationship with all the parts of the public sector.

(8) Mr Carter referred to the recent meeting of the Kent and Medway Economic Partnership, which had agreed that post-election it would request that Kent and Medway be the accountable Local Enterprise Partnership (LEP) for this area. In addition the Kent Leaders' Group had unanimously endorsed this approach and had agreed that KCC with district Chief Executives would begin to look at what a proposition for a combined local authority in Kent would look like. It was intended to put a very compelling case that Whitehall must and should let go and empower local government to deliver better services for less public money.

(9) Mr Latchford, the Leader of the Opposition, referred to the Strategic Plan "Increasing opportunities, improving outcomes" which was being considered at this meeting. He welcomed the Plan and supported it in principle but expressed concern about the commissioning route. He emphasised the need to ensure that all contracted services were effectively monitored and had a majority input and influence in outsourced services in general.

(10) In relation to the revenue budget outturn he thanked officers and Members for the third quarter results.

(11) Regarding the third quarter's monitoring report he was pleased that waste and landfill was being monitored. He referred to his concerns about the cost of providing this service when so many companies seemed to be making a profit for providing the same service. He acknowledged that the monitoring system was working effectively and that the monitoring report to Cabinet clearly demonstrated improvements but he would continue to raise areas of concern for examination.

(12) Mr Latchford referred to the Leader's views on English devolution and stated that his group fully supported the devolution of power to the County Council.

(13) Mr Cowan, Leader of the Labour Group, acknowledged that the third quarter's monitoring report was a good one and congratulated the Leader. He referred to the performance monitoring results which showed that the percentage of all schools with good or outstanding Ofsted reports showed good improvement in most areas. However, there were still 106 schools that required improvement and 24 schools that had been judged as inadequate by Ofsted which was about 25% of schools that needed serious attention.

(14) Mr Cowan referred to the likely revenue underspend of £3m which he welcomed on financial grounds but he highlighted the implications of the cutbacks in relation to the loss of some excellent staff and its impact upon children's centres and youth facilities. The cuts imposed on local government had been more severe than those faced by any Whitehall department.

(15) In relation to devolution Mr Cowan mentioned the reference made by the Chancellor in his budget speech the previous week to the large cities as the engine room of growth. However there were other larger areas such as the old Kent coal fields which needed regeneration. He believed that the CCN was right to press for devolution to areas such as County Councils in order to generate economic growth.

(16) Mrs Dean, Leader of the Liberal Democrat Group, welcomed Mr Wood back to support the County Council and offered her congratulations on the balancing of the budget. She expressed the hope that some of that underspend would be re-directed to the switching of the street lights at night

(17) In relation to devolution, she stated that this had been Liberal Democrat policy for decades and expressed the view that decision making was more effective the nearer it was to the people it affected.

(18) Mrs Dean referred to performance monitoring of educational achievement and specifically that there was a link to the impact from the revision to education finance from the County Council introduced by the Liberal Democrat/Labour controlled County Council in 1997/98. In addition she referred to the contribution by the additional premium funding to children from deprived backgrounds by central government. She requested the Leader to instigate some research into what can be learned in relation to raising attainment from the King George VI grammar schools who took 20% of their cohort from deprived backgrounds and how that has been reflected in their results.

(19) Mrs Dean stated that the reputation of the Council was enhanced by good Performance Indicator results, however there were lessons that could be learnt from the process for the introduction of the street lighting policy.

(20) Mr Whybrow, Leader of the Independents Group, endorsed a lot of the good news in the Leaders report but stated that this should be balanced against the human consequences of government cuts. Also it was becoming increasingly harder to balance the budget with some services, such as Specialist Children's Services struggling to remain within budget. He was pleased to note that some of the underspend would be rolled over for the troubled families programme and the social fund. In relation to the social fund he stated that he would welcome feedback from people who had accessed the service about how it might be improved, but acknowledged that the additional funding was good news.

(21) Mr Whybrow expressed his support for devolution of powers to County Councils and referred to the motion later in the meeting regarding re-investing fuel tax and suggested that something similar in relation to Council Tax would give the County Council greater control over its own destiny. He welcomed the pressure that the Leader was putting on central government in relation to devolution.

