



Summons to and
Agenda for a
Meeting on
**Thursday, 14th July,
2016**
at **10.00 am**



DEMOCRATIC SERVICES
SESSIONS HOUSE
MAIDSTONE

Wednesday, 6 July 2016

To: All Members of the County Council

Please attend the meeting of the County Council in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 14 July 2016 at **10.00 am** to deal with the following business. **The meeting is scheduled to end by 4.30 pm.**

Webcasting Notice

Please note: this meeting may be filmed for the live or subsequent broadcast via the Council's internet site or by any member of the public or press present.

By entering into this room you are consenting to being filmed. If you do not wish to have your image captured please let the Clerk know immediately.

Voting at County Council Meetings

Before a vote is taken the Chairman will announce that a vote is to be taken and the division bell shall be rung for 60 seconds unless the Chairman is satisfied that all Members are present in the Chamber.

20 seconds are allowed for electronic voting to take place and the Chairman will announce that the vote has closed and the result.

A G E N D A

1. Apologies for Absence
2. Declarations of Disclosable Pecuniary Interests or Other Significant Interests in items on the agenda
3. Minutes of the meetings held on 19 May 2016 and, if in order, to be **(Pages 5 - 20)** approved as a correct record
4. Chairman's Announcements
5. Questions

6. Report by Leader of the Council (Oral)
7. Select Committee - Grammar Schools and Social Mobility **(Pages 21 - 34)**
8. Devolution Position Statement **(Pages 35 - 50)**
9. Adoption of the Kent Minerals and Waste Local Plan 2013-30 **(Pages 51 - 78)**
10. Independent Person **(Pages 79 - 82)**



Peter Sass
Head of Democratic Services

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 19 May 2016.

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 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, 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 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, 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 R A Marsh, 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, 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: Mr D Cockburn (Corporate Director Strategic & Corporate Services), Mr G Wild (Director of Governance and Law) and Mr P Sass (Head of Democratic Services)

UNRESTRICTED ITEMS

79. Apologies for Absence

The Director of Governance and Law reported apologies from Ms Cribbon and Mr McKenna

80. Declarations of Disclosable Pecuniary Interests or Other Significant Interests in items on the agenda

None

81. Appointment of Honorary Alderman

(1) The Chairman offered a very warm welcome to the meeting to Mrs Jeanne Brinton and her guests.

(2) The Chairman stated that Mrs Brinton had been regarded by Group Leaders as having given eminent service both to Kent County Council and the people of Kent.

19 MAY 2016

(3) RESOLVED UNANIMOUSLY that Mrs Brinton, distinguished former Member of Kent County Council, be awarded the status of Honorary Alderman.

(4) The Chairman then presented Mrs Brinton with her Honorary Alderman badge and scroll.

(5) Mrs Brinton responded in suitable terms and expressed her thanks for the honour bestowed upon her by the County Council.

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 19 May 2016.

PRESENT:

Mr T Gates (Chairman)
Mr D L Brazier (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, Mrs P Brivio, 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, 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 G K Gibbens, Mr R W Gough, Mr P M Harman, Ms A Harrison, Mr M J 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 R A Marsh, 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, 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: Mr D Cockburn (Corporate Director Strategic & Corporate Services), Mr G Wild (Director of Governance and Law) and Mr P Sass (Head of Democratic Services)

UNRESTRICTED ITEMS

1. Election of Chairman

(Mr M J Harrison the present Chairman presided for this item)

(1) Mr P B Carter, CBE moved and Mr A H T Bowles seconded that:

Mr T Gates be appointed Chairman of the County Council.

Agreed unanimously

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

(3) Mr Carter paid tribute to Mr Harrison and thanked him for the manner in which he had carried out his duties as Chairman of the Council from May 2015 to the present day.

(4) Mr Harrison suitably replied.

2. Election of Vice-Chairman

(1) Mr R W Gough moved, Mrs P A V Stockell seconded that Mr D L Brazier be appointed Vice-Chairman of the Council.

Agreed unanimously

(2) Mr Brazier 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 Ms Cribbon and Mr McKenna.

4. Declarations of Disclosable Pecuniary Interests or Other Significant Interests in items on the agenda

None

5. Minutes of the meetings held on 24 March 2016 and, if in order, to be approved as a correct record

RESOLVED that the minutes of the meetings held on 24 March 2016 be approved as a correct record.

6. Chairman's Announcements

(a) Mr Keith Ferrin, MBE

(1) The Chairman stated that it was with regret that he had to inform Members of the death of Mr Keith Ferrin, on 15 April 2016, former Conservative Member for Gillingham from 1977 – 1997 and Swale West from 1997- 2013. During his time with KCC he served on a wide range of formal bodies including the Economic Development Cabinet Committee, Governance and Audit Committee, Health Overview and Scrutiny Committee, Electoral & Boundary Review Committee, Social Care and Public Health Cabinet Committee and the Standards Committee.

(2) Following the introduction of a Cabinet model of governance Mr Ferrin held the role of lead Member for Finance and was the Cabinet Member for a period of time for the portfolios, which covered Adult Social Care, Environment, Highways and Waste.

(3) Mr Ferrin's funeral had taken place on Monday 9 May 2016

(4) Mr King, Mr Marsh, Mr Carter, Mr Bowles, Mr Kite, Mr Parry, Mrs Whittle, Mr Baldock, Mr Truelove and Mrs Dean paid tribute to Mr Ferrin

(b) Major Terence Holden

(5) The Chairman stated that it was with regret that he had to inform Members of the death of Major Terence Holden, on Friday 8 April, former Conservative Member

for Swale West from 1981 to 1993. During his time with KCC he served on Environment, Planning & Transportation Committee and Planning Sub-Committee.

(6) Major Holden's funeral had taken place on Friday 22 April 2016.

(7) Mr Holden, Mrs Dean and Mr Baldock paid tribute to Major Holden

(c) Mr Reg Hansell

(8) The Chairman stated that it was with regret that he had to inform Members of the death of Mr Reg Hansell, on 18 March 2016, former Labour Member for Dover Rural from 1997 to 2005. During his time with KCC he served on the Education and Libraries Committee, Case Sub-Committee (Shadow Chairman), Early Years & Childcare Joint Board, Policy & Resources Committee: Monitoring and Review Sub-Committee and Children with Special Needs Scrutiny Panel.

(9) Mr Hansell's funeral had taken place on 5 April 2016.

(10) Mr Cowan, Mr Manion and Mrs Dean paid tribute to Mr Hansell.

(11) At the end of the tributes all Members stood in silence in memory of Mr Ferrin, Major Holden and Mr Hansell.

(12) After the one minute silence the Chairman moved, the Vice-Chairman seconded and it was resolved unanimously that:

(13) This Council records the sense of loss it feels on the sad passing of Mr Ferrin, Major Holden and Mr Hansell and extends to their families and friends our heartfelt sympathy to them in their sad bereavements.

(d) Winners of The Queen's Award for Enterprise 2016

(14) The Chairman stated that he was delighted to announce that Kent had 3 winners of The Queen's Award for Enterprise 2016. They were, Polypipe Limited, Aylesford, AXA PPP International, Tunbridge Wells and Ecoegg Ltd, Maidstone.

7. Questions

In accordance with Procedure Rule 1.17(4), 9 questions were asked and replies given. A record of all questions put and answers given at the meeting are available [online](#) with the papers for this meeting. Questions 10 to 11 were not put in the time available but written answers were provided.

8. Report by Leader of the Council (Oral)

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

(2) Mr Carter referred to the additional funding for a road repair blitz, the white paper *Education Excellence Everywhere*, the local government funding review, next year's budget, devolution, the apprenticeship levy and health and social care integration.

(3) In relation to the proposed road repair blitz, Mr Carter announced that £4m was being allocated and works would start in mid-June. This was as a result of £1.4 million from government, £1.5 million planned KCC expenditure on road repair and pot holes, and £1.1 million from additional funding identified by the Cabinet Member for Finance and Procurement. He stated that Members would receive further details of these works before they commenced. The vast majority of these works would be carried out by small and medium sized civil engineering companies on a district by district basis.

(4) Mr Carter referred to the white paper, *Education Excellence Everywhere* and the small victory in the removal of the enforced academisation from the potential education bill referred to in the Queen's speech. He stated that it was now necessary to find a way forward that made sure that there was not a two-tier education and financial system that favoured multi-academy trusts but penalised community schools. Regarding local government sponsored multi-academy trusts, it was necessary to look at what these would look like and the pros and cons in order to achieve a fairer balance between schools through the new national funding formula. There was a need to ensure that the education support grant allowed KCC to continue to provide school improvement and support services to the nearly 400 schools that still remained in the community schools category.

(5) Regarding the local government funding review, Mr Carter mentioned that DCLG officials were working very closely with the LGA and the County Councils Network (CCN). The Corporate Director of Finance and Procurement and the Head of Financial Strategy were part of one of the significant working groups. The aim was to ensure that the methodology used was transparent and led to a new needs-led, fair funding review as 100% commercial rate retention was introduced across the country.

(6) In relation to next year's budgetary problems, Mr Carter referred to the unidentified savings of some £50 million. Good progress was being made and he suggested that, with the agreement of opposition leaders, there could be a mini budget session at the September County Council meeting. If at the September meeting additional savings were agreed these could potentially start to be taken in year, rather than waiting until February 2017 to identify the savings.

(7) Mr Carter stated that at the July County Council meeting there might be an item on devolution to update Members on negotiations with the District and Medway colleagues on a Kent and Medway devolution submission to government. He referred to a very good facilitated discussion with all district leaders and Medway earlier that week, which suggested that there was agreement to progress what hopefully would be an ambitious devolution submission to government before the summer recess. He expressed the view that it was now time that County Council Members were fully involved in that debate and received a progress report on the submission. He explained that there was an acceptance by district leaders that, in Kent and Medway, we did not want the imposition of a directly elected mayor. This view accorded with the vast majority of County Councils.

(8) Mr Carter informed Members that at the next meeting of the Personnel Committee there would be a paper on the apprenticeship levy. The County Council would have to contribute £4.5 million into the levy and the Personnel Committee would consider how this could be used to ensure that there was a significant increase

in the number of Kent County Council apprenticeships, including those in KCC's supply chain. This year Kent would have 3000 16-18 year olds in modern apprenticeships which was one of the highest in the country.

(9) In relation to the sustainable transformation plan for health and social care integration, which was due to be submitted on 26 June 2016, Mr Carter stated that he had met with Mr Douglas, the chief executive of Maidstone and Tunbridge Wells Hospital Trust, who was leading this submission on behalf of Kent and Medway. If a good, ambitious, well-constructed, sustainable transformation plan was submitted then there was the potential to receive hundreds of millions of pounds. It was therefore important for health partners and social care to work closely together on community health and preventative services that reduce hospitalisation and get people out of hospital into step-down care and back behind their own front door as fast as possible.

(10) Mr Latchford, the Leader of the Opposition, welcomed the governments "u-turn" on acadamisation and referred to the total cross party County Council support on this issue. He acknowledged the work by the Leader, in his capacity as Leader of the County Councils Network which demonstrated that Kent was able to use its influence in central government; he hoped that the same would be the case for operation stack.

(11) Mr Latchford referred to the excellent news from the Leader on the road repair blitz.

(12) In reference to apprenticeships, Mr Latchford referred to a time when an apprenticeship was the key to a career in that industry. He acknowledged KCC's good record of apprenticeships, but was disappointed that the new guidelines did not appear make any reference to post apprenticeship employment. He referred to the situation of his grandson, who lived in the north east of England, and on completion of his apprenticeship had had his employment terminated and a new batch of apprentices taken on. He was now on job seekers allowance in an area bereft of opportunity.

(13) Mr Latchford referred to 'Financial Times' research in February 2016 which showed that 30% of those who started an apprenticeship failed to complete it. He stated that the CBI had raised concerns, as had businesses, about the design and implementation of the levy, which passed the cost of the government's apprenticeship scheme from the taxpayer to employers. He expressed support for apprenticeship schemes, but stated that the apprenticeship levy must not be another target led initiative but one that was truly aimed at giving the younger generation an opportunity to learn skills and enhance employability opportunities so desperately needed in this country.

(14) Mr Latchford expressed disappointment that the Leader had not commented on the additional 20% cost of the young persons' travel pass, which had become an unacceptable burden to families and was an issue that was still worthy of reconsideration.

(15) Mr Latchford referred to the current devolution issue and the general unease at the way in which central government appeared to be driving policies, without listening to the second tier authorities. He mentioned that Cambridge business

leaders had referred to the “very ill-founded devolution plan with Suffolk and Norfolk”. In addition he stated that the west of England also opposed a metro mayor devolution bill for their area. Whilst he accepted that the devolution principle had merit and could be an opportunity to improve the lives of those in our county, he hoped, however, that the devolution agenda would enable local authorities to have the ability to decide their own priorities and have more control on how services were carried out. He confirmed his opposition to any devolution deal that involved the imposition of a unitary council instead of the current two-tier system of local government. He was pleased that devolution would be on the agenda for the next council meeting.

(16) Mr Latchford stated that his group looked forward to taking part in the mini budget session at the September County Council meeting.

(17) Mr Cowan, Leader of the Labour Group, referred to academisation and welcomed the recent U-turn the government had made and acknowledged the part played by both Mr Carter and Mr Gough and all members of this council who had united together to protect KCC’s schools. He had no doubt that the government would continue to pursue the goal of complete centralisation of state education. He referred to the government’s statement that all schools would be made to convert in cases where the local authority could no longer viably support its remaining schools. He stated that this issue had not gone away and as a council KCC must continue to fight to defend state education. He also referred to the need to defend the position of parent governors. He confirmed that his group did not support academisation even at its current level as it simply reduced local accountability, local democracy and fairness.

(18) In reference to the apprenticeship programme, Mr Cowan confirmed that the Labour group fully supported all apprenticeship schemes. He made reference to his group’s unsuccessful budget amendment to include an extra £0.5 million for youngsters with learning needs which would have created a further 250 apprenticeships. Whilst welcoming the progress in apprenticeship schemes, he emphasised the importance of monitoring whether the programmes met the widest possible range of employment sectors and were gender balanced.

(19) Regarding devolution, Mr Cowan stated that the government proposals were in a state of confusion as far as the city regions were concerned. There was some logic in attempting to restore elements of the two–tier system established by Sir Keith Joseph in the 1974 reforms, however city mayors currently proposed were a pale shadow of what Sir Keith Joseph had set up, only London had a proper two-tiered system. He referred to devolution for counties and the one clear message coming from the government was that county councils were too small for what they envisage; it must be groupings of county councils within a region. This would lead to three tiers of government if there must be a regional directly elected mayor. This would unnecessarily add to the complexity of local government.

(20) Mr Cowan made reference to the talk of district councils merging in parts of Kent and that Councillor Watkins at Dover District Council was expecting an announcement at the 23 July, district council meeting in anticipation of a different submission. He stated that currently central government was continuing with a mayoral combined authority model in county areas and indications were that county deals would still only be agreed on this basis.

(21) Mrs Dean, Leader of the Liberal Democrat Group, referred to acadamisation and disagreed that this was a u-turn, she considered it to be a slow down. She reminded Members of what had happened over the acadamisation programme, first of all the poorly performing schools were forced to academise, then the best performing schools were forced to academise, then the coasting schools were forced to academise and now the worst performing local authorities were going to have to academise their schools. She predicted that the worst performing authorities would be all those except the best one because government were removing 81% of the education support grant to local authorities under the assumption that by 2022 all schools would have been academised. In relation to parent governors Mrs Dean referred to the lack of clarity over government proposals. Mrs Dean stated that she was looking forward to discussion on the proposals for local government academy trusts.

