

KENT COUNTY COUNCIL

MINUTES of the Annual meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 21 May 2015.

PRESENT:

Mr M J Harrison (Chairman)
Mr T Gates (Vice-Chairman)

Mrs A D Allen, MBE, Mr M J Angell, 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 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, Mrs T Dean, MBE, Dr M R Eddy, Mr J Elenor, Mrs M Elenor, 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 P J Homewood, 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 B E MacDowall, Mr T A Maddison, Mr S C Manion, 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 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, Mrs C J Waters, Mr J N Wedgbury, Mrs J Whittle, Mr M E Whybrow, Mr M A Wickham and Mrs Z Wiltshire

IN ATTENDANCE: Amanda Beer (Corporate Director Engagement, Organisation Design & Development), David Cockburn (Corporate Director Strategic & Corporate Services), Barbara Cooper (Corporate Director of Growth, Environment and Transport), Peter Sass (Head of Democratic Services), Geoff Wild (Director of Governance and Law) and Andy Wood (Corporate Director Finance and Procurement)

UNRESTRICTED ITEMS

1. Election of Chairman

(Mr P J Homewood the present Chairman presided for this item)

(1) Mr P B Carter, CBE moved and Mr A J King, MBE seconded that:

Mr M J Harrison be appointed Chairman of the County Council.

Carried without a vote

(2) Thereupon Mr Harrison took the chair, made his Declaration of Acceptance of Office and returned thanks for his election.

(3) Mr Harrison, Mr Hotson, Mrs Stockell and Mr Parry paid tribute to Mr Homewood and thanked him for the manner in which he had carried out his duties as Chairman of the Council from May 2014 to the present day.

(4) Mr Homewood suitably replied.

2. Election of Vice-Chairman

(1) Mr A H T Bowles moved, Mr M C Dance seconded that:-

Mr T Gates be appointed Vice-Chairman of the Council.

Carried without a vote

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

3. Apologies for Absence

The Director of Governance and Law reported apologies from Mr N Chard, Mr J Davies, Mr A Marsh and Mr J Scholes.

4. Declarations of Disclosable Pecuniary Interests or Other Significant Interests

None.

5. Minutes of the meeting held on 26 March 2015 and, if in order, to be approved as a correct record

RESOLVED that the minutes of the meeting held on 26 March 2015 be approved as a correct record

6. Chairman's Announcements

(a) Mr Charles Coyne

(1) The Chairman announced with great sadness the death of Mr Charles Coyne on 15 April 2015.

(2) Mr Coyne was a former Conservative Member for Tonbridge West from 1991 to 1997. During his time with KCC he served on the Education Committee, Education Case Sub Committee, Fire and Public Protection Committee, Social Services Committee and the Children and Adult Services Committee.

(b) Mr Alan Pascoe

(3) The Chairman stated that it was with great regret that he had to inform Members of the death Mr Alan Pascoe on 17 April 2015.

(4) Mr Alan Pascoe was a former Conservative Member for Dartford South West from 1989 to 1993. During his time with KCC he served on the Property, Supplies and Services Group, Highways and Public Transport Sub-Committee, Planning Sub-Committee, Environment, Planning and Transportation Committee, Environment Sub-Committee (Vice Chairman) and the Fire and Public Protection Committee.

(c) Mr Frank Gibson, OBE

(5) The Chairman announced with much sadness that he had to inform Members of the death Mr Frank Gibson, OBE on 22 April 2015.

(6) Mr Gibson was a former Conservative Member for Gravesham Rural from 1986 to 2005. During his time with KCC he served on a large number of committees, in particular the Development Planning and Transportation Committee, Highways and Transportation Sub-Committee, Economic Development and Tourism Sub-Committee, Education Committee, Highways Advisory Board, Policy and Resources Committee and the Kent Thames-side Joint Executive Committee. He served as Chairman of the Transport Operations Board in 1998 and Vice Chairman of the Strategic Planning Committee from 1998 until 2000. He was elected Chairman of the County Council in 2003-04 and awarded Honorary Alderman of the Council in 2009.

(7) Mrs S Hohler, Mr L Ridings, MBE, Ms J Cribbon and Mrs T Dean paid tribute to Mr Gibson

(d) Mrs Diana Marshall

(8) The Chairman stated that it was with regret that he also had to inform Members of the death of Mrs Diana Marshall on 28 April 2015.

(9) Mrs Marshall was a former Conservative Member for the Sevenoaks Central Division from 1989 until 1997. During her time in office, Mrs Marshall served on a number of committees including the Education Committee and some of its Sub-Committees; together with a number of the Policy and Resources Sub Groups including Finance, Information and Review Group; Personnel Group and the Property Supplies and Services Group.