(22) In replying to the other group leaders' comments, Mr Carter stated that he noted the general agreement on devolution and thanked Mr Simmonds for delivering the £3m underspend. He reminded Members of his promise to fund £1m of road maintenance if there was an underspend and he was discussing this with Mr Balfour to achieve this efficiently. He confirmed that he agreed with the comments made on the challenges placed on local government, which were greater than any other part of

the public sector and hoped that central government, would recognise that this could not continue.

(23) Regarding education, Mr Carter referred to the substantial improvements that had been made at key stage 2 since some schools went into category 2 or 3 years ago. He was confident that when these schools were re-inspected there would be a number that would come out of category. He agreed that the investment in early year's education a number of years ago had contributed to this improvement.

68. Increasing Opportunities, Improving Outcomes: Kent County Council's Strategic Statement (2015-2020)

(1) Mr Carter moved and Mr Simmonds seconded the following recommendations as set out on 19 of the report:

“County Council is asked to agree the following:

- To note the findings of the public consultation and subsequent changes to the draft strategic statement as set out in the report.
- Agree that they approve “*Increasing Opportunities, Improving Outcomes*” (Appendix 1) as the five year strategic statement for KCC.”

(2) Following a debate the Vice-Chairman put each of the bullet points in the recommendation to the County Council.

(3) The first bullet point was agreed without a vote. The second bullet point was put to a vote and the voting was as follows:

For (57)

Mrs A Allen, Mr M Balfour, Mr R Bird, Mr H Birkby, Mr N Bond, Mr D Brazier, Mrs P Brivio, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr N Chard, Mr I Chittenden, Mr B Clark, Mrs P Cole, Mr G Cooke, Mrs M Crabtree, Mrs V Dagger, Mr D Daley, Mr M Dance, Mr J Davies, Mrs T Dean, Mrs M Elenor, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr P Harman, Mr M Hill, Mrs S Hohler, Mr S Holden, Mr E Hotson, Mr A King, Mr J Kite, Mr G Koowaree, Mr R Latchford, Mr R Long, Mr G Lymer, Mr S Manion, Mr A Marsh, 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, Mrs P Stockell, Mr B Sweetland, Mr A Terry, Mr M Vye, Mr J Wedgbury, Mrs J Whittle, Mr A Wickham, Mrs Z Wiltshire

Against (16)

Mr C Caller, Mr G Cowan, Ms J Cribbon, Dr M Eddy, Ms A Harrison, Mr M Heale, Mr C Hoare, Ms S Howes, Mr F McKenna, Mr T Maddison, Mr B Neaves, Mrs E Rowbotham, Mr W Scobie, Mr D Smyth, Mr N Thandi, Mr M Whybrow

Abstain (2)

Mr M Baldock, Mr J Elenor

Motion carried

(4) RESOLVED that the findings of the public consultation and subsequent changes to the draft strategic statement as set out in the report be noted and the “*Increasing Opportunities, Improving Outcomes*” (Appendix 1 to the report) be approved as the five year strategic statement for KCC.

69. Pay Policy Statement

(1) Mr Cooke moved and Mr Carter seconded the recommendation that the County Council endorses the attached Pay Policy Statement.

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

For (67)

Mrs A Allen, Mr M Baldock, Mr M Balfour, Mr R Bird, Mr H Birkby, Mr N Bond, Mr D Brazier, Mrs P Brivio, Mr R Brookbank, 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, Mrs V Dagger, Mr M Dance, Mr J Davies, Mrs T Dean, Mrs M Elenor, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr P Harman, Ms A Harrison, Mr M Hill, Mrs S Hohler, Mr S Holden, 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 J Wedgbury, Mrs J Whittle, Mr A Wickham, Mrs Z Wiltshire

Against (4)

Mr D Daley, Mr C Hoare, Mr M Vye, Mr M Whybrow

Abstain (1)

Mr J Elenor

Motion carried

(3) RESOLVED that the County Council endorses the Pay Policy Statement set out on pages 55 to 58 of the report.

(Mr Caller declared a Disclosable Pecuniary Interest in relation to this item as he had family members employed by Kent County Council and he withdrew from the meeting).