(22) In relation to devolution, Mrs Dean stated that she was encouraged to hear that there was Kent and Medway agreement on a devolution proposal that might be going forward in the summer. She emphasised the importance of the public being made aware of what devolution would mean to them in respect of the delivery of services and their council tax bill. She sought an assurance that a process of public awareness would be carried out before there was a submission to government.

(23) Mrs Dean referred to devolution to some extent depending upon local authorities in the county knowing that KCC was on their side. Mrs Dean asked the leader in his reply to update the Council on the current position regarding funding for flood defence works at Yalding village.

(24) Mrs Dean agreed with the Leader's suggested mini-budget at the September County Council meeting.

(23) Mr Whybrow, Leader of the Independents Group, referred to academisation and devolution and stated that he considered the situation to be shambolic. He referred to a time when central government would actually weigh up the advantages and disadvantages, talk to those people affected, talk and listen to experts before actually announcing policy, this no longer seemed to be the case.

(25) Regarding academisation, Mr Whybrow agreed with Mrs Dean that the government still had the same aspiration. He expressed the view that this government held local government in disdain when it came to controlling education and that they were still heading in the same direction albeit a little more slowly. The government did not seem to be taking into account the logistics or actually what was best for young people. He did not consider that academisation would address the majority of issues facing education in this country. In addition he gave the example of an Ofsted rated 'good' primary school in Hythe which had been contacted by two separate academy trusts regarding converting.

(26) In relation to devolution, Mr Whybrow referred to it coming apart in places like East Anglia. It was hugely distracting at a time of major challenge for local government and had set council against council in a unedifying power grab. He was not convinced that there was a lot on the table for local government in terms of significant new fiscal or decision making autonomy.

(27) In replying to the other Leaders' comments, on academisation, Mr Carter, considered this to be a minor victory and agreed with Mrs Dean that this was not a u-turn. He agreed that community schools could be disadvantaged by not having the same access to support funding as academy trusts which was why the concept of local government academy trusts might be a way forward. He stated that it was important to ensure that services that were highly valued by schools such as HR, school finance and ICT, were available to all schools whether multi-academy trusts or community schools. There was a need to make sure that those traded services were grown and supported.

(28) Regarding devolution, skills funding, post 16 skills funding would be a major issue and was a common theme amongst all districts and Medway. The current system did not actually meet the needs of business and in many cases the aspirations of young people. There was the opportunity to do something very different in Kent and Medway and to include this in our devolution submission. On the question of public consultation on devolution, Mr Carter explained that this was necessary and noted that the public consultation issue in Lincolnshire appeared to be the stumbling block. It was of utmost importance that the test for Kent should be is it going to be effective and efficient in supporting the residents of Kent and the young people and businesses in Kent?

(29) Mr Carter stated that he understood that East Kent at district level to combine all of the districts into one super district authority. This was very different from the debates that were being held with government on freedom and flexibilities and more money to get power out of Whitehall and closer to the people in Kent.

(30) In response to the reference made to the young person's travel pass. Mr Carter stated that this was the most generously supported school transport system in this country outside of London. This authority had chosen to fund an additional £8 million to help parents get their young people to and from school. Despite the state of the public finances of this country and the considerable part local government was having to play to restore those public finances, he was still hoping to maintain the freedom pass at an affordable cost to parents.

(31) In reply to Mrs Dean's question on flood measures in Yalding, Mr Carter referred to a recent meeting with the environment agency, Maidstone Borough Council, Tonbridge and Malling Borough Council and Yalding Parish Council. KCC had made £4 million available for these works and asked Tonbridge and Malling Borough Council and Maidstone Borough Council to supplement this. He stated that the public sector must come together to help support the flood defences. The range of schemes for investment probably went up to a total of some £60 million for environment agency flood amelioration schemes. KCC could not invest in all of these schemes but was putting in a local growth fund submission for another £5 - £6 million. If KCC was successful in this bid some further flood defences could be carried out to help protect that area of the county. Mr Carter confirmed that his promise to the people of Yalding was to make sure KCC's money helped support Yalding alongside contributions from others as well. KCC would do its bit but it was up to others to help and support funding for the most effective environment agency designed schemes.

9. Members' Allowances Scheme – 2016/17

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

“The County Council is recommended to adopt the Members' Allowances Scheme for the period 1 June 2016 to 4 May 2017 as set out in the Appendix to this report.”

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

(3) RESOLVED that the Members' Allowances Scheme for the period 1 June 2016 to 4 May 2017, as set out in the Appendix to the report, be adopted.

10. Updated Financial Regulations

(1) Mr Simmonds moved and Miss Carey seconded the following recommendation:

“Members are asked to consider and approve the updated Financial Regulations and Delegated Authority Matrix of Approval Limits.”

(2) In proposing the motion Mr Simmonds referred to the need to amend paragraph 2.13 (i) of the Financial Regulations by the reinstatement of the words “and other significant risks”

(3) Members raised points of clarification which Mr Simmonds stated would be addressed by officers. Members also drew attention to typographical errors in the Financial Regulations for, example the numbering of paragraph A24/25, which would be addressed in the final version.

(4) Following the debate the Chairman put the amendment set out in paragraph (1) above to the vote and the votes cast were as follows:

For (51)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr D Brazier, Mrs P Brivio, Mr C Caller, Miss S Carey, Mr P Carter, Mrs P Cole, Mr G Cooke, Mr G Cowan, Mrs M Crabtree, Mr A Crowther, Mrs V Dagger, Mr M Dance, Dr M Eddy, 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 M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mrs E Rowbotham, Mr W Scobie, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mr D Smyth, Mrs P Stockell, Mr B Sweetland, Mr N Thandi, Mrs C Waters, Mr J Wedgbury, Mr A Wickham, Mrs Z Wiltshire.

Against (19)

Mr M Baldock, Mr R Bird, Mr H Birkby, Mr N Bond, Mr L Burgess, Mr B Clark, Mr D Daley, Mrs T Dean, Mr P Harman, Mr M Heale, Mr C Hoare, Mr G Koowaree, Mr R Latchford, Mr B MacDowall, Mr B Neaves, Mr T Shonk, Mr A Terry, Mr M Vye, Mr M Whybrow.

Abstain (6)

Mr A Bowles, Mr J Davies, Mr J Elenor, Mrs M Elenor, Mr A Marsh, Mr J Scholes.

Motion carried

(5) RESOLVED that the updated Financial Regulations and Delegated Authority Matrix of Approval Limits, with the amendment of paragraph 2.13(i) and typographic errors, be approved.

11. Request for Extended Leave of Absence

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

“In accordance with Section 85 (1) of the Local Government Act 1972 the County Council is asked to agree Ms Cribbon’s request for extended leave for a six month period expiring on Thursday 8 December 2016 on the grounds of serious ill health.”

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

(3) RESOLVED that in accordance with Section 85 (1) of the Local Government Act 1972 Ms Cribbon’s request for extended leave for a six month period expiring on Thursday 8 December 2016 on the grounds of serious ill health be approved.

12. Select Committee - Energy Security

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

“(a) The Select Committee be thanked for its work and for producing a relevant and balanced document.

(b) The witnesses and others who provided evidence and made valuable contributions to the Select Committee be thanked.

(c) County Council’s comments on the report be noted and the report endorsed.”

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

(3) RESOLVED that the Select Committee be thanked for its work and for producing a relevant and well balanced document, the witnesses and others who provided evidence and made a valuable contribution to the Select Committee be thanked and the comments made by Members be noted and the report be endorsed.

13. Motions for Time Limited Debate

(a) Compulsory Academisation of schools

(1). Mr Vye proposed and Mr Bird seconded the following motion:

“This Council welcomes the Government's decision to withdraw the proposed compulsory academisation of schools, a proposition which has been widely condemned by school staff, parents and councillors in Kent.

This council recognises the hard work and dedication of school staff in raising educational standards across the county and the vital role of parent governors in supporting schools management and also making schools locally accountable.

This council is determined to provide all children in Kent with a good education and reaffirms its commitment to supporting schools through the county council's Schools Improvement unit.”

(2). Mr Cowan moved and Mr Caller seconded the following amendment:

- In the first sentence after the word “academisation of schools” add “ by 2020/22”.
- At the end of the first paragraph add “However, it is recognised that the danger of all of Kent’s schools becoming academies has not disappeared as a result of this proposal.”
- In the last paragraph after the words “This Council is” add “ also”

(3) Mr Gough suggested a minor amendment to the amended wording proposed. Mr Cowan, with the agreement of his seconder, amended the wording of the amendment in bullet point 2 above to read:

- At the end of the first paragraph add “However, it is recognised that the danger of **the policy being pursued by other means** ~~all of Kent’s schools becoming academies~~ has not disappeared as a result of this proposal.”

(3). Mr Vye, with the agreement of his seconder, incorporated the revised amendment into his motion.

(4). The motion, as amended, was agreed unanimously without a formal vote.

(5). RESOLVED that this Council welcomes the Government's decision to withdraw the proposed compulsory academisation of schools by 2020/22, a proposition which has been widely condemned by school staff, parents and councillors in Kent. However, it is recognised that the danger of the policy being pursued by other means has not disappeared as a result of this proposal.

This council recognises the hard work and dedication of school staff in raising educational standards across the county and the vital role of parent governors in supporting schools management and also making schools locally accountable.

This Council is also determined to provide all children in Kent with a good education and reaffirms its commitment to supporting schools through the county council's Schools Improvement unit.

(b) KCC Headquarters – security and public access

(6). Mr Heale moved and Mr Latchford seconded the following motion:

"This Council believes it is time to review the levels of security and public access to KCC Headquarters at County Hall in the interests of greater safety for both KCC officers and members and requests the Cabinet Member for Corporate and Democratic Services to initiate this review."

(7). Ms Harrison moved and Mrs Brivio seconded the following amendment:

- Delete the words "time to review the levels" and add in their place "appropriate to introduce regular reviews".
- In the first sentence after "public access to" insert the words "the whole" and after "KCC" delete "Headquarters at County Hall" and insert "Estate".
- After the words "greater safety" delete "for both" and add "of the public and".
- Between the words "requests" and "the Cabinet Member" insert "that".
- After "Democratic Services delete "to" and at the end of the motion insert the word "programme."

(8). Mr Heale, with the agreement of his seconder, incorporated the amendment into his motion.

(9). The motion, as amended, was agreed unanimously without a formal vote.

(10). RESOLVED that this Council believes that it is appropriate to introduce regular reviews of security and public access to the whole KCC Estate in the interests of greater safety of the public and KCC officers and members and requests the Cabinet Member for Corporate and Democratic Services to initiate this review programme.

(c) School and community energy schemes

(11) Mr Wedgbury moved and Mr Parry seconded the following motion:

"KCC asks the Chairman of the Council to contact the Secretary of State for Energy and Climate Change to ask her to consider supporting Community and Schools energy projects through targeted financial help. In particular we ask the Secretary of State to look again at the support available for community renewable energy schemes including the discontinuation of tax relief (SITR) for community energy schemes and the absence of a higher specific FIT tariff to encourage the deployment of school and community energy schemes. We believe targeted support will provide a number of important environmental and social benefits as well as reducing energy bills. It would also enable community buildings to play a role in developing local energy economies and continue to provide much needed local services by utilising the income generation from renewable energy."

(12) The motion was agreed unanimously without a formal vote.

(13) RESOLVED that the Chairman of the Council contact the Secretary of State for Energy and Climate Change to request her to consider supporting Community and Schools energy projects through targeted financial help. In particular the Secretary of State be asked to look again at the support available for community renewable energy schemes including the discontinuation of tax relief (SITR) for community energy schemes and the absence of a higher specific FIT tariff to encourage the deployment of school and community energy schemes. Kent County Council believes targeted support will provide a number of important environmental and social benefits as well as reducing energy bills. It would also enable community buildings to play a role in developing local energy economies and continue to provide much needed local services by utilising the income generation from renewable energy.

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By: Mr Roger Gough, Cabinet Member for Education and Health Reform
Mr Patrick Leeson, Corporate Director of Education and Young People's Services

To: County Council meeting – 14 July 2016

Subject: Select Committee: Grammar Schools and Social Mobility

Past Pathway of Paper: Cabinet – 27 June 2016

Summary:

The Grammar Schools and Social Mobility Select Committee report makes a number of recommendations for increasing social mobility into grammar schools, particularly focusing on those children supported by the Pupil Premium.

Recommendations:

County Council is asked to:

- 6.1 Thank the Select Committee for its work and for producing a relevant and timely document.
 - 6.2 Recognise the valuable contribution of the witnesses who provided evidence to the Select Committee.
 - 6.3 Comment on and endorse the report and recommendations of the Select Committee.
-

1. Introduction

The Select Committee on Grammar Schools and Social Mobility was established in December 2015.

The improvement of social mobility is a priority for the County Council and this report forms part of the Council's ongoing broader endeavour to increase social mobility, which affects many in our society. However, for the purposes of this Committee a particular focus was placed on ensuring children in receipt of Pupil Premium including Children in Care are supported to take advantage of a grammar school education, where this is most appropriate for them, and the opportunities this may provide.

The Committee originally defined the terms of reference to focus on children claiming or eligible for Free School Meals (FSM) and Children in Care. However, after initial evidence sessions, the Committee widened its scope to include children supported by the Pupil Premium as this includes those who have been eligible for free school meals at some point in the last six years, Children in Care and Service children.

The educational landscape is changing rapidly with increasing numbers of schools becoming academies. As such, the recommendations from the report are just that – none of them can be imposed on schools. It is hoped, however, that these recommendations can be implemented as part of a strong partnership between KCC and schools.

2. Select Committee

2.1 Membership

The Chairman of the Select Committee was Mrs Jenny Whittle (Conservative). Other members of the Committee were Mr Andrew Bowles (Conservative), Mr Lee Burgess (UKIP), Mr Roger Truelove (Labour), Mr Eric Hotson (Conservative), Mr Roger Latchford (UKIP), Mr Alan Marsh (Conservative), Mrs Paulina Stockell (Conservative) and Mr Martin Vye (Lib Dem).

2.2 Terms of Reference

The terms of reference were agreed on 16 December 2015 as follows:

- To determine whether disadvantaged children and their parents face barriers in accessing grammar school education.
- To identify and better understand the drivers that underpins any such barriers.
- To consider and examine the effects of what KCC and partners are already doing to ensure fair access to grammar schools for all.
- To consider what KCC and partners can do in order to further improve access to grammar schools for disadvantaged children.
- For the Select Committee to make recommendations after having gathered evidence throughout the review.

Further information on the key lines of enquiry of the Select Committee are available in Appendix A of the main report.

2.3 Evidence

The Select Committee on Grammar Schools and Social Mobility conducted a programme of hearings and focus groups in February 2016. The Select Committee held seventeen hearings, from which it gathered a wealth of information and evidence from a variety of sources, including:

- Young people;
- Parents;
- Primary and grammar school Head teachers;
- Education professionals;
- Education policy experts;
- The Cabinet Member for Education and Health Reform, and
- KCC officers

This oral evidence was complemented by written evidence which was submitted to the Committee by a variety of sources. Literature stemming from desktop research was also used to inform the review.