(10) Mrs Marshall's funeral would be taking place on Friday 22 May, at St Mildred's Church, Beatrice Avenue, Whippingham, on the Isle of Wight.

(11) Mr A King, MBE paid tribute to Mrs Marshall.

(12) Members stood in silence in memory of Mr Coyne, Mr Pascoe, Mr Gibson and Mrs Marshall.

(13) After the minute's silence the Chairman moved, the Vice-Chairman seconded and it was resolved unanimously that this Council desires to record the sense of loss

it feels on the sad passing of Mr Coyne, Mr Pascoe, Mr Gibson and Mrs Marshall and extends to their families and friends our heartfelt sympathy to them in their sad bereavements.

(e) Romney Marsh By-Election

(14) The Chairman welcomed back Mrs Carole Waters as the newly elected Member for the Romney Marsh Electoral Division of Kent County Council following the by-election on 7 May 2015.

(f) The Chairman's Long Service Award for Members:

(15) The Chairman referred to a new tradition that he was establishing and he awarded long service awards to the following Members who had completed a minimum of 20 years' service:

Mr Martin Vye (Canterbury City South West)
Mr Alex King (Tunbridge Wells Rural)
Mrs Sarah Hohler (Malling North)
Mr Tom Gates (Faversham)
Mrs Trudy Dean (Malling Central)

(g) Proposed financial assistance for the people of Nepal

(16) The Chairman announced that following consultation with all Group Leaders, it was proposed that Kent County Council gives a donation of £10,000 to support the Nepalese people as they try to recover and rebuild their lives following the recent devastating earthquakes in their country. Negotiations were underway with senior members of the Gurkha regiment, as to where best to direct the donation to ensure it reached those in most need.

(h) Chairman's Charities

(17) The Chairman informed Members that the charities that he would be supporting during the year were Demelza House and Riding for the Disabled.

7. Questions

In accordance with Procedure Rule 1.17(4), seven questions were asked and replies given.

8. 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 welcome appointment of Kent MP Greg Clark as Secretary of State for Communities and Local Government. He welcomed Mrs Waters back to the County Council following the Romney Marsh by election. He also congratulated Mr Scobie on a well fought election in Thanet South.

(3) In relation to local government finance, Mr Carter, referred to a South East Seven meeting which he had attended with Mr Simmonds and he gave the headlines from a talk by Professor Tony Travers. Mr Carter stated that as local government finance was one of the few areas of public spending that had not been protected it was assumed there would be challenging times financially for local government over the next 5 years. However, he stated that with the Medium Term Plan KCC was well placed to make the necessary substantial savings.

(4) Mr Carter referred to the LGA's recently published document "DevoNext" which he commended to all Members. This document pitched for devolution to local government, in partnership with other public agencies within their area; with no one size fits all approach. Greg Clark MP had indicated that devolution would include County Councils as well as city areas. Mr Carter referred to the complex local partnership landscape including the proposal for a different LEP arrangement. Mr Carter mentioned the strong position Kent was in and the ground breaking work carried out in relation to health and social care integration and the recognition by the Department of Health of Kent's role in vanguard projects such as the one in Whitstable.

(5) Mr Carter stated that he had spoken at the 20/20 launch, which was celebrating the success of the apprenticeship programme. He referred to the fact that nationally 20-22% of young people were not able to enter an apprenticeship training programme as they did not have a NVQ level 2 qualification. If Kent had the freedom to spend on skills training this was something that he would want to address. He emphasised the importance of evolving the Kent Infrastructure Growth Plan, which looked at ensuring that Kent managed growth and matched infrastructure funding and costs. This would ensure that Kent was well placed to have a dialogue with the Government on the Kent Powerhouse.

(6) Mr Latchford, the Leader of the Opposition, referred to the Leader's comments on devolution, which he hoped would be included in the Queen's Speech. He emphasised the importance of ensuring that additional responsibilities were given the appropriate funding.

(7) Regarding the stand alone Kent and Medway LEP, his group supported this in principle. He hoped that this and the related strategic economic plan came to fruition.

(8) In relation to skills funding, Mr Latchford supported the Leader's statement about the need to improve funding and to ensure that the opportunity to increase employability options was open to all, not just young people. He expressed the view that careers advice was sorely needed as part of a properly funded service.

(9) Mr Latchford acknowledged that although the issue of Health and Social Care was showing signs of improvement there was still much to be done. He noted the work of the Health and Wellbeing Board and the need to engage with the health sector in debates about growth and future funding of health provision.

(10) Mr Latchford referred to the item later in the meeting on the Local Growth Fund, Governance Arrangements which he supported.

(11) Mr Latchford requested the Leader to do all in his power to ensure that KCC received adequate funding to discharge the responsibilities placed on it by central government.