70. Treasury Management 6 Month review 2014/15

- (1) Mr Simmonds moved and Ms Carey seconded the recommendation that the report be noted.
- (2) The motion was agreed without a vote.
- (3) RESOLVED that the report be noted.

71. Local Pension Board

- (1) Mr Scholes moved and Mr Daley seconded the following recommendation:

“The County Council is requested to establish a Local Pension Board with effect from 1 April 2015 based on the proposal set out in Appendix 1 to this report with paragraph 10 (page 76 of the County Council book) amended as follows ;

“10. Substitutes

Substitutes will be allowed for the Kent Active Retirement and Unison members of the Board but they must be a named individual who will undertake the necessary training and development.”

- (2) The motion was agreed without a vote.
- (3) RESOLVED that a Local Pension Board be established with effect from 1 April 2015 based on the proposal set out in Appendix 1 to the report with paragraph 10 (page 76 of the County Council book) amended as follows ;
“10. Substitutes
Substitutes will be allowed for the Kent Active Retirement and Unison members of the Board but they must be a named individual who will undertake the necessary training and development.”

72. Petition debate - Right to light

- (1) The Vice-Chairman invited Miss Tina Brooker, the petitioner organiser, to address the Council on the above petition. Miss Brooker spoke to the petition.

- (2) Mr Carter moved and Mr Pearman seconded the following motion:

“This Council understands the concerns of the petitioners and recommends that the Cabinet Member for Environment and Transport, having been fully informed by Kent Police and having sought the advice of the Environment and Transport Cabinet Committee, should establish the criteria for deciding on a case by case basis whether all night street lighting should be returned to a particular place.”

- (3) Dr Eddy proposed and Mr Caller seconded the following amendment to the above motion:

“This Council recommends to the Cabinet Member for Environment and Transport to accede to the petitioners’ request for the reinstatement of street lighting between midnight and 5.30am with immediate effect.”

(4) Following a debate the Vice-Chairman put the amendment set out in paragraph (3) above to the vote and the votes cast were as follows:

For (29)

Mr M Baldock, Mr R Bird, Mr H Birkby, Mr N Bond, Mrs P Brivio, Mr C Caller, Mr I Chittenden, Mr B Clark, Ms J Cribbon, Mr G Cowan, Mr D Daley, Mrs T Dean, Dr M Eddy, Mr P Harman, Ms A Harrison, Mr C Hoare, Ms S Howes, Mr G Koowaree, Mr R Latchford, Mr T Maddison, Mr F McKenna, Mr B Neaves, Mrs E Rowbotham, Mr W Scobie, Mr T Shonk, Mr D Smyth, Mr N Thandi, Mr A Terry, Mr M Vye

Against (43)

Mrs A Allen, Mr M Balfour, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr N Chard, Mrs P Cole, Mr G Cooke, Mrs M Crabtree, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr J Elenor, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Hill, Mrs S Hohler, Mr S Holden, Mr E Hotson, Mr J Kite, Mr A King, Mr G Lymer, Mr S Manion, Mr A Marsh, 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, Mrs P Stockell, Mr B Sweetland, Mr J Wedgbury, Mrs J Whittle, Mr M Whybrow, Mr A Wickham

Abstain (1)

Mrs M Elenor

Amendment lost

(5) Following a debate the Vice-Chairman put the motion set out in paragraph (2) above to the vote and the votes cast were as follows:

For (44)

Mrs A Allen, Mr M Balfour, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr N Chard, Mrs P Cole, Mr G Cooke, Mrs M Crabtree, Mrs V Dagger, Mr M Dance, Mr J Davies, Mrs M Elenor, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr P Harman, Mr M Hill, Mrs S Hohler, Mr S Holden, Mr E Hotson, Mr A King, Mr J Kite, Mr R Long, Mr G Lymer, Mr S Manion, Mr A Marsh, 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, Mrs P Stockell, Mr B Sweetland, Mr J Wedgbury, Mrs J Whittle, Mr M Whybrow, Mr A Wickham

Against (30)