A list of the witnesses who provided oral and written evidence can be found in Appendix 1.

3. The Report

The Select Committee met in April and May 2016 to make recommendations and produce its report, which was approved at a formal meeting on 6 June 2016 and considered by Cabinet on 27 June 2016.

The main report discusses some of the key topics and issues that have the most significant impact on access to grammar schools for disadvantaged children under four themes:

- i) Viewing grammar school as a potential option;
- ii) Securing a grammar school place;
- iii) Removing financial barriers to grammar schools;
- iv) Increasing fair access to grammar schools.

The executive summary of the report is attached in Appendix 2.

A copy of the full report is available online at:

http://www.kent.gov.uk/_data/assets/pdf_file/0009/58680/Grammar-Schools-and-Social-Mobility-June-2016.pdf

4. Monitoring of recommendations

In accordance with the process for monitoring Select Committee recommendations, as set out in the Constitution (Appendix 4 Part 4 – 4.26), an action plan from the Cabinet Member/Corporate Director will be submitted to the Scrutiny Committee in November 2016 for consideration. Any such action plan or formal decision(s) needed in order to implement the Select Committee recommendations must comply with all of the necessary requirements for making executive decisions. These include compliance with all legal obligations, the Public Sector Equality duty and consultation where necessary.

5. Conclusion

The Select Committee's report will be presented to the County Council for endorsement at its meeting on 14 July 2016.

County Council is asked to express its appreciation to Mrs Jenny Whittle, who chaired the Committee, and the other Members of the Select Committee. County Council is also asked to thank all of the witnesses who gave evidence in the course of the review.

In circumstances where the Council endorses the recommendations, it is for the Cabinet Member/Corporate Director to develop an action plan to lawfully progress the recommendations in line with the constitution.

6. Recommendations

County Council is asked to:

6.1 Thank the Select Committee for its work and for producing a relevant and timely document.

6.2 Recognise the valuable contribution of the witnesses who provided evidence to the Select Committee.

6.3 Comment on and endorse the report and recommendations of the Select Committee.

Contact Details:

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03000 416089

Evidence

Oral Evidence and Focus Groups

The following witnesses gave evidence to the Select Committee:

1 February 2016

- Katherine Atkinson, Head of Information and Intelligence, KCC
- Roger Gough, Cabinet Member for Education and Health Reform, KCC
- Patrick Leeson, Corporate Director for Education and Young People's Services, KCC

4 February 2016

- Scott Bagshaw, Head of Fair Access, KCC
- Gay Reay, PESE Manager, KCC
- Tony Doran, Headteacher, Virtual School Kent (VSK)

5 February 2016

- Gillian Cawley, Director of Education, Quality and Standards, KCC
- Keith Abbott, Director of Education Planning and Access, KCC

9 February 2016

- A focus group with parents

12 February 2016

- Emma Hickling, Executive Headteacher, Kingswood, Leeds and Ulcombe Primary schools
- Paul Luxmoore, Executive Headteacher, Dane Court Grammar School, Broadstairs and King Ethelbert School
- Andrew Fowler, Headteacher, Dane Court Grammar School, Broadstairs
- John Harrison, Headteacher, Tunbridge Wells Grammar School for Boys
- Matthew Bartlett, Headteacher, Dover Grammar School for Girls

17 February 2016

- A focus group with children in care, their foster carers and a VSK officer

22 February 2016

- Conor Ryan, Director of Research and Communications, The Sutton Trust
- Denis Ramplin, Director of Marketing and Communications, The School of King Edward VI in Birmingham
- Peter Read, Independent Education Adviser, Kent Independent Education Advice

24 February 2016

- Michaela Lewis, Headteacher, Upton Junior School, Broadstairs
- Cliff Stokes, Headteacher, Newington Community Primary School, Ramsgate,
- David Anderson, Headteacher, Queen Elizabeth's Grammar School, Faversham,
- Andy Williamson, Headteacher, Wilmington Grammar Schools for Boys;
- Alice Witty, Headteacher, Pilgrim's Way Primary School, Canterbury

Written Evidence

- Katherine Atkinson, Head of Information and Intelligence, KCC
- Scott Bagshaw, Head of Fair Access, KCC & Gay Reay, PESE Manager, KCC
- A Kent Child in Care attending a grammar school in the county and a foster carer
- Emma Hickling, Executive Headteacher, Kingswood, Leeds and Ulcombe Primary School
- Kent Education Network;
- Denis Ramplin, Director of Marketing and Communications, The School of King Edward VI in Birmingham;
- Peter Read, Independent Education Adviser, Kent Independent Education Advice.
- A Kent County Council Social worker

Executive Summary

1.1 Forward by the Chairman

Kent's mixed economy of secondary schools, of which grammar schools comprise a third, offer real choice for parents seeking a school that suits their child's abilities and needs. We recognise that schools of various types in the county, including grammar schools, high schools, faith schools, comprehensive schools and special schools provide an excellent education for their pupils.

The remit of this Committee focuses on what can be done to improve the representation of children from disadvantaged backgrounds in grammar schools, so that they can benefit from a selective education if it is suitable for them. We have broadened the definition of "disadvantaged" children to include not just those not entitled to Free School Meals, but also in receipt of the Pupil Premium, for which children who have been registered for Free School Meals at any point in the last six years are eligible. That just 57% of high ability children in receipt of Pupil Premium in Kent attend a grammar school, compared to 79% of similar ability children not eligible for Pupil Premium, highlights that concerted action needs to be taken to ensure that more academically able children from poorer backgrounds have the same access to selective education as their more affluent peers.

It is clear from the evidence taken by the Committee and from research elsewhere that nationally, white working class children are falling behind compared to other groups. It is essential that everything possible is done to raise aspirations and provide support to families in areas of deprivation so that their children benefit from an education that is best suited to their abilities, whether it be a grammar or non-selective education.

The educational landscape is changing rapidly with an increasing number of schools becoming academies. As such, the recommendations from this report are just that – none of them can be imposed on schools. We believe, however, that Kent County Council (KCC), primary and grammar schools have a moral responsibility to work together to ensure that the most academically able children from disadvantaged backgrounds access grammar schools in the same way other children do. We saw evidence of excellent partnership working between primary and grammar schools to support the most academically able pupils from poorer backgrounds. We would like to see this approach being consistently applied across the county, so that no child is denied an education that is best suited for their talents and abilities.

Social mobility takes a variety of forms and it would be wrong to say that this can only take place through a grammar school education. For example, somebody born into a family dependent on benefits, who takes a vocational course at college and goes on to create a successful plumbing business employing staff, is as socially mobile as a child registered for Free School Meals who attends grammar school and goes on to university. Non-selective schools in Kent achieve outstanding outcomes for their pupils through academic pathways, apprenticeships and preparation for employment opportunities. It is clear, however, that more academically able children from poorer backgrounds and those in care are significantly under-represented in grammar schools. The Select Committee seeks to provide some practical recommendations to address the balance in the county's selective system.



*Jenny Whittle,
Chairman of the grammar schools and
social mobility Select Committee*

1.2 Committee Membership

The Select Committee consists of nine elected Members of Kent County Council; 5 representing the Conservative Party, 2 representing the UK Independence Party, 1 representing the Labour Party and 1 representing the Liberal Democrat Party.



Mrs Jenny Whittle (chair)

Conservative

Maidstone Rural East



Mr Andrew Bowles

Conservative

Swale East



Mr Lee Burgess

UK Independence Party

Swale Central



Mr Roger Truelove

Labour

Swale Central



Mr Eric Hotson

Conservative

Maidstone Rural South



Mr Roger Latchford, OBE

UK Independence Party

Birchington and Villages,
Thanet



Mr Alan Marsh

Conservative

Herne and Sturry, Canterbury



Mrs Paulina Stockell

Conservative

Maidstone Rural West



Mr Martin Vye

Liberal Democrat

Canterbury City South West

1.3 Terms of Reference

The Select Committee formally agreed its Terms of Reference on the 16 December 2015, which read as follows:

1. To determine whether disadvantaged children and their parents face barriers in accessing grammar school education.
2. To identify and better understand the drivers that underpin any such barriers
3. To consider and examine the effects of what KCC and partners are already doing to ensure fair access to grammar schools for all.
4. To consider what KCC and partners can do in order to further improve access to grammar schools for disadvantaged children.
5. For the Select Committee to make recommendations after having gathered evidence throughout the review.

Although the Committee originally defined the Terms of Reference to focus on children claiming or eligible for Free School Meals (FSM) and Children in Care; after initial evidence sessions the Committee widened their scope to include children supported by the Pupil Premium as this includes those who move in and out of free school meal eligibility, Children in Care and Service children.

Further information on the key lines of enquiry of the Select Committee is available within Appendix A of the main report.

1.4 Recommendations

Preface to Recommendations

There is considerable evidence that there is less social mobility in the UK now than was the case some years ago. This means that the circumstances of a child's birth and the family's social and economic conditions determine more than ever the child's success in the education system and the labour market.

The improvement of social mobility is a priority for the County Council. Lack of social mobility is damaging for the country's economic growth and wealth creation, and represents a waste of talent which the country cannot afford. For individual children and young people who live in poor and disadvantaged circumstances, the lack of sufficient opportunity to make good progress in the education system, to have greater fluidity in the pathways that they can take and to have the chance to become more upwardly mobile, is a double disadvantage. One of the biggest challenges for the education system, selective and non-selective, is to change this.

The school system cannot solve this lack of social mobility on its own, but it can contribute a great deal to improving life chances for young people. Schools matter and make a difference, and having access to a good school and good teaching matters even more. What matters most is that schools are inclusive, achieving good and outstanding outcomes for all pupils.

Children on Free School Meals are half as likely to gain five GCSEs as their better off peers, and are significantly less likely to attend university¹. To promote social mobility it is critical that children and young people who live in poor and disadvantaged circumstances get the same educational opportunities as their peers, and within Kent this includes fair access to our grammar school system.

This report forms part of the Council's ongoing broader endeavour to increase social mobility, which affects many in our society. However, for the purposes of this Committee a particular focus is placed on ensuring children in receipt of Pupil Premium support are able to take advantage of a grammar school education, where this is most appropriate for them, and the opportunities this may provide.

¹ House of Commons Library (July 2015), 'Support for Disadvantaged Children in Education in England'

Overall, 2.8% of pupils attending grammar schools in Kent claim Free School Meals (FSM), compared to 13.4% in non-selective secondary schools². For pupils in receipt of Pupil Premium, the figures are 6.3% and 26.9% respectively. The number of Children in Care who attend grammar schools is 0.1% compared to 0.9% in non-selective secondary schools. The Committee believes that this proportion is too low and action is required to ensure that children from low income backgrounds and Children in Care have the same chances and opportunities to access the grammar school system as those from more affluent backgrounds. For this to happen, a number of key barriers for low income families must be addressed in order to increase their chances of securing a grammar school place.

Speaking at the Grammar School Heads Association National Conference in June 2014, James Turner of The Sutton Trust observed³:

"The debate about grammar school admissions is a controversial one, touching on both the rights and the wrongs of the 11-plus and so-called 'social engineering' in education admissions. But there is much to be gained in tackling the issue of widening access to grammar schools. [...] These schools really can provide a golden ticket of opportunity to the pupils that attend them. There's a long way to go in ensuring that opportunity is open to all, regardless of background, but things are heading in the right direction."

KCC wishes to take a pragmatic approach with schools to open up grammar schools further to children from low income backgrounds. To improve the life chances of these children, grammar schools and primary schools need to accelerate work to break down the barriers that this Committee found to access grammar education.

The Committee therefore make the following recommendations;

Viewing grammar school as a potential option

Recommendation 1: As the champion of pupils, parents and families, KCC will work with all primary school Headteachers to identify those most academically able pupils and discuss with parents the opportunity to put their child forward for the Kent Test.

Recommendation 2: Grammar schools should engage fully with parents and families to address misconceptions and promote the offer grammar schools can make to all students irrespective of background.

Recommendation 3: KCC should target all children eligible for Pupil Premium and children from areas of low registration for the Kent Test,

² KCC (2016), Grammar schools and social mobility Select Committee, Written Evidence, 1st Feb 2016

³ Sutton Trust (press release) (2014) 'Sutton Trust welcomes commitment to widen access to grammar schools'

providing detailed information on the Kent Test process and their transport entitlements.

Securing a grammar school place

Recommendation 4: All grammar schools should provide more outreach to primary schools including after school classes in English and mathematics, mentoring and preparation for the Kent Test for primary aged pupils in Yrs 4-6 including those most academically able children in receipt of the Pupil Premium.

Recommendation 5: Urge all Primary Headteachers to utilise Headteacher Assessment Panels within the Kent Test process to advocate for those most academically able children supported by the Pupil Premium.

Recommendation 6: Identify a dedicated education professional in the Virtual School Kent to provide support and guidance to foster carers on appropriate secondary school destinations, as well as support through the secondary schools appeal process for children in their care, to be tracked through their Personal Education Plan.

Recommendation 7: Publish information on Pupil Premium spend for children in care on the Virtual School Kent website, including support for pupils from Key Stage 1 through to Key Stage 2, and detail on the type of secondary school destinations for these children.

Recommendation 8: KCC to monitor and challenge the proportion of pupils supported by the Pupil Premium who go on to grammar school.

Recommendation 9: KCC School Improvement Advisers to work with Primary Headteachers to consider how the most academically able pupils supported by the Pupil Premium are being identified and assisted to progress.

Recommendation 10: If not already in place, schools should follow best practice and nominate a lead governor for the Pupil Premium and how children in receipt of this are being supported to apply for the school most appropriate for them.

Removing financial barriers to grammar schools

Recommendation 11: Urge all grammar schools to use multiple uniform providers to minimise costs and subsidise/cover the costs of schools trips and other expenses for pupils from low income families to ensure these are not prohibitive factors to children applying for or securing a grammar school place.

Due to the severe constraints on local government finances, the decision was taken to remove free transport for pupils attending their nearest appropriate secondary school if located more than three miles away. This Committee would like to see this entitlement reinstated; however, recognising the continuing, and ever more severe, constraints on the Council's finances, we make the following interim recommendations;

Recommendation 12: KCC to extend the existing entitlement for children on Free School Meals to free school transport to their nearest appropriate school to all children in receipt of Pupil Premium;

Recommendation 13: KCC should raise the low income threshold to £21k to enable pupils from low income families but not entitled to Free School Meals to access free transport to their nearest appropriate secondary school⁴.

Recommendation 14: KCC to create a schools focused supplementary transport bursary, that would enable grammar schools and other types of schools where appropriate, to provide bespoke transport solutions especially for children from rural areas without bus services to enable better access to grammar schools⁵.

Increasing fair access to grammar schools

Recommendation 15: To invite grammar schools to fully consider the disadvantage that children eligible for Pupil Premium face and take action within their oversubscription admissions criteria. Where this fails to happen we will expect KCC to challenge the determined admissions arrangements.

Recommendation 16: Urge all “super selective” grammar schools to allocate a number of places for pupils registered in that academic year for Pupil Premium support and who achieve an appropriate combined test score in the Kent Test. We would also invite these schools to review the impact of “super selection” on social mobility in their areas.

⁴ The Committee has been advised the estimated cost for recommendation 13 is approx. £500k.

⁵ The Committee has been advised the cost for delivering recommendation 14 is dependent on the design of the bursary.