(12) Mr Cowan, Leader of the Labour Group, stated that he was pleased to hear from the Leader regarding the potential for a Kent Powerhouse. He also welcomed the appointment of Greg Clark MP as the new Secretary of State for Communities and Local Government. In relation to the proposed standalone Kent and Medway LEP, whilst acknowledging that the current South East LEP was too big, he hoped that the Kent and Medway LEP was not too small.

(13) Mr Cowan emphasised the importance of a commitment on skills training as part of devolution to Counties and the need for Kent to have more innovation in industries with Discovery Park in Sandwich showing the way. The key to devolution was whether central government would deliver especially in relation to funding.

(14) Mrs Dean, Leader of the Liberal Democrat Group, referred to the general election and a petition that had been presented to the government in favour of proportional representation.

(15) In relation to devolution for local government, Mrs Dean stated that this had to be achieved with District Councils, economic organisations and businesses. There needed to be clarity on which powers would be devolved to which tier of local government. She stated that government had a record of delivering powers without the means to raise the related monies. She expressed concern about the proposal for devolution to be linked to an elected Mayor.

(16) Mrs Dean referred to the changes from the implementation of the Care Act and referred to certain private providers who were withdrawing from the provision of residential accommodation because apparently local authorities were not meeting their costs.

(17) In terms of the skills agenda, Mrs Dean referred to the increasing number of academies and free school, which did not have to deliver the national curriculum.

(18) Mr Whybrow, Leader of the Independents Group, express concern about the reduction in local government funding, potentially leading to local government only being able to deliver a diluted form of statutory services.

(19) In relation to Health and Social Care devolution, Mr Whybrow expressed similar concerns to Mrs Dean and the need for Government to provide quick decisions in relation to the Care Act.

(20) Mr Whybrow echoed the view of the LGA that further local government funding reductions over the next five years was not an option.

(21) In replying to the other group leaders' comments, Mr Carter stated that in relation to devolution the most important thing was that Whitehall must break down the barriers and let local government devolution take place. This must be supported by adequate funding. He referred to the social care budgets and the implications of the Care Act, and in relation to residential care homes, he pointed out that the market

was changing with older people preferring extra care housing to enable them to live as independently as possible.

(22) Mr Carter referred to a statement by Greg Clark MP about there being county as well as city devolution; he would see how this would be brokered with the aim of making sure that Kent was one of the first adopters. Regarding the LEP he would be sharing the case for a Kent and Medway LEP with Members shortly.

(23) In relation to Kent's relationship with its District Councils, he stated that there would always be challenges in a two tier area, but all Councils were united behind the Kent and Medway Growth Plan. At the last Kent Leaders' Group it was agreed that KCC would work with District Councils' on a proposal for a combined local authority for Kent. He emphasised that it was important to make sure that there were effective relationships with all public agencies and business groups via the Kent and Medway Economic Partnership, and likewise via the Health and Wellbeing Board with Kent's CCG's, supported by a willingness to work together to innovate and improve.

(24) Regarding the freedom that academies and free schools had in relation to the national curriculum, he stated that community schools should also have this freedom to innovate or to do things differently within certain criteria.

9. Revised Proportionality Calculations and Committee Membership

(1) The Chairman moved and the Vice-Chairman seconded the following motion:

"The County Council is invited to:

- (a) agree the revised proportionality calculations and confirm that the Labour Group is invited to fill an additional committee place at the expense of the UKIP Group in accordance with the overall proportionality rules; and
- (b) agree that the decision on which committee the Labour Group gains a seat at the expense of the UKIP Group be delegated to the Head of Democratic Services in consultation with the Leaders of the UKIP and Labour Groups. "

(2) The motion was agreed without a formal vote.

(3) RESOLVED that

- (a) the revised proportionality calculations be agreed and that the Labour Group be invited to fill an additional committee place at the expense of the UKIP Group in accordance with the overall proportionality rules; and
- (b) the decision on which committee the Labour Group gains a seat at the expense of the UKIP Group be delegated to the Head of Democratic Services in consultation with the Leaders of the UKIP and Labour Groups.

10. Updated Financial Regulations

(1) Mr Simmonds moved and Miss Carey seconded the motion that Members consider and approve the updated Financial Regulations and Delegated Authority Matrix of Approval Limits.

- (2) The motion was agreed without a formal vote.
- (3) RESOLVED that the updated Financial Regulations and Delegated Authority Matrix of Approval Limits be approved.

11. Statutory Officer Disciplinary Procedures

- (1) Mr Cooke moved and Mr Simmonds seconded the following motion

“The County Council is requested to approve for inclusion in the Personnel Management Rules provision for the proposed procedures for the Head of Paid Service, Monitoring Officer and Chief Finance Officer as outlined in this report, and that this process be extended to include all statutory roles, including the Director of Children’s Services, Director of Adult Social Services and Director of Public Health.”