Mr M Baldock, Mr R Bird, Mr H Birkby, Mrs P Brivio, Mr N Bond, Mr C Caller, Mr I Chittenden, Mr B Clark, Mr G Cowan, Ms J Cribbon, Mr D Daley, Mrs T Dean, Dr M Eddy, Mr J Elenor, Ms A Harrison, Mr C Hoare, Ms S Howes, Mr G Koowaree, Mr R Latchford, Mr T Maddison, Mr F McKenna, Mr B Neaves, Mrs E Rowbotham, Mr W

Scobie, Mr T Shonk, Mr D Smyth, Mr N Thandi, Mr A Terry, Mr M Vye, Mrs Z Wiltshire

Abstain (0)

Motion carried

(6) The Vice-Chairman then invited the Cabinet Member for Transport and Environment, Mr Balfour, to respond to the debate and describe how he intended to take the petitioner's concerns forward.

(7) Mr Balfour referred to the district by district review, which was currently being carried out by the Police in relation to crime figures for areas where the lights had been turned off over night. He mentioned that the proposed LED lights would provide greater flexibility in the adjustment of street lights for individual areas. The Environment and Transport Cabinet Committee in July would be considering the criteria for all night street lighting to be returned but in the meantime he welcomed any suggestions that Members may wish to submit to him for the proposed criteria.

(7) RESOLVED that this Council understands the concerns of the petitioners and recommends that the Cabinet Member for Environment and Transport, having been fully informed by Kent Police and having sought the advice of the Environment and Transport Cabinet Committee, should establish the criteria for deciding on a case by case basis whether all night street lighting should be returned to a particular place.

73. Motion for Time Limited Debate

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

"This Council is asked to note that, according to a national poll, an overwhelming majority of residents agreed that the existing fuel duty should be reinvested back into local areas to help bring our crumbling roads back up to scratch. The national survey, carried out for the LGA, found that 83% of those polled back calls for the Government to inject a further £1bn a year into road maintenance by investing the equivalent of just two pence per litre of the existing fuel duty. This would allow Councils to improve the quality of our roads over the next decade.

Accordingly, this Council requests the Cabinet Member for Environment and Transport to lobby the government to implement this change as soon as possible in order to provide these much needed additional funds for our roads".

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

"This Council **notes** that, according to a national poll, an overwhelming majority of residents agreed that the existing fuel duty should be reinvested back into local areas to help bring our crumbling roads back up to scratch. The national survey, carried out for the LGA, found that 83% of those polled back calls for the Government to inject a further £1bn a year into road maintenance by investing the equivalent of just two pence per litre of the existing fuel duty. This **level of additional funding** would allow Councils to improve the quality of our roads over the next decade.

Accordingly, this Council **resolves** to lobby **central** government to **reduce the scale of current funding cuts and implement a fair and sustainable funding regime for local government which might include the localisation of certain national taxes.** “

(3) Following a debate the Vice-Chairman put the amendment set out in paragraph (2) above to the vote and the voting was as follows:

For (13)

Mrs P Brivio, Mr C Caller, Mr G Cowan, Ms J Cribbon, Dr M Eddy, Mr P Harman, Ms A Harrison, Ms S Howes, Mr T Maddison, Mrs E Rowbotham, Mr D Smyth, Mr N Thandi, Mr M Whybrow

Against (53)

Mrs A Allen, Mr H Birkby, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr N Chard, Mr I Chittenden, Mrs P Cole, Mr G Cooke, Mrs M Crabtree, 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 Hill, Mr C Hoare, Mrs S Hohler, Mr S Holden, Mr E Hotson, Mr A King, Mr J Kite, Mr G Koowaree, Mr R Latchford, Mr R Long, Mr G Lymer, Mr S Manion, Mr A Marsh, Mr F McKenna, Mr B Neaves, Mr M Northey, Mr P Oakford, Mr R Parry, Mr C Pearman, Mr L Ridings, Mr J Scholes, Mr T Shonk, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mr B Sweetland, Mr A Terry, Mr M Vye, Mr J Wedgbury, Mrs J Whittle, Mr A Wickham, Mrs Z Wiltshire

Abstain (0)

Amendment lost

(4) The Vice-Chairman put the motion as set out in paragraph (1) above to the vote and the voting was as follows:

For (52)

Mrs A Allen, Mr M Baldock, Mr H Birkby, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr N Chard, Mr I Chittenden, Mrs P Cole, Mr G Cooke, Mrs M Crabtree, Mr M Dance, Mr J Davies, Mrs T Dean, Mrs M Elenor, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr P Harman, Mr M Hill, Mr C Hoare, Mrs S Hohler, Mr S Holden, Mr E Hotson, Mr A King, Mr J Kite, Mr G Koowaree, Mr R Latchford, Mr R Long, Mr G Lymer, Mr S Manion, Mr A Marsh, Mr F McKenna, Mr B Neaves, Mr M Northey, Mr P Oakford, Mr R Parry, Mr C Pearman, Mr L Ridings, Mr J Scholes, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mr B Sweetland, Mr M Vye, Mr J Wedgbury, Mrs J Whittle, Mr M Whybrow, Mr A Wickham, Mrs Z Wiltshire

Against (15)

Mrs P Brivio, Mr C Caller, Mr G Cowan, Ms J Cribbon, Mrs V Dagger, Dr M Eddy, Mr J Elenor, Ms A Harrison, Mr T Maddison, Mrs E Rowbotham, Mr W Scobie, Mr T Shonk, Mr D Smyth, Mr A Terry, Mr N Thandi

Abstain (0)

Motion carried

RESOLVED that this Council notes that, according to a national poll, an overwhelming majority of residents agreed that the existing fuel duty should be reinvested back into local areas to help bring our crumbling roads back up to scratch. The national survey, carried out for the LGA, found that 83% of those polled back calls for the Government to inject a further £1bn a year into road maintenance by investing the equivalent of just two pence per litre of the existing fuel duty. This would allow Councils to improve the quality of our roads over the next decade.

Accordingly, this Council requests the Cabinet Member for Environment and Transport to lobby the government to implement this change as soon as possible in order to provide these much needed additional funds for our roads.

APPENDIX

COUNTY COUNCIL

Thursday 26 March 2015

Question 1

**Question by Colin Caller to
Matthew Balfour, Cabinet Member for Environment & Transport**

I, along with the residents of the road, welcomed Mr Brazier's intervention to get some street lights turned on in The Warren, Gravesend following representation from the residents about their concern over safety and their fear of crime.

Will Mr Balfour assure Members of this chamber that this common sense approach to having some street lights on will be applied equally to all the other residents of Kent that have voiced concerns over their fear of safety and crime.

Answer

Concerns raised about part-night lighting are considered on a case by case basis, the process involves liaison with Kent Police.

The four street lights in The Warren, Gravesend were restored to all-night lighting after careful consideration of the circumstances that were apparent at that particular location. One factor was that Kent Police had made us aware of an incident that occurred during the night shortly after the lights were converted to part-night operation. Preferring to err on the side of caution some lights were converted back to all-night lighting.

To be consistent across Kent, and working with Kent Police, we will undertake future work on reviewing the criteria that will trigger a reversal to full night lighting in any area. These revised criteria would go before a future meeting of the Environment and Transport Cabinet Committee.

Going forward, we have said that all-night lighting will return as part of the proposal to convert the County Council's entire stock of street lights to LED. Conversion will begin in late 2015/early 2016 with residential areas being done first. This element of the works will take 12 months to complete, the entire scheme will take 3 years to implement.

Question 2

Question by Tom Maddison to Graham Gibbens, Cabinet Member for Adult Social Care and Public Health

In the light of the recent highly critical report by Gareth Arnold in Kent On Line (14th January 2015) regarding the use by KCC of the so called `dynamic purchasing system` to commission and provide residential care services for the elderly and vulnerable residents of Kent. Would the cabinet member please inform members and the public how this ebay style of on line system where council approved homes are invited to participate in a timed online auction, in which managers bid down against each other to secure the contract does in fact provide the best possible quality care for the vulnerable person in need of residential care in our county?

Answer

I want to thank Mr Maddison for his question and for the opportunity to publicly correct the misinformation about how this council arranges care for some of the most vulnerable people in the county who need long term residential and nursing care.