From: Paul Carter, Leader of the Council
David Cockburn, Corporate Director for Strategic & Corporate Services and Head of Paid Service

To: County Council – 14 July 2016

Subject: **Devolution Position Statement**

Classification: Unrestricted

Summary: The paper sets out the position of Kent County Council to the current devolution agenda. It outlines the policy and legislative background; the deal-making approach to devolution taken by the Government; KCC's response and concerns regarding this approach; the progress being made in preparing a devolution bid for Kent and Medway; the impact of the EU-referendum result, and the ongoing joint work across sub-county partnership in East, West and North Kent around enhanced two-tier working and devolution within Kent.

Recommendations:

County Council is asked to:

- a) NOTE the background and context to the national devolution agenda, including the impact of the Cities and Local Government Devolution Act 2016
- b) NOTE the position taken by Kent Leaders not to currently submit a devolution bid to the Government given the impact of the EU referendum result
- c) NOTE the ongoing work with partners across East, West and North Kent on devolution and better two-tier working at sub-county level
- d) NOTE the ongoing work stream to formalise the sub-county devolution work with West Kent District Councils through a joint committee under the Local Government Act 1972.

1. EXECUTIVE SUMMARY:

1.1 Kent County Council has long been an advocate of the devolution of functions and powers held by the central government to democratically elected local councils. High-performing local authorities, such as KCC, have a track record in delivering innovation and efficiency in local services and are best placed to understand the needs of local residents. After six years of financial austerity, local government has proved its capability and readiness for devolution.

1.2 Devolution offers the opportunity for further financial savings to the Treasury, but also to redesign how public services are delivered in local areas. It can both improve the quality of service and value for money we deliver to our residents and secure financial sustainability as we prepare for a full business rate retention funding model. The opportunity for Kent &

Medway is even greater given we have a population base and economy larger than many UK city-regions; are a clearly defined functional economic area, and our public services are coterminous within the historic county boundary.

1.3 Whilst there are a number of significant issues with the approach taken by Government to delivering devolution in England, by far the most significant are its policy to transpose a new, and largely untested and untried, governance model of a Combined Authority and directly elected Mayor on top of existing local government structures. This might be appropriate for metropolitan areas with unitary councils with similar sized budget and functions, but it is not appropriate in two-tier areas where each of the tiers provides very different functions, and county councils already provide the strategic tier of governance and service delivery. This issue presents a fundamental barrier to many counties, including Kent, agreeing on a devolution deal, as currently proposed by the Government.

1.4 To date, KCC has charted a deliberately cautious and careful approach to the devolution agenda, mindful of both the opportunities and risks involved. We are committed to working with our partners in District Councils to develop a devolution proposal to Government which is ambitious without the need for additional bureaucracy. We have made significant progress with West Kent Districts regarding enhanced joint working, co-commissioning and devolution of decision-making across a range of services, and are keen to make further progress with North Kent and East Kent Councils.

1.5 However, the Government's focus on organisational structures and boundaries has included Ministers suggesting that local government reorganisation may be an alternative to a Mayoral Combined Authority in securing a devolution deal. Such mixed messages from Government have promoted division in many counties at the expense of co-operation, and risks fragmenting and disrupting the delivery of countywide services at a time when the financial challenges on all councils are severe.

1.6 KCC has a track record of defending the two-tier model that has served Kent well. It is absolutely vital that we do not throw away a governance model that works for a devolution deal that, in practical terms, may have limited value and benefit for the residents of Kent. Post the EU referendum result, the Prime Minister's resignation, the formation of a new Government with different Ministers, and a likely focus in Whitehall on Brexit negotiations in the medium-term, this all means the future direction devolution agenda is now uncertain.

2. BACKGROUND & CONTEXT

Devolution developments before the General Election 2015

2.1 KCC has instinctively always advocated devolution to local government. In the Local Government Association's (LGAs) report – 'Closer to People and Places' (2006) the late former Leader of KCC Sir Sandy Bruce-Lockhart wrote – "*Central government must learn to give up the ingrained habits of decades. It must shift the balance of power and policy-making to locally based government; so that such power can be exercised with and for local people. The time is right, not for small steps, but for bold and radical reform*".

2.2 This argument was further promoted in 'Bold Steps for Radical Reform' (2010), which proposed "*a new bi-lateral contract between central and local government*" and the devolution of spatial planning, transport, infrastructure, economic development and skills to sub-national government based on city regions and historic county/shire boundaries – "*cities*

and counties, districts and boroughs, towns and parishes (clustered together and working with their city/county where appropriate) would all be empowered, driving decision-making much closer to the resident”.

2.3 The current devolution agenda can track its fundamental characteristics back through previous Governments attempts to rebalance the economy and increase economic growth at a regional and sub-regional level. The last Labour Government attempted this through Regional Development Agencies and Regional Assemblies. The Coalition Government focussed on the development of Local Enterprise Partnerships (LEPs) and agreeing City Deals to promote economic growth, given the evidence that many UK cities underperform relative to their international peers.

2.4 The most significant and important ‘deal’ was with the ten metropolitan boroughs that make up Greater Manchester city-region. Greater Manchester Leaders signed the first ‘devolution deal’ in November 2014 in return for forming a Combined Authority with a directly elected ‘metro’ Mayor. The deal was held up by the Government as a model of how devolution could work, and formed the basis of the Chancellors strategy for creating a Northern Powerhouse to drive economic growth, and further city-region devolution deals with Sheffield (December 2014) and Leeds (March 2015) were agreed before the General Election 2015, with a subsequent flurry of further devolution deals signed after the election in the run up to the Spending Review in November 2015 (signed devolution deals are set out in Appendix A).

2.5 Promoting economic development and growth is at the core of the city-region devolution deals agreed on either side of the 2015 General Election. In summary, the core of each devolution deals is focussed around:

- a 30-year infrastructure fund – £30m per year for 30 years – only guaranteed for first 5 years
- an education, training, skills and employment commitment e.g. Chair of Area review of Further Education
- an agreement on transport e.g. bus franchising
- a land and planning package – including sub-regional spatial planning framework
- agreement to create a Mayoral Combined Authority – only Cornwall is the exception
- increased housing numbers beyond existing Local Plans, emphasis on Starter Homes
- in some deals, intermediate body status for EU funding
- where service boundaries align to the Combined Authority – transfer of PCC and Fire Authority powers to the Mayor.

2.6 It is important to remember that it is a precondition of most of the devolution deals to create new governance structures, with the current deals not fully implemented until the creation of directly elected Mayors for the Combined Authorities in May 2017. As such, there are four fundamental characteristics of the Governments devolution policy:

- volunteerism, in that local areas are not forced to engage in devolution discussions
- a primary focus on cities and city-regions, and ensuring that city-region growth is not unbounded by administrative boundaries
- devolution as a formally structured ‘deal’ through negotiations with Ministers and Civil Servants

- new governance to deliver devolution, preferably in the form of Mayoral Combined Authority.

2.7 The Conservative General Election Manifesto subsequently promised to place the Greater Manchester deal on a statutory footing, formally creating a 'metro Mayor' and deliver an expanded version of the 'City Deals' to be renamed 'Growth Deals' for all local councils.

Devolution developments post General Election 2015

2.8 Following the General Election in May 2015 and the Summer Budget in July the Government re-emphasised the importance of both Cities and Directly Elected Mayors to the Treasury's plans for devolution - "*The government has therefore been clear that devolution of significant powers will rest on cities agreeing to rationalise governance and put in place a mayor to inspire confidence*". Announcing the Spending Review on 21 July 2015, the Treasury said that enhanced devolution deals would be subject to a defined timetable, and confirmed they would be conditional - "*City regions that want to agree a devolution deal in return for a mayor by the Spending Review will need to submit formal, fiscally neutral proposals and an agreed geography to the Treasury by 4 September 2015*". This 'deadline' left very little time for areas to develop and agree proposals.

2.9 Kent Leaders considered the Government's proposal but there was no appetite for a directly-elected Mayor and no appetite for a Combined Authority. The position was complicated by the fact that Kent had submitted a compelling case for a Kent and Medway LEP which it was hoped might be a suitable devolution governance vehicle in its own right. In mid-August 2015, KCC received notification from Government that no LEP boundaries or arrangements would be changed. In late August 2015, KCC officers were lobbied by civil servants to submit a unilateral devolution proposal ahead of the 4th September deadline.

2.10 On balance, KCC chose not to submit a devolution proposal by the 4th September deadline for two reasons. First, there was no mandate for KCC to do so unilaterally. The position at Kent Leaders had been clearly against a Mayor and a Combined Authority, and the Government's stated position had been that only those areas willing to accept a Mayor and Combined Authority should submit proposals. There was very limited time left in which to prepare a proposal and almost no time for any proposal to be considered by all fourteen Leaders in Kent and Medway. To have submitted unilaterally would have caused significant damage to our relationship with District Councils. Second, KCC had been pressurised by Government into rushed arrangements to create a South East England Local Enterprise Partnership (SELEP) with Essex and East Sussex in 2010 against our collectively agreed proposal for a Kent and Medway LEP. SELEP, whilst ambitious, has clearly not worked as intended, and being forced into a rushed unilateral devolution proposal by Government felt like a re-run of the rushed decision to create SELEP.

2.11 Thirty-eight devolution bids were submitted by 4 September 2015, although a number of these included overlapping bids from different councils covering the same geographic area. The vast majority of proposals either rejected the concept of a directly elected Mayor or parked the governance question as a matter to be considered in negotiations with Ministers at a later date. The number of proposals submitted came as something of a surprise to the Government, however the more substantive outcome was for the Government to tell a number of areas, in particular, Derbyshire and Nottinghamshire and

Norfolk and Suffolk that their single county submissions were too 'small' and that combined county devolution proposals with neighbouring counties should be developed.

3. THE CITIES AND LOCAL GOVERNMENT DEVOLUTION ACT 2016

3.1 As noted earlier, the Cities and Local Government Devolution Act (originally titled The Cities Devolution Bill) received royal assent in January 2016 and provides the legislative basis for the current devolution agenda. It amends the Local Government, Economic Development and Construction Act 2007 which allowed for the creation of Combined Authorities, and provides the statutory basis for the creation of directly-elected Mayors for Combined Authorities. Importantly, it did not amend the complicated legislative hurdles (including a formal governance review, public consultation, formal consent and laying necessary Orders in Parliament) that areas must go through in order to create a Combined Authority or a Mayoral Combined Authority.

3.2 Throughout its passage the Bill grew in scope as the potential powers and functions of a Mayoral Combined Authority were extended in line with the growing scope of devolution being offered to Greater Manchester, in particular the agreement that Greater Manchester would have health devolved to it to create a £6billion integrated health and social care budget. A detailed summary of the Act is set out in Appendix A, but it broadly it covers five areas:

- Combined Authorities and Directly Elected Mayors
- Mayors and devolved policing powers
- Health devolution
- Local government reorganisation
- Sub-national Transport Bodies (STBs).

3.3 Critically, during the final stages of the Bill's passage through the House of Commons, the Government inserted amendments which radically altered the meaning of the several key clauses. Initially, the Bill required principal councils in two-tier areas (i.e. both County Councils and District Councils) to operate by consensus, in that neither a county council nor a district council could seek to create or join a Combined Authority without the others consent.

3.4 The last-minute Government amendments at Third Reading and Report Stage removed the principle of consensus, and instead permitted District Councils to either join a Combined Authority outside their county boundary without the consent of their County Council or create a Combined Authority for their area without the County Council. It also included discretionary powers for the Secretary of State to transfer functions, including budgets, commissioning and decision-making powers, over economic development and transport from a County Council to either a Mayor or a Combined Authority. The amendments also removed the right of a veto from a County Council if a District Council wished to pursue unitary status (and vice versa), and gave the Secretary of State a new 'fast-track' route through he can agree on local government reorganisation if proposals were submitted before 2019.

3.5 The rationale for the amendments was to support some District Councils, notably those in Derbyshire and Nottinghamshire, which bordered the Sheffield City Region and wished to join its Combined Authority given their strong association with the city through travel to work and learn patterns. Whilst the Secretary of State committed that the powers

would be used in extremis, significant concern was expressed by the County Councils Network (CCN) that the new clauses would open discussions about local government reorganisation and that as agreed, they presented a threat to integrity of historic county boundaries and the delivery of countywide strategic services.

4. THE IMPACT OF THE CITIES AND LOCAL GOVERNMENT DEVOLUTION ACT

Local Government Reorganisation

4.1 Almost immediately the amendments to the Act did open up consideration around local government reorganisation in a number of two-tier areas that would have been unthinkable before the legislation, especially given the Coalition Government's previous position that all structural reorganisation was 'off the table'. Moreover, the Government's instance that all devolution bids, including those preferring reorganisation to a Mayoral Combined Authority, should be bottom-up, with no central guidance on what is or wasn't acceptable, gave the impression that anything is possible, irrespective of financial viability and service sustainability.

4.2 Across the country a number of District Councils immediately explored the new unitary option. In **Kent**, East Kent District Councils at the beginning of 2016 circulated a scoping paper exploring the option of three unitary councils across Kent, with a pan-Kent combined authority sitting above them. This proposal was quickly rejected by KCC and other District Councils in Kent, and to their credit, East Kent Leaders listened and quickly removed the proposals in favour of exploring other options for devolution and collaboration. However, this mature approach in Kent has not been replicated elsewhere:

- In **Oxfordshire**, although Oxfordshire District Councils have now abandoned a proposal to form four unitary councils working across county boundaries with councils in Gloucestershire and Northamptonshire, they are continuing to look at options for reform. These include a single, county-wide unitary, a 'doughnut' option of one unitary covering the Oxford City area and one covering the rest of the county, and three unitary councils.
- In **Hampshire**, there is a devolution bid for the councils that make up the Solent area - Portsmouth and Southampton city councils, Isle of Wight Council, Eastleigh, Fareham, Gosport, Havant Borough Councils, and East Hampshire District Council to form a Combined Authority and break away from the Hampshire County Council area. The County Council wishes to pursue a single county unitary solution.
- There are also similar issues in **Buckinghamshire**. Four Districts (Chiltern, South Bucks, Aylesbury Vale, and Wycombe) have rejected a proposal from Buckinghamshire County Council for a single unitary authority. Districts have decided to commission an independent review looking at governance structures in Buckinghamshire. Buckinghamshire County Council has already commissioned its own review.

4.3 These issues have led the House of Lords 'Select Committee on the Constitution' to state in their recent report *'The Union and Devolution'* that "*there appears to be a lack of consideration given to how [devolution deals] might affect the overall governance of England in the longer term*", and that there is "*no clear vision in government of where the process might lead*". Professor Tony Travers, Director of the London School of Economics and prominent expert and commentator on local government, has joined the Leader of Hampshire County Council and the Leader of Kent County Council in calling for a

commission on local government, stating that *“Some council Leaders are now arguing for the government to set up a review or commission to avoid the emergence of a random patchwork of sub-national government in England. They are surely correct”*.

County deals announced in the Budget 2016

4.4 Whilst it is important to recognise that the Act created significant tension and difficulty and tensions for many two-tier areas, some were able to progress devolution negotiations with Government despite it. Three further devolution deals were announced in Budget 2016 - East Anglia, Greater Lincolnshire and the West of England (which strongly aligns to the old Avon County Council area). Upon agreeing the devolution deal, all the areas accepted a Mayoral Combined Authority model as the governance arrangement for delivering deals, although it is interesting to note that a number of them entered those negotiations arguing against the Mayoral model.