- (2) The motion was agreed without a formal vote.
- (3) RESOLVED that the provision for the proposed procedures for the Head of Paid Service, Monitoring Officer and Chief Finance Officer as outlined in the report be approved for inclusion in the Personnel Management Rules and that this process be extended to include all statutory roles, including the Director of Children’s Services, Director of Adult Social Services and Director of Public Health.

12. Local Growth Fund: Governance Arrangements

- (1) Mr Carter moved and Mr Dance seconded the following motion:

“The County Council is invited to endorse the establishment of a joint executive committee with East Sussex County Council, Essex County Council, Medway Council, Thurrock Council and Southend-on-Sea Borough Council, for the purposes of managing the Local Growth Fund and other funds which may be directed by Government to the South East Local Enterprise Partnership; and advise the Leader of the Council accordingly.”

- (2) The motion was agreed without a formal vote.
- (3) RESOLVED that the establishment of a joint executive committee with East Sussex County Council, Essex County Council, Medway Council, Thurrock Council and Southend-on-Sea Borough Council, for the purposes of managing the Local Growth Fund and other funds which may be directed by Government to the South East Local Enterprise Partnership be endorsed; and the Leader of the Council be advised accordingly.

13. Annual report of the Independent Member Remuneration Panel

(Mr S Wiggett and Mrs S Addis, Members of the Independent Member Remuneration Panel, were present for this item)

- (1) The Chairman moved and the Vice-Chairman seconded the following motion:

- (a) there should be no changes to the Members' Allowance Scheme for 2015/16 but the County Council is asked to note the Panel's views about the introduction of indexation from 2017;
- (b) the County Council be recommended to formally adopt the scheme as set out in Appendix 2 to this report; and
- (c) the views of the Panel requested by the political group leaders on the tax liability for home to office journeys made by elected members during the period 1 April 2009 to 31 March 2013 be noted.

(2) Mr Carter moved and Mr Simmonds seconded the following amendment:

In place of the published recommendation (a), (b) and (c) insert:

- (a) The County Council thanks the Remuneration Panel for its report. It requests the Remuneration Panel recommend an indexation scheme to the July meeting of the County Council for implementation beginning with the financial year 2016/17;
- (b) the County Council be recommended to formally adopt the proposed Members' Allowances scheme as set out in Appendix 2 to this report for one year; and
- (c) While noting the observations of the Panel, as detailed in "(c)" of the original motion, the Council agrees to follow the recommendations of the Section 151 Officer; it being noted that the Selection and Member Services Committee would be discussing the matter at a meeting the following day with the Section 151 officer present to enable him to clarify his advice to Members. .

(3) Following a debate the Chairman put the amendment set out in paragraph (2) above to the vote and the vote cast were as follows:

For (43)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mrs P Cole, Mr G Cooke, Mrs M Crabtree, Mr A Crowther, Mrs V Dagger, Mr M Dance, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr M Hill, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Mr A King, Mr J Kite, Mr R Long, Mr G Lymer, Mr S Manion, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mr B Sweetland, Mrs C Waters, Mr J Wedgbury, Mrs J Whittle, Mr A Wickham

Against (36)

Mr M Baldock, Mr R Bird, Mr H Birkby, Mr N Bond, Mrs P Brivio, Mr L Burgess, 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 J Elenor, Mrs M Elenor, Ms A Harrison, Mr M Heale, Mr C Hoare, Ms S Howes, Mr G Koowaree, Mr R Latchford, Mr T Maddison, Mr B MacDowall, Mr F McKenna, Mr B Neaves, Mrs E Rowbotham, Mr W Scobie, Mr T Shonk, Mr D Smyth, Mr A Terry, Mr N Thandi, Mr R Truelove, Mr M Vye, Mr M Whybrow, Mrs Z Wiltshire

Abstain (0)

Amendment carried

- (4) The Chairman declared the substantive motion to be carried without a formal vote.
- (5) RESOLVED that
 - (a) the Remuneration Panel be thanked for its report and that they be requested to recommend an indexation scheme to the July meeting of the County Council for implementation beginning with the financial year 2016/17;
 - (b) the proposed Members' Allowances scheme as set out in Appendix 2 to this report be adopted for one year; and
 - (c) While noting the observations of the Panel, as detailed in "(c)" of the original motion, the Council agrees to follow the recommendations of the Section 151 Officer; it being noted that the Selection and Member Services Committee would be discussing the matter at a meeting the following day with the Section 151 officer present to enable him to clarify his advice to Members.