When someone needs such care, we discuss with the individual and their family their preferred location or any particular homes that they may have already considered. Fully anonymised details of the person's needs are then shared with providers in the desired area and other homes they are interested in. These homes then confirm if they can meet the individual's needs and have place available.

The council's new contract with care homes, and the associated dynamic purchasing system, enables us to rank providers based on quality and cost. This ranking is updated monthly with regular performance information and when new providers join the contract.

The ranking and the indicative cost of the suitable homes are provided to the individual and their family so they can decide which homes to visit and, subsequent to these visits, the homes confirm the actual cost. Individuals and their families are then able to make a final decision based on up to date quality and performance information along with accurate figures of the cost and what, if any top up payment may be required. This also provides much greater transparency on the public cost of arranging this care.

There is a timed element to the homes responding on the dynamic purchasing system but this is due to the need to arrange such care in a timely manner. I can categorically assure the individuals who need this care, their families and all members that this is not a reverse auction. It is a way of providing individuals and their families greater information and hence greater control over meeting their needs, while also ensuring the council uses its limited resources as effectively as possible.

Question 3

Question by Zita Wiltshire to John Simmonds, Cabinet Member for Finance and Procurement

What would the financial implications be for Kent County Council if the Government's proposal to amalgamate funds or direct where we could invest go ahead?

Answer

The Government is quite right to be looking at the effectiveness of how the LGPS operates. Independent research undertaken recently shows that over the last 10 years only about one third of the LGPS funds added value if we take into account the fees paid to investment managers – I'm pleased to say the Kent Fund under the leadership of James Scholes was one of those which had.

So rather than look to amalgamate Government should be looking at the issue of the under performers.

We have made these comments strongly back to CLG and as yet there are no firm proposals to amalgamate.

We would need to look very carefully at any suggestion from Government as to where we should invest. We should not depart from the core principles of needing liquidity to pay pension payments and maximizing income and capital growth from our investments.

Question 4

Question by Roger Latchford to Paul Carter, Leader of the Council

I am sure the whole Chamber shares my concern following the findings of the Small Airport Report, especially so considering our unanimous support for Manston as an Airport in the July Council

The report concluded that the Leader's remarks in Sep 2014 concerning the support for Messrs Musgrave and Cartner were inconsistent with that July motion and that KCC failed to fulfil its strategic oversight function as the local transport authority in resolving one off, complex cases involving national significant transport assets.

Does the Leader accept that responsibility and at the same time share the Select Committee and this Council's determination to save Manston as an airport if a route can be found?

Answer

I have just published a document which fully answers Mr Latchford's County Council Question, this sets out the history of Manston Airport under private ownership, the story to date and future prospects. Copies have been sent to all County Councillors

I now quote the key points from that report that provide evidence that my remarks and actions were totally consistent:

Paul Carter read extracts from the report which can be found on the website

http://www.kent.gov.uk/__data/assets/pdf_file/0003/29541/Manston-Airport-position-statement.pdf

Question 5

**Question by George Koowaree to
Gary Cooke, Cabinet Member for Corporate and Democratic Services**

This Council has a statutory duty under Section 17 of the Crime and Disorder Act to consider community safety in all its work and up until 2011 was providing staff with a handbook, training and DVD. This was an example of good practice that due to changes in personnel was not continued and following discussion with the Learning and Development Team this is now being converted to an online training module.

Due to ongoing changes in the Council can the Cabinet Member for Corporate and Democratic Services instruct a Learning and Development audit with all directorates to ensure that staff are receiving the training that they require and ensure that the Council is carrying out its statutory duty for the people of Kent?

Answer

The Council takes its responsibility under Section 17 of the Crime & Disorder Act very seriously and I confirm that the handbook and DVD you mention were previously provided electronically and via an induction DVD which was developed in partnership with our Community Safety colleagues.

In order to ensure we continue to meet our statutory requirements, the approach to delivering this is currently under review and will be included as part of the refreshed e-induction offering. This will capture all new appointees and provides an opportunity for all staff to reacquaint themselves with the responsibilities and core principles contained within Section 17.

As well as this, the contents of the section 17 handbook are under revision and will become an e-learning module. This will enable us to monitor uptake and if appropriate make completion of this module mandatory for all staff, as previously agreed for Information Governance.