4.5 However, the deals ran into difficulties quite rapidly. The East Anglia deal had brought together at the behest of Ministers Norfolk and Suffolk, but also at the last minute Cambridgeshire and Peterborough. After signing the deal, Cambridgeshire County Council rejected it on the grounds that the deal wasn't good enough, and Cambridge City Council refused to sign the deal as they felt it contradicted key components of their original City Deal. The West of England devolution deal has seen North Somerset Council vote against it.

4.6 In response, the Government has agreed to split the East Anglia 'deal' into two deals, one for Cambridgeshire and Peterborough, and one for Norfolk and Suffolk. However, it is uncertain whether these deals will go now go forward in time to allow Mayoral elections in May 2017. Some councils in Suffolk and Norfolk remain concerned about the nature of the devolution deal offered, it is not clear who the Secretary of State might be to agree the deals by the legislative deadline in October, and it is unclear whether the parliamentary timetable will be able to accommodate votes on the necessary legislative orders.

5. CONCERNS WITH THE CURRENT APPROACH:

5.1 Despite the latest countywide devolution deals announced in the Budget 2016, there remain fundamental concerns with the approach and scope of devolution deals to date around the following:

- **The content and scope of devolution deals:** concerns have been expressed regarding the content and scope of devolution deals as initial deal proposals are very limited. For example, there is little fiscal devolution in deals. Despite the rhetoric of £900m infrastructure fund over 30 years, this only equates to £30m infrastructure funding per year and is only guaranteed for 5 years (as no Parliament or Government can bind its successor). In practice, the infrastructure fund is negotiated at the very final stages with the Treasury and is the mechanism that maintains their control over the deal-making process. Despite the rhetoric that deals are 'bespoke' to a local area's needs, increasingly deals are largely standardised and uniform, using a Treasury standard template, which raises the question about why deal negotiations of such length and complexity are actually needed. The focus on economic development and growth, including housing, planning and infrastructure has excluded other public services, such as health and social care integration, welfare reform and criminal justice from being included in most deals. This limits any deals ability to drive the public service reform

necessary to making services more effective, resilient and financially sustainable at a local level.

- **The focus on cities and city-regions:** As stated earlier, there has been clear policy preference towards cities and city-regions at the expense of non-metropolitan areas, with a preference for ensuring city growth at the expense of historic county boundaries, treating many county areas as hinterland which may be given up to unbound city geography for further development and economic growth. For example, a focus on a Greater Brighton which has been promoted by Government could conceivably see the break-up of the historic West and East Sussex County area. More fundamentally, it undermines existing governance and services delivered by County Councils and weakens coterminosity which is the building block for effective public service reform.
- **The focus on Mayors:** The push for Mayoral model of governance through devolution is not surprising. During the Coalition Government referendums on local authority directly elected Mayors that were held in eleven cities in May 2012, all but one area (Bristol) said no. Some have questioned whether Mayoral Combined Authorities are a mechanism to bring in Mayors by the 'back door' as referendums are not required for the creation of Mayoral Combined Authorities. Certainly, the preference for Mayors is clear, with the Government increasingly differentiating between what powers can be devolved to a Mayor over other governance arrangements such as Council Leaders and Cabinets. For the Government to continue to link the option of increasing business rates (once devolved) and the obtaining bus franchising powers to having a directly-elected Mayor. However, there are many reasons why the Mayoral Combined Authority approach does not transpose well into county areas. In cities and city-regions, many of whom lost their strategic tier of governance when Metropolitan County Councils were abolished in the 1980s, Mayoral Combined Authorities are putting back a tier of strategic governance and service delivery that is not in place. In two-tier areas that strategic tier of governance is already delivered by County Councils, and imposing a Mayoral Combined Authority above County Councils would duplicate their role and add a further layer of unnecessary governance (with potentially five levels in two-tier areas - a Directly Elected Mayor, Combined Authority, County Council / Unitary Authority, District/Borough Councils, Town and Parish Councils).
- **Public engagement:** The nature of the devolution deal negotiations means they are a confidential discussion between local council leaders, officers, civil servants and Ministers. There is no directly public involvement or engagement before signing a devolution deal, and although technically there is a requirement in legislation for local areas to consult local residents to create a Mayoral Combined Authority, the Secretary of State must only have 'regard' to that consultation, and can choose to ignore the finding if local councils continue to support the deal. This despite deals potentially leading to the reorganisation of council structures, changing service delivery arrangements and creating additional council tax precepting arrangements. The House of Lords Select Committee on the Constitution has highlighted that not enough has been done with regard public engagement of the 'devolution deals' that have been signed, concluding that "*There should be a requirement for informing and engaging local citizens and civil society in areas bidding for and negotiating 'devolution deals'*".

6. THE POSITION IN KENT:

6.1 The position taken by Kent Council Leaders, namely that there was little appetite for either a directly elected Mayor or a Combined Authority, places greater emphasis on the need for Kent authorities to collectively show existing two-tier arrangements can work as well, in terms of the improvement in delivery of services at lower cost, as alternative governance arrangements such as combined authorities or unitary councils. This has been critical to the devolution debate in Kent and the position taken by the County Council.

Developing a Draft Kent and Medway Devolution Bid:

6.2 Recognising the importance that any devolution bid from Kent and Medway would be stronger and more persuasive if supported by all councils in Kent and Medway, the development of a draft devolution bid has been carefully focussed on ensuring that all partners could support and sign-up to all proposals.

6.3 At the core of the latest draft considered by Kent Leaders on the 27 June, are five key principles:

- 1) Kent and Medway is the right geography on which a devolution agreement should be based
- 2) Local leadership and decentralisation to Kent's districts and sub-county areas are integral to our proposals
- 3) We will work better together with Greater London and the rest of the South East, recognising our symbiotic economic relationship and the impact of and opportunities for growth
- 4) Our proposals are based on a clear analysis and understanding of the specific opportunities and challenges that Kent and Medway face
- 5) We take a pragmatic approach to governance, ensuring that the form of governance follows the practical functions that we seek to devolve or change.

6.4 The following proposals in the latest draft devolution bid were developed from discussions with various Kent Leaders and Kent Chief Executives meetings over recent months:

- Creation of Statutory Spatial Plan for Kent and Medway
- Establish a Housing, Planning and Infrastructure Commission, independently chaired and with Government participation
- A new strategic transport partnership for the South East and a Standing Conference on Growth in the South East
- Support for regulatory change to devolve the setting of planning fees to the Kent and Medway new deal on the use of the Local Growth Fund
- Establishment of a Greater Thames Estuary Infrastructure Finance Review
- Carry out a review of the case for bus franchising
- The potential for designation of a Key Route Network with the potential to share maintenance budgets with Highways England
- Secure more formal status for the Kent and Medway Skills Commission
- Seek devolution of commissioning powers over 16-19 funding
- Seek devolution of the Adult Skills Budget
- Devolution of any future Skills Capital funding

- Advanced Learner Loan facility is effectively marketed for qualifications where there is an economic demand
- Devolution of the funding for the Careers Enterprise Company
- Devolution of the Apprenticeship Grant for Employers
- Co-design the delivery of the new Work and Health Programme
- Consolidate our direct business finance schemes into a Kent and Medway Business Finance Programme
- Seek Government support for new Enterprise Zone designations where there is a clear sector focus and potential for high-value business growth.

6.5 At the Kent Leaders meeting on 17 May 2016, it had been agreed that we would seek to submit a bid to Government before the summer parliamentary recess in July 2016. However, at the Kent Leaders meeting on the 27 June 2016, there was unanimous agreement that now was not the appropriate time for Kent and Medway to submit a devolution bid to the Government.

6.6 Leaders were of the opinion that whilst a transfer of powers and freedoms from Central to Local Government was highly desirable and might eventually bring great benefits to local residents, the current pressures on Government, not least from the need to focus on EU exit negotiations, means that devolution is unlikely to be a priority for it in the short-term. Kent Councils are wholly focussed on the delivery of good services to the communities they serve and feel strongly that reorganising local government at this time could be a significant distraction, particularly if resources and support from Government were limited. Kent Council Leaders believe that many of the services they provide can be delivered smarter, and more efficiently, within the existing local government framework. The question of whether to submit a devolution bid from Kent and Medway will be reconsidered by Kent Leaders once the Government's position becomes clearer.

Emerging sub-county devolution arrangements:

6.7 At the same time work has been ongoing on the development of a Kent and Medway devolution bid, work has been ongoing within the three sub-county partnerships in Kent, about improved joint working and devolution arrangements between the council within Kent, including what might be devolved, decentralised or co-commissioned. As well as potentially moving service downwards to be delivered more locally, it is clear that this can and will involve moving some services upwards to be delivered or commissioned on a bigger spatial scale.

6.8 These sub-county discussions are not dependent on the devolution of powers from central government and indeed, it is felt that this work can and should now continue apace. At the moment, each of the sub-county partnerships is at different stages, as set out below.

6.9 **West Kent** (Tonbridge and Malling, Tunbridge Wells and Sevenoaks): West Kent councils have been keen to work with KCC to improve outcomes and use of resources whilst maintaining the sovereignty of the individual councils. The four Leaders first met on 4 January 2016, at which point they identified a number of potential work streams which they tasked the Chief Executives of the three Districts plus the Director of Growth, Environment and Transport (Barbara Cooper) to take forward and examine opportunities for devolution, co-commissioning and joint-working. The workstreams are:

- Highways & Street scene, including soft landscaping
- Housing-related support & Supporting Independence

- Public Health preventative services
- Economic Development
- Community Safety
- Sports Development
- Property & Assets.

6.10 Significant work and progress has been made on these work streams by officers of all four authorities and is ongoing. Much of this has been learning about the detailed commissioning and contract delivery arrangements and timetable for services and how this impacts on opportunities for devolution and co-commissioning. However, in order to allow full opportunities to be considered, KCC has undertaken to postpone, where possible, any tendering, commissioning, or contract letting whilst opportunities are identified.

6.11 The work is currently being overseen by a shadow board of Leaders provisionally named the West Kent Integration Board, but it is agreed that a formal Joint Committee (created under Local Government Act 1972) comprising the three West Kent Districts and Kent County Council should be established in the future. Further work is needed to specify what responsibilities of the Joint Committee would be (indeed this is being taken forward as a joint work stream of all four authorities in its own right) and the creation of any joint committee would have to be authorised via each authority's democratic processes. However, we envisage the role of the joint committee being to:

- Develop an agreed strategy for the future of local government service delivery in West Kent, including wider public sector services
- Performance monitor the providers of existing services under its remit within West Kent (whether those services are provided either in-house or are provided externally)
- Commission the services and functions within the Joint Committee's remit, including approving business, commissioning and procurement plans as necessary
- Identify opportunities for further integration of public services within West Kent

6.12 **East Kent** (Canterbury, Thanet, Shepway, Dover and Ashford): East Kent Council Leaders have been taking part in a series of discussions about options for closer collaboration between the five East Kent district councils. This work is in response to the Government's devolution agenda, financial challenges facing local government and the opportunity to drive improvements and growth. These discussions are in the very early stages and have led to a consensus to explore the potential benefits and savings that could be achieved through the merger of the five East Kent district councils into a single district authority. At this stage, East Kent Leaders are seeking approval for a 'statement of intent' which then allows the councils to start exploring the options, through a business case evaluation. Any proposal to merge District Councils is a matter for the District Councils themselves. There is agreement that KCC will be fully engaged by any consultants appointed by the East Kent Districts to develop the business case evaluation. Concurrent to this proposal, East Kent Leaders have opened discussions with KCC about which services might be devolved or commissioned differently in East Kent along the same lines as the emerging West Kent arrangements.

6.13 **North Kent** (Dartford, Gravesham, Maidstone, Swale, and Medway Council): Over recent months North Kent authorities have been engaged in discussions about their own priorities for devolution and the development of a North Kent offer. As such, they commissioned KPMG to support them in developing a North Kent prospectus, which has been iteratively developed and shared with KCC. There was significant and strong

alignment between the proposals in the North Kent prospectus and the proposals that were emerging for the Kent and Medway devolution bid, and had the Kent and Medway devolution bid proceeded, the offer from North Kent would have played a significant part in any final document. North Kent Leaders are also keen to begin discussions on which services might be devolved or commissioned differently.

7. RECOMMENDATIONS:

7.1 County Council is asked to:

- a) NOTE the background and context to the national devolution agenda, including the impact of the Cities and Local Government Devolution Act 2016
- b) NOTE the position taken by Kent Leaders not to currently submit a devolution bid to the Government given the impact of the EU referendum result
- c) NOTE the ongoing work with partners across East, West and North Kent on devolution and better two-tier working at sub-county level
- d) NOTE the ongoing work stream to formalise the sub-county devolution work with West Kent District Councils through a joint committee under the Local Government Act 1972.

BACKGROUND DOCUMENTS: NONE

APPENDICES:

- Appendix A – Map of signed devolution deals in England
- Appendix B - Cities and Local Government Devolution Act 2016 Summary

REPORT AUTHORS:

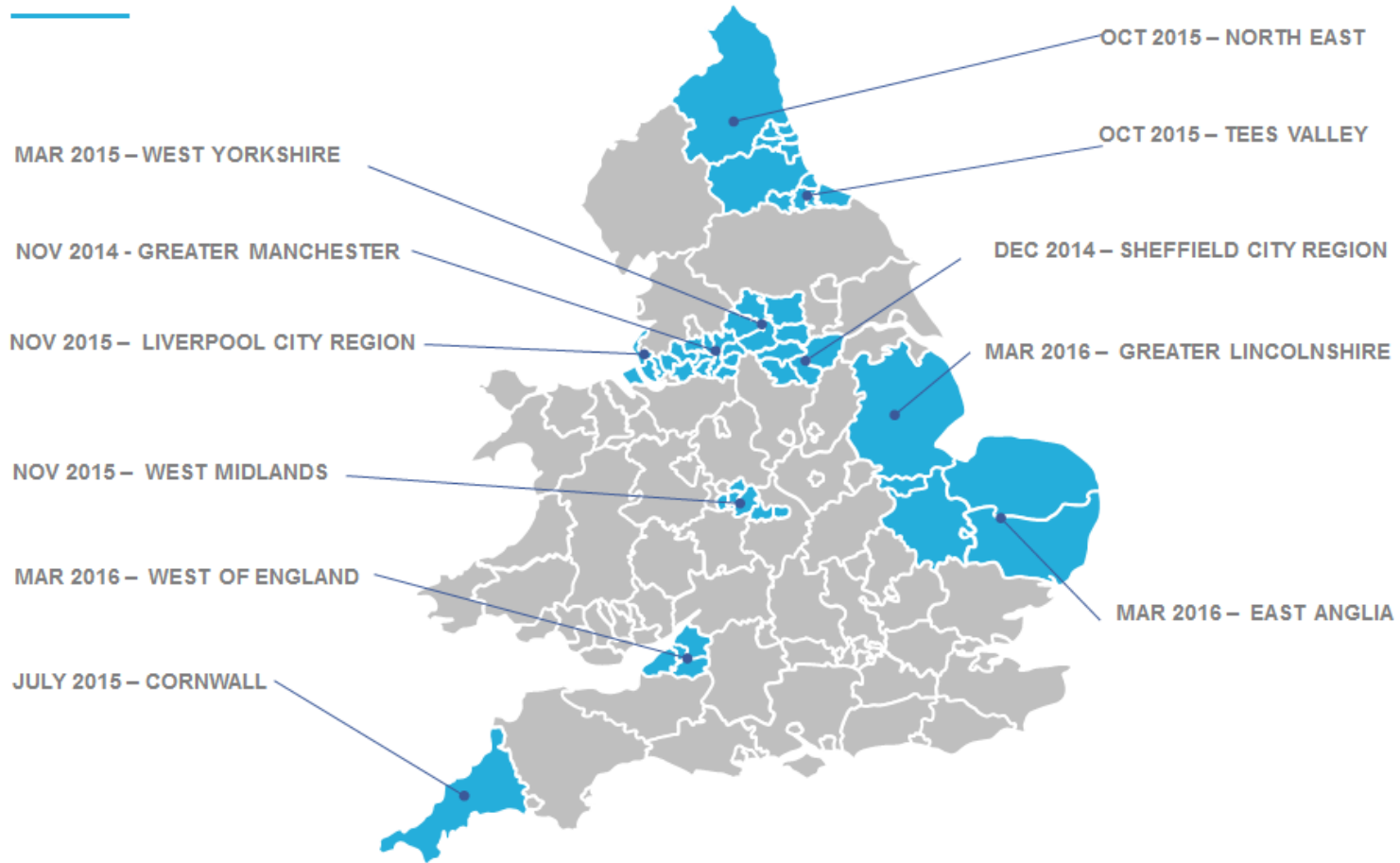
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Appendix A – Signed Devolution Deals