Work has already commenced on e-induction and will be completed by 1st April. The e-learning module will be part of the current programme of e-learning developments which are being designed this year, of which Section 17 is a priority.

Question 6

Question by Brian Clark to Matthew Balfour, Cabinet Member for Environment and Transport

After the welcome news that the troubled Safe and Sensible Street lighting scheme will be abandoned and all night street lighting re-established in Kent, there followed a complete lack of clarity concerning when residents should expect to see the return of full night lighting.

To draw a line under this confusion, would the newly appointed Cabinet Member for Environment and Transport please provide a detailed statement confirming the position on this important matter. I would ask that his answer to my question includes his reasons for returning to all night lighting, confirms that full public consultation will be required for the change in policy, informs members under what circumstances reinstatement of all night lighting will begin, and when it will be completed.

Answer

The County Council is planning to upgrade and modernise its entire stock of street lights at a cost of £40m, subject to procurement. This involves converting the street light lanterns to LED with Central Management System (CMS). CMS will enable total control of street lighting, including switching on/off, dimming, automatic fault reporting and monitoring energy use, at the flick of a switch, unlike the current labour intensive process of needing to visit each column.

The modernisation of the stock, and implementation of CMS, will deliver significant savings meaning that returning to all-night lighting is both viable and affordable as energy costs will be much reduced and hence the loss of savings thus far will be largely offset. However, lights may be dimmed after peak hours when they are least needed, but the street scene will remain fully visible.

As part of the upgrade we will review the existing street lighting policy and establish the extent of any consultation that may be required.

We have secured £22m of interest-free loan from Salix (an agency of the Department of Environment and Climate Change) and have applied to Department for Transport for grant funding. We are also pursuing funding from the EU. However, the County Council has undertaken to underwrite any funding gap. We are in the process of developing the scheme, and the conversion works will start in late 2015/early 2016. We intend to convert the lights in residential areas first and anticipate that this element of the works will be completed in around twelve months. Exact details will be developed in liaison with the successful contractor and communicated to the community. Main routes and town centres will then follow with the whole scheme being completed in around three years.

A communication strategy is being developed to ensure that Members and the community are provided with regular updates on the progress of the scheme.

Question 7

Question by Martin Vye to Matthew Balfour, Cabinet Member for Environment and Transport

Given the recent well-publicised accident on the Wincheap roundabout in Canterbury, causing serious injuries to a cyclist; and given that KCC is committed to promoting cycling across the city, will the Cabinet Member for Environment and Transport order a rigorous computer-simulation exercise, to determine whether traffic lights, rather than a roundabout, would enhance cyclist safety at this crossing-point?

Answer

KCC has worked closely with CCC to develop a network of cycle routes which are away from main roads and use crossing points where cyclists are separated from heavy traffic. These routes are preferable to providing cycle facilities on heavily trafficked roads.

I agree that the removal of Wincheap roundabout and replacement with traffic signals will undoubtedly provide an easier route through the junction for cyclists. Modelling would be required to determine how efficiently the junction would perform for all road users and at present it is expected that future developers of the Wincheap Retail Estate would fund this modelling, and ultimately would fund the scheme to provide the traffic signals.

At present we have no identified internal budget to undertake either the modelling or the provision of the traffic signals and it is therefore unlikely that this could come forward in advance of a developer.

Question 8

Question by Gordon Cowan to Roger Gough, Cabinet Member for Education and Health Reform

Furness school is a specialist school for high functioning children suffering from Autistic Spectrum Disorder.

There was a consultation launched by the interim Executive Board of Furness school and Kent County Council on a proposal to close the school, that consultation closed yesterday.

There have been a number of reasons why Kent County Council believe they should close Furness Specialist school. The main reason for closure provided is that the schools current deficit of £1.6million accrued in just two years is unsustainable.

I don't know who was responsible for the finances at the school but can the Cabinet Member explain to this Council how this deficit situation was allowed to happen, given the supposedly strong monitoring procedures operated by KCC which should never have allowed it.