Devolution Deals

Date of deals first being agreed between local areas and central government



Appendix B - Cities and Local Government Devolution Act 2016 Summary

Mayoral Combined Authorities

- The Act gives the Secretary of State the power to allow a Combined Authority area to elect a Directly Elected Mayor, even if one or more constituent councils disagree, but at least two councils consent.
- Combined Authorities who adopt a Directly Elected Mayor, could gain a set of 'devolved' powers from central government. In support of this, the Act allows a Combined Authority to take on broader responsibilities, other than Economic Development, Regeneration and Transport.
- The Act also allows the Secretary of State to transfer public authority functions to a Combined Authority, and eventually a public body could be abolished completely. The Act prohibits regulatory functions exercisable by a 'public authority' being conferred on a Combined Authority, or local authority.
- Scrutiny and Audit: Combined Authorities will be required to establish Overview and Scrutiny Committees, and they will also be required to have an Audit Committee.

Directly Elected Mayors

- A 'Metro Mayor' would cover more than one local authority area. A 'Metro' Mayor is significantly different to a Local Authority Mayor, which generally only covers one local authority area like a Council Leader does. It is stated that a Directly Elected 'Metro' Mayor would be the ultimate decision maker within a Combined Authority. However, a Combined Authority would, in theory, have to agree to a Mayor exercising a function on behalf of a Combined Authority - which could curtail the permissive powers of a Directly Elected Mayor. Although in practice, due to the 'soft power;' of a Directly Elected Mayor, this is unlikely to happen.

Mayors & Policing

- The Secretary of State can also confer the powers of a Police and Crime Commissioner (PCC) for a Combined Authority area on a Directly Elected Mayor. In the future - a Mayor's powers could also extend to Fire & Rescue.
- A Mayor would be able to appoint a Deputy Mayor from within a Combined Authority, and delegate to them as a 'Deputy Mayor for Police and Crime'. But they would be restricted from carrying out particular PCC functions, such as issuing or varying a 'Police and Crime Plan'.

Health devolution

- Any future devolved health arrangements will have to continue to uphold the current statutory duties held by the Secretary of State, NHS England, and Clinical Commissioning Groups (CCGs).

- Combined Authorities and Local Authorities are added to the list of organisations which can exercise the functions of NHS England. However, arrangements for delegating the commissioning functions of NHS England must include a CCG.
- Additionally, the Minister for Community and Social Care, Alistair Burt, has said that “*although health service functions are capable of being devolved to local authorities and to groupings of local authorities, the main responsibility and overriding duty of the Secretary of State for the NHS is not affected by these arrangements and he remains accountable for them*”. As a result, the Secretary of State would be able to revoke health devolution deals without consent from councils.

Local government reorganisation

- The Act introduces the potential to alter existing local government structures. Councils on the periphery of a Combined Authority will be allowed the “*permission to request*” to join a Combined Authority with the consent only of the council concerned, an existing Combined Authority, and a Mayor. This could also include the transfer of associated powers.
- The Act potentially ushers in the ability of councils to become new unitary councils. The provision removes the right of a veto from a County Council if a District wishes to pursue unitary status. Conversely, a County Council would not need to ask permission from District Councils.

Sub-national Transport Bodies (STBs)

- A Sub-national Transport Body (STB) would be able to direct constituent authorities on the implementation of a ‘Transport Strategy’ across a pan-local government area. An STB could consist of a range of council groupings: two or more Combined Authorities, a Combined Authority and a unitary council, two or more Counties, or an Integrated Transport Area (ITA) and another authority – for example a Combined Authority or a County Council.

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From: **Matthew Balfour – Cabinet Member for Environment & Transport**

Barbara Cooper, Corporate Director for Growth, Environment and Transport

To: **County Council 14th July 2016**

Subject: **Adoption of the Kent Minerals and Waste Local Plan 2013-30**

Key decision – affects more than 2 Electoral Divisions

Classification: **Unrestricted**

Past Pathway of Paper: 12 December 2013 Full Council; Cabinet 27th June 2016
Environment & Transport Cabinet Committee 8th July 2016

Electoral Division: Kent wide

Summary: This report is to note the outcome of the Examination into the Kent Minerals and Waste Local Plan 2013-30 by the Government-appointed Inspector and to seek adoption of the Plan.

The County Council is recommended to:

1. Note the Main Modifications to the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) and the responses to their consultation;
2. Note the contents of the Inspector's Report and his conclusion that with the Main Modifications (Appendix 3), the Kent Minerals and Waste Local Plan is sound and legally compliant;
3. Note the minor non-material modifications made to the Kent Minerals and Waste Local Plan (Appendix 5); and
4. Adopt the Kent Minerals and Waste Local Plan, incorporating the Main Modifications and minor modifications (Appendix 1);

And to authorise the Corporate Director for Growth, Environment and Transport to:-

- (i) make any further minor modifications which may be needed, such as formatting changes and typographical errors in order to publish the Development Plan; and
- (ii) approve and publish the adoption statement and the Strategic Environmental Assessment Adoption Statement.

Please note that this report is accompanied by a number of appendices. Given their size, only Appendices 1 (the Plan) and 6 (the Equalities Impact Assessment) are published in hard copy to accompany the Papers. A hard copy of all the appendices is available in the Member's Room, the 4 Group Offices and the Information Point. Electronic copies are available via the Council's website

([https://www.kent.gov.uk/ media/kcc/documents/Appendices-for-Committee-Report.pdf](https://www.kent.gov.uk/media/kcc/documents/Appendices-for-Committee-Report.pdf)) and hard copies are also available upon request to the Minerals and Waste Planning Team via mwdf@kent.gov.uk.

The following appendices are relevant:

- Appendix 1 – Kent Minerals and Waste Local Plan 2013-30 as modified May 2016 – The Plan to be adopted
- Appendix 2 – Background documents
- Appendix 3 – The Inspector's Report with Schedule of Main Modifications
- Appendix 4 - A summary of Main Modifications by Chapter
- Appendix 5 – Additional (Minor) Modifications
- Appendix 6 – Equalities Impact Assessment
- Appendix 7 Sustainability Appraisal Synthesis Report

1. Introduction

The Kent Minerals and Waste Local Plan 2013-30

1.1 The production of a Local Plan that contains policies for the management of waste and the supply of minerals is a statutory requirement for the County Council in its role as the Minerals and Waste Planning Authority for Kent. It provides a local Kent perspective on national planning policy and guidance in this area. An up to date Plan is advantageous as it provides certainty as to where mineral and waste management development can and cannot take place in the County. Without such a Plan, planning application decisions cannot be determined according to local priorities, but rather are determined in accordance with nationally set policy considerations and a number of very historic saved¹ planning policies, some dating back to the 1980s. There is also a greater risk of planning decisions being determined via appeal and the possibility of the Department of Communities and Local Government taking over the County Council's responsibility for preparing a local plan.

1.2 Once adopted by the Council, the Kent Minerals and Waste Local Plan (KMWLP) will provide planning policy for the management of all waste streams and the supply of minerals in Kent. Adoption of the KMWLP would be in accordance with the Minerals & Waste Development Scheme (MWDS) agreed by the Cabinet Member for Environment & Transport. A copy of the Plan proposed for adoption is included as Appendix 1.

1.3 The KMWLP will form part of the statutory development plan for Kent together with the adopted development plans (Local Plans) prepared by the twelve

¹ Policies in existing development plans that the Secretary of State has recognised can be used for decision making for a temporary period.

Kent district and borough planning authorities and relevant Neighbourhood Plans prepared by local communities. In particular, the KMWLP will form the policy basis for decision making by the County Council and the Ebbsfleet Development Corporation when determining planning applications for minerals and waste management development. As part of the development plan for Kent, the Plan will also be used, by district and borough planning authorities when determining planning applications for non-minerals and waste developments, particularly with regard to the safeguarding of mineral and waste management resources.

- 1.4 The Plan is presented in 9 chapters. Chapters 1 and 2 set out the purpose and status of the Plan, its links with other legislation, policies and strategies and identifies the County's environmental assets as context for the Strategy. The Plan sets out the spatial vision and objectives for managing minerals and waste resources within Kent (chapters 3 and 4) with each being supported by a delivery strategy as to how the vision is to be achieved (chapters 5 and 6). Chapter 7 of the Plan sets out a suite of supportive development management policies. Plan monitoring and the Policy Maps are set out in chapters 8 and 9 respectively.
- 1.5 Throughout the Plan period, minerals and waste development will make a positive and sustainable contribution to the Kent area and assist progress towards a low carbon economy. The main aims of the Plan are to drive waste up the waste hierarchy² enabling waste to be considered as a valuable resource, rather than simply disposing of it, whilst at the same time providing a steady supply of minerals to allow sustainable growth to take place.
- 1.6 The Plan contributes to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places to support growth and innovation, the provision and safeguarding of infrastructure and employment opportunities and the protection of the environment. The steady and adequate supply of aggregates and the use of recycled material have an important role to play in the delivery and maintenance of the county's infrastructure and for the construction industry.
- 1.7 The KMWLP is one of three Local Plan documents to be prepared by the Council. The current document (previously known as the Core Strategy) will set the context for site allocation work for the future Minerals and Waste Sites Plans. These Sites Plans will allocate sites suitable for mineral extraction and waste management development. Prior to changes in planning guidance, some work was undertaken on the Sites Plans up until 2012. This work will need to be reviewed in light of the current Plan and will be progressed on adoption of the KMWLP.
- 1.8 Work on the KMWLP commenced in 2009 and, once adopted, its policies will replace the remaining saved policies in the previously adopted minerals and waste plans. These relate to the Kent Minerals Local Plan Construction Aggregates (1993), Kent Minerals Local Plan Chalk and Clay, (1997), Kent Minerals Local Plan Oil and Gas, (1997), Kent Minerals Local Plan Brickearth

² Waste hierarchy ranks waste management options. It gives priority to prevention, preparing for re-use, recycling, recovery and then disposal (e.g. landfill).

(1986) and the Kent Waste Local Plan (1998). There have been considerable changes to planning policy and guidance since the adoption of the existing development plans.

1.9 The Minerals and Waste Local Plan is listed in Kent County Council's Constitution in Appendix 3: Policy Frameworks.

KWMLP Evidence Base

1.10 The policies contained in the KWMLP are based upon a supporting evidence base. This evidence base contains 'topic papers' on the requirements for the various mineral resources and waste streams in Kent, in addition to technical reports such as the Habitat Regulations Assessment as well as the representations received from previous public consultation. Throughout its preparation, the Plan has also been informed by Sustainability Appraisal (SA). A full list of background documents can be found in Appendix 2. These are published online on the main Minerals and Waste Local Plan Examination website. A copy of the Sustainability Appraisal and the Habitat Regulations Assessment are available via a link to the examination website³ and a hard copy is available for Members to view in the Members' room, the 4 Group Offices and the Information Point.

2. Submission and Public Examination of the Kent MWLP 2013-30

2.1 At its meeting on 12 December 2013, Full Council agreed to endorse the Pre-Submission Draft Kent Minerals and Waste Local Plan (MWLP), prior to its submission to the Secretary of State, subject to:

1. A six week period of public consultation on the Plan;
2. No material objections being received during the public consultation
3. The Director of Planning & Environment being given delegated powers to approve any non material changes to the MWLP in consultation with the Cabinet Member for Transport & Environment following on from the public consultation and to agree any amendments to the MWLP during the Examination in Public for submission to the appointed planning inspector, if these amendments are likely to resolve objections.

2.2 The KWMLP was formally submitted to the Secretary of State on 3 November 2014 who appointed Planning Inspector Mr Jonathan G King BA (Hons) DipTP MRTPI to examine the plan for its soundness and legality. The submission included all background documents, along with the representations made by interested parties and stakeholders in response to the public consultation referred to in para 2.1 above (the submission consultation). There were 83 representations to this consultation, which raise matters of legality and soundness that they wished the Inspector to consider.

³ The Kent MWLP Examination website is also available via the County Council's website

2.3 The Examination process is a term used to cover the whole assessment of the Plan by the Inspector, from submission to when he issues his report. It includes public hearings, the assessment of the Plan and supporting evidence and consideration of third party views. In the case of the KMWLP, public hearings commenced on 14 April 2015 and ran for six days over a two-week period. They then reconvened for a further three days on 26 May 2015. In total, the Inspector has had to have regard to some 250 types of evidence as part of the Examination process, including some 2500 representations. These documents are available via the KMWLP Examination website.

3. Proposed Modifications Necessary for Soundness

3.1 A Local Plan Making Authority can only adopt a plan that is considered to be sound by the Planning Inspectorate. The Council therefore wrote to the Inspector in January 2015 requesting that, as part of the Examination process, and pursuant to section 20(7C) of the Planning and Compulsory Purchase Act (2004) (as amended), the Inspector be invited to recommend modifications to be made to the KMWLP to ensure it satisfied the requirements in subsection (5)(a) of the Act and is sound.

3.2 During the course of the Examination, the Inspector indicated that the Plan should be modified in a number of areas. Two sets of proposed Main Modifications were therefore published for representations on their soundness and legality from 17 August 2015 to 12 October 2015 and 8 January 2016 to 4 March 2016 in accordance with the Council's Statement of Community Involvement. Publication of the modifications was agreed with the Cabinet Member for Environment & Transport beforehand. The modifications principally arose from concerns raised by stakeholders through public consultation and were debated at some length at the public hearings. A number of additional (minor) modifications which aid clarification and remove ambiguous text, which could lead to policies in the Plan being misinterpreted, were also consulted on. Details of the modifications are set out in the Inspector's report in Appendix 3. Appendix 4 briefly summaries the main modifications that arose following the Examination Hearings by chapter.