Answer

The monitoring process for Furness School was robust and clearly identified the financial issues and risks. However, pupil numbers steadily decreased while the focus on standards and school improvement was designed to increase the school's ability to attract more pupils. This is a delicate balance in a school experiencing difficulties, and in the case of Furness more challenging because of the specialist nature of the provision. KCC attempted to give the school every opportunity to improve its numbers and its financial position. Any earlier attempt to balance the budget in too short a timescale would have placed limitations on the provision for the pupils, who are our first priority. A significant budget reduction would have impacted on the quality of provision and standards for the pupils in a very damaging way. When it became clear the situation was not looking recoverable the decision was made to propose closure.

A number of factors have led to the current financial position for Furness School:

- In April 2013 the Department for Education introduced a new funding system for high needs pupils, attaching a defined amount to each individual pupil. The money is allocated in two ways – a flat “place” element of £10,000 and ‘top up funding’ to reflect the varying needs of individual pupils. The top-up funding for day pupils at this school is on average £16,000 but for the residential pupils the average is nearer £50,000.
- The majority of the budget is based upon pupil roll, so schools with low pupil numbers receive correspondingly low funding settlements. As pupils leave or join the school at various times during the year, the top up funding also changes as it follows individual pupils. This new national funding system for Special schools means the in-year budget position can be extremely volatile. There is a complete disconnect between this new system and schools’ ability to adjust their costs rapidly, as those costs are primarily staffing. Like many other Local Authorities KCC and The Schools Funding Forum lobbied the DfE against these changes, as did Kent Special schools but unfortunately to no avail.
- The decision to place a moratorium on new pupil placements for a year after the school was placed in Special Measures also contributed to the school’s worsening financial position, however the moratorium was adopted as a strategic measure to provide an environment in which standards would be improved and Special Measures removed. This was successful in delivering that aim.
- Redesignation of the school during 2014 to meet the needs of higher functioning ASD pupils was expected to produce an upturn in pupil numbers at the school. However this has not resulted in enough extra pupils being admitted due the exercise of parental preference and there are no indications this will change significantly from September 2015.
- The flexibility KCC had to provide financial support to schools in facing such difficulties was also removed in the 2013 government school funding changes. The staffing costs of any school are the most significant factor of the annual revenue budget and so it is an extremely unfortunate outcome that the necessary retention of

staff, coupled with low pupil numbers and the significant changes in the funding methodology in recent years, has led to the current position.

Regrettably KCC was left with no other option but to propose closure, but is using the consultation process to explore other possibilities to make provision for the pupils and for ASD needs in West Kent.

Question 9

Question by Chris Hoare to Paul Carter, Leader of the Council

Over the last five years our youths and local unemployed in my division has suffered because we are the only county in the country to have removed local labour and training KPIs requirements from our Contractors working on our infrastructure projects on the basis that they were illegal under EU law.

This has opened the door to aggressive tax avoidance scheme by some KCC contractors who use foreign agency labour. Who was the Cabinet Member who authorised the removal of these KPI's requirements?

Answer

Through the Local Government Act 2000, local authorities have had a clear legal basis for incorporating community benefits, including targeted recruitment and training, into public contracts by means of the well-being powers and KCC actively pursues this option. We include KPIs in contracts to ensure this is delivered.

I have no evidence that we are any different to other councils in our approach to this and would be grateful if the member could provide any evidence he has to the contrary.

As an example of the KPIs we include in our contracts the term highway maintenance contract has clauses and performance indicators that require a minimum of 60% of direct labour to be from a Kent post code and currently this is running in excess of 95%. It also requires that 3% of the local workforce are apprentices and this is currently in excess of 4%. The Contract also encourages the use of local SME's wherever possible.

Of course any such provisions do have to have due regard to the EU public procurement regime against discrimination but these are not an obstacle to opening up the supply chain to local SMEs and maximising local employment. In fact the new Public Contracts Regulations 2015 from the EU have significantly relaxed the restrictions on discrimination and now allow greater freedom on the inclusion of Social Value clauses in procurement contracts.

The Council's Commissioning Framework approved by the County Council clearly states under Principle 9, that "We will maximise social value" including "Local Employment", and "Buy Kent First", creating local employment and training opportunities and buying locally where possible to reduce unemployment.