4 Public Consultation and Engagement

4.1 The Kent Mineral and Waste Local Plan has been in a state of review for a number of years, as policy requirements and the nature of delivery for plan-making has changed. There was a shift in direction following the introduction of the Localism Act in 2011 and the NPPF in 2012. Prior to this, the 2004 Planning and Compulsory Purchase Act introduced Local Development Frameworks, replacing the old style local plans. Despite the legislative changes, public engagement has remained a key element throughout the KMWLP plan-making process. The 'core' of the Plan stems back to public engagement and the 'Issues Consultation' document of 2010. Such documents and consultation are considered the building blocks of the development plan.

4.2 Since 2010, six major public consultations have been conducted on the draft Minerals and Waste Plan. Public consultation was undertaken with a wide

range of stakeholders throughout the plan-making process and included statutory bodies, district, borough and parish councils in Kent, county councils in the South of England, the minerals and waste industry and members of the public. The consultations are listed below in chronological order:

- 'Issues' stage document - Autumn 2010
- Strategy and Policy Directions stage - Summer 2011
- Pre-submission stage - Winter 2014
- Submission consultation - Summer 2014
- Proposed Modifications consultation - August to October 2015 and January to March 2016

4.3 The comments received to each consultation were reviewed and where appropriate have been used to inform the subsequent stages of the plan-making process. See Table 1 for further information. A cross party Informal Member Group has been involved during the plan making process since 2010.

Table 1: Consultation on the Kent Minerals and Waste Local Plan 2013-30

Consultation	Number of consultees	Number of comments
Issues document	85	1180
Strategy and Policy Directions document	80	655
Pre-submission	82	355
Submission	83	213
Proposed Modifications (2015) - Following the Hearings	46	91
Proposed Modifications (2016) - Following the Hearings	32	65

5 Consultation Response on Proposed Modifications

5.1 The purpose of the Proposed Modifications public consultation, which ran from 17 August to 12 October 2015, was to address the potential unsoundness and legal compliance issues discussed with the Inspector during the Examination. In particular, these related to issues raised during the Examination Hearings by the Inspector and other stakeholders. Representations received focused on a small number of areas which are considered below.

5.2 Representations to modifications concerning safeguarding mineral resource and mineral and waste infrastructure policies suggested that the modifications were too onerous for future development or insufficient depending upon the interest of the respondent. As the safeguarding aspects are a matter for the Borough Councils to consider when determining non-mineral and waste development proposals, it was also considered necessary for a safeguarding supplementary planning document (SPD) to be prepared post adoption of the Plan to address implementation matters between the county and borough planning authorities.

5.3 A number of respondents disagreed with the Inspector's view on the definition of inappropriate development for mineral plant and waste activities in the Green Belt. Contrary to the Inspector's view, they argued that mineral plant was not inappropriate development for the purposes of assessing proposals against Green Belt policy.

5.4 Proposed modifications to the Policy concerning Oil, Gas and Unconventional Hydrocarbons attracted a number of representations. Friends of the Earth (FOE) submitted a representation and although it recognised that the modifications addressed a number of its concerns, it still maintained an objection based on a number of its original concerns. The modification reflects Government guidance and the recent Infrastructure Act 2015 and it sets out the criteria against which proposals will be considered. It also makes specific reference to hydraulic fracturing and sets out the criteria that would need to be satisfied should this be proposed within Kent.

5.5 Modifications relating to the supply of land-won minerals were generally supported, albeit minor amendments were sought to policy concerning silica sand by an operator who is understood to be seeking permission for extraction of silica sand in the near future. A stakeholder interest sought greater clarity for developments that may affect the setting of the AONB in the Postling area.

5.6 In light of the representations made to the Inspector in December 2015, he felt that further modifications post the Hearings were necessary to address soundness or legality matters. Following agreement with the Cabinet Member for Environment and Transport, these further modifications were published for public consultation on their soundness and legality between 8 January and 4 March 2016. These are set out in Appendix 3 and identified with FM references.

5.7 A total of 34 representations were received to this consultation raising 65 comments. Of these, 33 comments were supportive of the proposed modifications. The remainder continued to raise objections in respect of restoration requirements, the AONB, safeguarding and oil, gas and unconventional hydrocarbons. In summary, the following issues were raised:

- (i) In respect of site restoration, the amended wording was criticised for being too vague and not enforcing restoration as a preferred option over built development. Others disagreed with this and praised the modifications for their increased flexibility. The modification ensures that sites are to be restored to the highest standard to sustainable afteruses that benefit Kent communities.
- (ii) It was thought by some that the modifications to Policy CSM4, Non-identified Land-won Mineral Sites, weakened the Policy's defences against development within the AONB. The Inspector concluded that this was not the case and that the policy as modified provides that permission will only be granted where it has been demonstrated that there are overriding benefits that justify extraction at the exception site. This gives the necessary weight to the economic, social and environmental roles of the Plan

- 5.8 Objections were raised to the modifications to Policy DM8: Safeguarding Minerals Management, Transportation Production and Waste Management Facilities on the basis that the policy may leave mineral wharves without safeguarding. Others argued that this policy is now inconsistent with Policy DM7, Safeguarding Mineral Resources, and that Policy DM7 should be amended to resolve this. Policy DM7 provides a presumption for safeguarding, but sets criteria where development will be exempt.
- 5.9 There was a minor modification made to Policy CSM 10 - Oil, Gas and Unconventional Hydrocarbons. This substituted 'production' in place of 'development' in the policy which reflects the wording in the NPPF. Several objectors alleged the policy still to be unsound as they considered that it does not take into account the environmental risks associated with the production of these types of materials.
- 5.10 These outstanding objections on alleged unsoundness were considered by the Inspector in examining the Plan and in preparing his report.

6 Corporate Policy Implications

- 6.1 The National Planning Policy Framework (paragraphs 143 and 153) requires preparation of a Minerals Local Plan. There are similar provisions in the National Planning Policy for Waste, 2014. In the absence of an up to date Local Plan, there is no overall local development plan to enable planning authorities to reject inappropriate development. As a result, there is a greater risk of planning by appeal and the loss of local planning decision making, increased administrative costs from appeals and public inquiries, along with reputational cost and potential blight (due to a delay in the Sites Plans).
- 6.2 The KWMLP supports and aids delivery of a number of corporate and partnership strategies. In particular it underpins corporate policies contained within the Strategic Statement 'Increasing Opportunities, Improving Outcomes – Kent County Council's Strategic Statement 2015-2020' by supporting and facilitating new growth in the Kent economy, and the creation of a high quality built environment.
- 6.3 Previous stages of the KWMLP's development have been in accordance with the relevant County Council corporate strategic policies in place at that time including Bold Steps for Kent which covered the period 2010-2014/15.
- 6.4 In addition, the Plan has a role to play in the delivery of the Kent Environment Strategy, the Joint Municipal Waste Strategy and the Kent and Medway Growth and Infrastructure Framework.

7. Financial Implications

- 7.1 The costs of preparing and adopting the KWMLP to date are included in the Environment Planning and Enforcement Division's budget. In the event that the Inspector's recommendations are not accepted, then the Plan cannot be

adopted. The Plan would therefore revert to the earlier Regulation 18 plan-making stage⁴. This would have considerable funding and timing implications.

7.2 In addition, there is an expectation by Government (DCLG) that all planning authorities have an up to date local plan in place by 2017. Without an adopted Plan, there is a risk that DCLG will step in as the plan making authority, reducing local accountability. The current Development Plan for minerals and waste management is found in various documents that date from 1986 to 1998. Planning policy has been revised considerably during this time and as a result planning decisions in Kent are currently determined against a small number of 'saved' locally set policies and national planning policy and guidance.

7.3 Furthermore, in addition to the County Council's legal obligation under the Town and Country Planning legislation to prepare a statutory Development Plan, the Government has determined that Waste Local Plans form part of the National Waste Management Plan that it is required to produce under the European Waste Framework Directive. There is a risk that, if timely progress is not made with the adoption of the KMWLP (and the Waste Sites Plan), fines could be imposed on the County Council because of a failure by the Government to meet the EU Waste Framework Directive requirements.

8. Inspector's Report

8.1 On 26th April 2016, the Inspector issued his Report to the Council and, subject to the inclusion of the Main Modifications referred to above, he has concluded that the Plan is legally compliant and sound. Only a sound plan can be adopted. In considering the Plan, the Inspector has had regard to whether the planning test of soundness is met. This is defined in national planning policy as:-

- Positively prepared
- Justified
- Effective
- Consistent with national policy

8.2 The Inspector's report is included as Appendix 3. It includes an appendix which sets out the Main Modifications to the Plan and his reasoning for the modifications set out in his Report.

9. Next Steps

9.1 There are a number of steps to be followed in order that the KMWL Plan can be adopted. The first is the resolution by the County Council to adopt. This is followed by publicity advising of the adoption and making inspection copies available at libraries, Kent County Council offices and Gateways and via the Council's website. A Statement of Adoption needs to be sent to the Secretary of State and those parties who have asked to be notified of the adoption of the Local Plan. As the Plan has been subject to Sustainability Appraisal (SA), the

⁴ This would require further policy assessment and drafting, public consultation, sustainability, habitat and equality appraisal along with further formal examination and hearing processes.

SEA Regulations also require that post adoption, a copy of the Plan, alongside a copy of the SA Report and the SEA Adoption Statement is publicly available, and that the public and consultation bodies are informed about the availability of these documents.

9.2 The Kent Minerals and Waste Local Plan 2013-30 is the lead document of the County Council's statutory development plan. Two other documents, the Kent Minerals Sites Plan and the Kent Waste Sites Plan are statutorily required as part of the Council's strategic planning function and will complete the Development Plan. They can only be progressed once the Kent MWLP 2013-30 is adopted. It is anticipated that preparation of the Sites Plans will take approximately two years, such that their adoption is anticipated in 2018. The process of consulting on these documents will be set out in an update to the Statement of Community Involvement that will be prepared later this year.

9.3 In light of concerns raised during the Examination Hearings concerning the clarity of the Council's approach to safeguarding minerals resources and waste and minerals infrastructure, a document, known as a 'Supplementary Planning Document' (SPD) is also required. This work cannot be formally progressed until the Kent MWLP is adopted. A working draft is currently being prepared. The SPD will provide further guidance on the implementation of the Plan's safeguarding policies. It should be particularly useful to the district and borough councils in the delivery of their duties on mineral safeguarding as set out in the National Planning Policy Framework (NPPF) 2012 and as part of KCC/District Council duty to cooperate discussions. A decision to adopt the SPD will be a matter for the Cabinet Member for Environment and Transport. A draft of the SPD will be shared for comment with Environment and Transport Cabinet Committee in advance of adoption.

9.4 The timetable for preparation of the Minerals and Waste Sites Plans, the Safeguarding SPD and the Statement of Community Involvement (SCI) is to be included in a proposed revision to the Local Development Scheme (LDS). These are matters to be agreed with the Cabinet Member for Environment and Transport.

10 Legal Implications of the Suggested Action

10.1 The County Council has a legal obligation under the Town and Country Planning Legislation to prepare a statutory Development Plan for minerals and waste management matters. The Kent MWLP has been prepared to comply with the relevant planning legislation, the Localism Act 2011 and to be in conformity with the National Planning Policy Framework 2012 and the National Planning Policy for Waste, 2014. The Inspector's recommendation is that the Plan is sound, subject to the modifications he proposes.

11. Equalities Implications

11.1 An initial Equalities Impact Screening of the Kent Minerals and Waste Local Plan 2013-30 was carried out in September 2013. The results of the initial screening recognised that the Kent Minerals and Waste Local Plan's policies were unlikely to have any specific adverse or positive impacts upon the ten

protected characteristics⁵. This assumption was tested during the public consultation of the Draft Plan which commenced in January 2014. The Equalities Impact Assessment was updated following the end of the consultation in July 2014 and reviewed prior to consultation on the Main Modifications; it was concluded that there were no unexpected impacts on any of the protected characteristics. The Equality Impact Assessment is attached as Appendix 6.

12. Conclusions

12.1 The KMWLP sets out waste and minerals planning policy to 2030 which updates most of the Council's current planning policies on waste management and minerals supply. Following a public examination of the KMWLP, the Government-appointed Planning Inspector has found that subject to the published modifications, the Plan is legally compliant and sound. This means that the Council may now adopt the Plan. Once adopted, it will provide a Kent perspective on national planning policy and local determined guidance for the determination of planning applications. Adoption of the Plan will ensure that the County Council has a sound and robust Development Plan in place to facilitate waste management and minerals supply which is essential to the delivery of economic and social growth. It will also set the context for the subsequent Sites Plans.

12.2 It is recommended that the County Council notes this committee report, the contents of the Inspector's report and the modifications made and adopts the Plan. Environment and Transport Cabinet Committee and Cabinet both have advisory roles in the decision making process to adopt the Plan. Cabinet are to consider this matter at its meeting on the 27th June 2016 and Environment and Transport Cabinet Committee on 8th July 2016. The outcome of the earlier committee considerations will be reported verbally to County Council.

⁵ The ten characteristics are: Age, disability, gender, gender identity, race, religion or belief, sexual orientation, pregnancy and maternity, marriage and civil partnerships and carer's responsibilities.

13. Recommendation

The County Council is recommended to:

1. Note the Main Modifications to the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) and the responses to their consultation;
2. Note the contents of the Inspector's Report and his conclusion that with the Main Modifications (Appendix 3), the Kent Minerals and Waste Local Plan is sound and legally compliant;
3. Note the minor non-material modifications made to the Kent Minerals and Waste Local Plan (Appendix 5); and
4. Adopt the Kent Minerals and Waste Local Plan, incorporating the Main Modifications and minor modifications (Appendix 1);

And to authorise the Corporate Director for Growth, Environment and Transport to:-

- (i) make any further minor modifications which may be needed, such as formatting changes and typographical errors in order to publish the Development Plan; and
- (ii) approve and publish the adoption statement and the Strategic Environmental Assessment Adoption Statement.

14. Background Documents

See Appendix 2 for the full list of background documents; all documents listed are available to view from <http://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/planning-policies>.

15. Contact details

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Adoption of the Kent Minerals and Waste Local Plan 2013-30

APPENDICES

Please note that this report is accompanied by a number of appendices. Given their size, only Appendices 1 (the Plan) and 6 (the Equalities Impact Assessment) are published in hard copy to accompany the Papers. A hard copy of all the appendices is available in the Member's Room, the 4 Group Offices and the Information Point. Electronic copies are available via the Council's website. Hard copies are also available upon request to the Minerals and Waste Planning Team.

The following appendices are relevant:

Appendix 1 – Kent Minerals and Waste Local Plan 2013-30 as modified May 2016

– The Plan to be adopted (Available as a freestanding report)

Appendix 2 – Background documents

Appendix 3 – The Inspector's Report with Schedule of Main Modifications

Appendix 4 - A summary of Main Modifications by Chapter

Appendix 5 – Additional (Minor) Modifications

Appendix 6 – Equalities Impact Assessment (**Attached**)

Appendix 7 Sustainability Appraisal Synthesis Report

KENT COUNTY COUNCIL EQUALITY IMPACT ASSESSMENT

This document is available in alternative formats and can be explained in a range of languages. Please call 03000 413359 or 03000 413376 or email mwdf@kent.gov.uk for details.

Directorate: Growth, Environment and Transport

Name of policy, procedure, project or service

Kent Minerals and Waste Plan 2013-30 (the MWLP Plan)

What is being assessed?

Planning policy for minerals and waste management

Responsible Owner/ Senior Officer

Sharon Thompson, Head of Planning Applications

Date of Initial Screening

10 September 2013

Date of Final EqIA

28 April 2016. Updated July 2015 and subsequently December 2015

Version	Author	Date	Comment
1	J Prosser	August 2013	Original
2	R Cutler/J Prosser	September 2013	Updated using the July 2013 template and to take account of Clive Lever's (Equality Impact Advisor) comments dated 28.08.13
3	R Cutler	June 2014	Updated following the MWLP Pre-submission consultation (Jan-Mar 2014)
4	R Cutler	July 2015	Updated following the Independent Examination hearings on the Plan by a Planning Inspector appointed by the Secretary of State
5	B Geake	December 2015	Updated following further consideration on the Plan by the appointed Planning Inspector post Hearings
6	B Geake	April 2016	Final EQIA screening and sign off for the Plan post receipt of the Inspector's Report from the Planning Inspectorate on 26.04.16
7	A Agyepong	May 2016	Comments

On the 26 April 2016 the County Council received the Inspector's report concluding the Examination of the Kent Minerals and Waste Local Plan in accordance with planning legislation. The non-technical summary stated:-

"This report concludes that the Kent Minerals and Waste Local Plan provides an appropriate basis for the planning of minerals and waste in the county providing a number of modifications are made to the Plan. The Kent County Council has specifically requested me to recommend any modifications necessary to enable the Plan to be adopted.

All of the modifications to address this were proposed by the Council but where necessary I have amended detailed wording and/or added consequential modifications; and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications I recommend cover a large proportion of the subject matter of the Plan, but the principal ones may be summarised as follows:

- *Revising the approach to the supply of land-won minerals and secondary and recycled aggregates in order to ensure a steady and adequate supply.*
- *Removing the requirement for all minerals development on non-allocated sites to demonstrate overriding benefits.*
- *Placing silica sand within the ambit of the policy for the supply of land-won minerals rather than that relating to non-identified land-won minerals sites.*
- *Revising the suite of policies relating to the safeguarding of land and facilities for minerals and waste development.*
- *Revising the policy relating to oil, gas and coal bed methane to address hydraulic fracturing and to reflect the planning requirements of section 50 of the Infrastructure Act 2015 & section 4A of the Petroleum Act 1998.*
- *Placing greater emphasis on waste recovery instead of energy from waste.*
- *Making policy for the Green Belt and the AONB consistent with the NPPF.*
- *Revising the monitoring framework for the Plan.”*

The Plan in its final modified form requires a further screening process to be undertaken to consider any new equality impacts that may flow from the modifications to inform the final assessment process. The table below details this screening process.

Characteristic	Could this policy, procedure, project or service affect this group less favourably than others in Kent? YES/NO If yes how?	Assessment of potential impact HIGH/MEDIUM LOW/NONE UNKNOWN		Provide details: a) Is internal action required? If yes what? b) Is further assessment required? If yes, why?	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO - Explain how good practice can promote equal opportunities
		Positive	Negative	Internal action must be included in Action Plan	If yes you must provide detail
1. Age	No	None	None	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
2. Disability	No	None	None	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
3. Gender	No	None	None	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
4. Gender identity	No	None	None	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
5. Race	No	None	None	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
6. Religion or belief	No	None	None	Any impacts would be no different to impacts on the general population. No further assessment is required.	No

7. Sexual orientation	No	None	None	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
8. Pregnancy and maternity	No	N/A	N/A	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
9. Marriage and Civil Partnerships	No	N/A	N/A	Any impacts would be no different to impacts on the general population. No further assessment is required.	No
10. Carer's responsibilities	No	N/A	N/A	Any impacts would be no different to impacts on the general population. No further assessment is required.	No

Screening Grid

Low	Medium	High
Low relevance or Insufficient information/evidence to make a judgement.	Medium relevance or Insufficient information/evidence to make a Judgement.	High relevance to equality, /likely to have adverse impact on protected groups

Proportionality - Based on the answers in the above screening grid what weighting is ascribed to this function

State Rating & Reasons

Screening of the Kent Minerals and Waste Local Plan 2013-30 as modified by the Inspector is concluded that **Equality Impact Assessment of Potential Impact is Low**; screening indicates that impacts on the ten characteristic are unlikely, or no different to impacts on the general population.

Context

The production of a Minerals and Waste Local Plan is a statutory requirement for the County Council as a Local Planning Authority. Once adopted, along with Local Plans produced by District Councils and Government Planning Policy Guidance, it will form the policy basis for decision making by the County Council in determining planning applications for proposed minerals and waste management development and mineral safeguarding for the District Councils. It will also provide the context for allocations in the future minerals and Waste Sites Plans

The Pre-Submission Draft Minerals and Waste Local Plan (January to March 2014) was a draft for consultation prior to the County Council submitting the Plan to the Secretary of State for examination in November 2014.

The plan making process included an Independent Examination by an Inspector appointed by the Secretary of State to ascertain whether the KMWLP (Kent Minerals and Waste Local Plan) is sound prior to adoption and must conform to certain planning and legal criteria. The Planning Inspector held Hearings in April and May 2015 to consider objections to the Plan made by representors and to assess other matters that affected the soundness and legal compliance of the Plan. This resulted to in a number of main and additional modifications being recommended. These modifications required further consultation to be undertaken by the County Council in both August to October 2015 and January to March 2016. The Inspectors report concluded that the KMWLP “*provides an appropriate basis for the planning of minerals and waste in the county*” subject to these modifications being incorporated into the Plan. On that basis the county Council can adopt the KMWLP 2013-30.

On adoption of the Minerals and Waste Local Plan, the County Council can then proceed with the production of both a Supplementary Planning Document on Mineral and Waste Safeguarding, setting out the consultation protocols required to ensure the plan’s policies are effective in their mineral and waste safeguarding purpose. In addition, the Plan provides the context for the

County Council to proceed with the Minerals and Waste Sites Plans. The Mineral and Waste Local Plan 2013-30 sets the context for these Sites Plans by quantifying the need for new development and providing the locational criteria for the selection of sites.

Aims and Objectives

The Minerals and Waste Local Plan 2013-30 establishes the following aims and objectives:

- make a positive and sustainable contribution to Kent and Progression to a low carbon economy, which supports Kent's growth;
- encourage and promote the use of recycling and secondary aggregates;
- the locational criteria for site selection in the Minerals and Waste Site Plans;
- the need for new minerals and waste development up to 2030 to maintain a and adequate ready supply of minerals;
- promote management of waste to higher levels of the defined waste hierarchy to reduce the amount of waste being sent to landfill for simple disposal;
- for waste management to achieve overall net self-sufficiency and manage waste close to the source of production (high proximity);
- promote the use of waste as a resource;
- two strategic sites - one for mineral development and one for waste management which are essential to the delivery of the objectives of the Plan;
- a development management policy framework against under which minerals and waste planning applications will be determined; and
- ensure high quality of restoration of land

The Minerals and Waste Local Plan 2013-30 will also provide safeguarding through protection from other development for:

- viable mineral reserves;
- mineral import wharves and railheads;
- all current permanent minerals and waste sites;

- sites identified in the Minerals and Waste Sites Plans.

These aims and objectives of the Plan will be achieved through the implementation of the strategy as set out in the document's strategy policies and as facilitated by the development management policies.

Beneficiaries

When adopted, the Minerals and Waste Local Plan 2013-30 will provide greater certainty for residents and communities as to where future minerals and waste management development is likely to be acceptable. It will also provide the minerals and waste industries with a better understanding of the basis upon which planning permission is likely to be granted for new development. The Kent economy will benefit through the continuity of mineral production in Kent and the provision of facilities to manage the waste arisings in the county. These developments will play an important role in delivering infrastructure and economic growth in the county and the protection of its environment. Future generations will benefit from prudent safeguarding of economic minerals ensuring that they are used sustainability and not needlessly sterilised by other development.

Consultation and Data

The process of consultation during the development of the Minerals and Waste Local Plan is driven by legislation. The County Council is required to produce a Statement of Community Involvement which sets out how and when consultations will be conducted during the production of the Plan. The Statement of Community Involvement was also subject to consultation prior to the final document being completed.

Since 2010 (up to the Submission of the Plan under Regulation 20 of the planning Act 2008), five major public consultations have been conducted in order to inform the development of the Minerals and Waste Local Plan 2013-30 formulation process. A variety of different methods have been used to both disseminate information and to encourage participation through providing views in writing to the County Council, such as:

- Direct notification to an evolving list of stakeholders, including the District and Parish Councils, Statutory Agencies, neighbouring Minerals and Waste Planning Authorities, the minerals and waste industries and local residents;

- Public Notices in local papers, press releases and notices for Parish Council notice boards;
- Drop in session at different locations in Kent;
- Workshops for the minerals and waste industry, for parish councillors and for district planning officers and environmental groups.

This has culminated in the development of a stakeholder database of nearly 3,000 contact details of residents, organisations and companies which are interested in the development of the Plan. The material has been available in electronic form and hard copy.

Following each consultation, the views of all participants were available to view online. Post consultation, a report on the results of the consultation was prepared and published online. These reports were used to inform the development of the next stage of the plan making process.

Wider population demographics are considered through the Minerals and Waste Annually Monitoring Report, using available data from Kent County Council's Research & Evaluation Team. These Monitoring Reports form part of the supporting evidence on which the Kent Local Plan is based and considered by the Inspector.

Summary of the Involvement and Engagement Process for the Plan

The Minerals and Waste Local Plan Team have hosted public 'drop-in' sessions for pre-submission consultations. In recognition that people with vision or print impairments may not find out about the consultation, if they do not have internet access and/or are not able to read noticeboards or newspapers, the following actions were taken:

- Kent Association for the Blind was added to stakeholder database and was informed of consultations and their publication.
- Information on alternative formats was positioned on the inner side of the front cover of the consultation document where it is more likely to be seen sooner by anyone reading out loud to a person.

In order to ensure a wide dissemination of the emerging KMWLP's (the Plan) policies and engagement with plan formulation to submission consultations were primarily web-based with access to the consultation documents. There was the ability for submission of comments direct into an online system. Printed copies of the documents were also made available at all Kent libraries and Kent Gateways. CD ROMs with electronic copies of the consultation documents were sent to all Parish Clerks and to any member of the public who requested one as there are parts of Kent where the speed of web access makes viewing large documents on-line difficult.

The County Council analysed all the representations received during the Pre-submission Draft Plan consultation that was undertaken in January 2014, together with the views received during the Issues and Options and Preferred Options stages of the Plan. This included specifically an analysis of whether there were any identifiable groups that the Plan affected, and if so, was this effect negative. This approach was an ongoing step by step screening of the Plan during its formulation to its submission to the Secretary of State for Independent Examination. This initial screening did not reveal any negative impact upon the ten identifiable groups, as set out above in the screening grid table.

Moreover, the representations were considered by the Inspector as part of the Independent Examination process. Further consultation and stakeholder engagement took place as part of the Hearings (in April and May 2015) and the Examination process included public consultation on the proposed July 2015 and December 2015 modifications. During this process no specific impacts arising from the Plan's policies on definable groups (as per 1 to 10 above in the screening grid) were found.

Consultation at each stage was initiated through direct contact with our stakeholders, a notice in the local press, a press release and notices for Parish Council notice boards. Participation in the consultation by email or letter was possible. Comments received were added to the consultation portal so that they were also publically available. The submission of views in written format is essential as the consultations form part of the evidence base for the Plan which had to be submitted to the Secretary of State for Independent Examination by the Planning Inspector.

Submission and Examination of the Plan

The *Kent MWLP 2013-30* was formally submitted to the Secretary of State on 03 November 2014 for Independent Examination. Planning Inspector Jonathan G King *BA (Hons) Dip TP MRTPI* was appointed by the Planning Inspectorate to undertake the Examination of the Plan.

The public Hearing on the Examination of the Plan commenced on Tuesday 14 April 2015, and ran for six days over a two-week period, reconvening for a further three days from 26 May 2015. The hearings were attended by a number of the parties who had made formal representations on the soundness of the Submission version of the Plan (published for consultation in July 2014). The Plan, supporting evidence and the formal representations received were reviewed and discussed with the Inspector and the representors in attendance.

During the course of the Independent Examination, a number of main modifications to the Plan were discussed with the Inspector. These main modifications were considered necessary to address potential unsoundness and legal compliance issues. Having considered the various representations made during the Examination, the County Council also proposed a number of minor changes. Whilst these additional (minor) modifications do not affect the overall soundness and legal compliance of the Plan, they add clarity to the Plan. Consultation on these modifications took place in August 2015 and January 2016.

None of the proposed modifications discussed with the Inspector has an adverse impact on equality issues.

Potential Impact

The purpose of the Plan is to provide a framework for determining planning applications. The Minerals and Waste Local Plan 2013-30 policies are considered highly unlikely to have a specific impact, either positive or negative, on any of the protected groups identified above to any lesser or greater extent than the general population.

The subsequent Minerals and Waste Site Plans, which will allocate sites in Kent for minerals and waste development will be subject to their own Equality Impact Assessments. These allocation Plans will provide a further opportunity to consider the equality impacts arising from individual site considerations which are not possible at the strategic level of the current MWLP Plan. The Kent MWLP Plan will have no direct physical effect until such time as proposed developments are granted permission and development

commences. It should also be noted that the County Council is subject to a statutory requirement to conduct public consultations on planning applications.

Adverse Impact:

The Minerals and Waste Local Plan 2013-30 policies are unlikely to have a specific, adverse impact on any of the protected groups identified above to any lesser or greater extent than the general population.

Positive Impact:

The Minerals and Waste Local Plan 2013-30 policies are unlikely to have a specific, positive impact on any of the groups identified above to any lesser or greater extent than the general population.

JUDGEMENT

The Kent MWLP has been considered against the Equality Impact Assessment flow chart set out in Appendix 1. Having been screened, it is considered unlikely to have any specific, adverse or positive impacts upon the identified nine characteristics.

Option 1 – Screening Sufficient	YES
Option 2 – Internal Action Required	YES
Option 3 – Full Impact Assessment	NO

Though the initial screening demonstrated the lack of negative impacts resulting from the Kent Minerals and Waste Local Plan 2013-30, the subsequent Minerals and Waste Sites Plans may demonstrate such impacts and are linked to the delivery of the current Plan's strategy. Therefore, while it can be concluded that a full impact assessment of this current Plan is not required, Option 2 of the process should recognise that further assessment will be required in relation to the following Sites Plans. These Plans will require wide consultation and engagement with their own separate Equality Impact Assessment and Independent Examination by an Inspector appointed by the Secretary of State. As has been acknowledged in this report the Minerals and

Waste Sites Plans proposals will have impacts upon Kent residents that may specifically impact upon particular protected characteristics. On this basis, it is considered that the Site Plans may well require a Full Equality Impact assessment.

Monitoring and Review

The Minerals and Waste Annual Monitoring Report (AMR) undertaken by the County Council contains contextual data on Kent's population and is updated and published every year. Once the Plan is adopted, the AMR will monitor the effectiveness of the Plan's policies.

Sign Off

I have noted the content of the equality impact assessment and agree that the Kent Minerals and Waste Local Plan 2013-30 does not have any adverse or positive impacts upon the identified ten characteristics of equality impact.

Senior Officer

Signed: **Name:** Sharon Thompson

Job Title: Head of Planning Applications **Date:** 27th May 2016

DMT Member

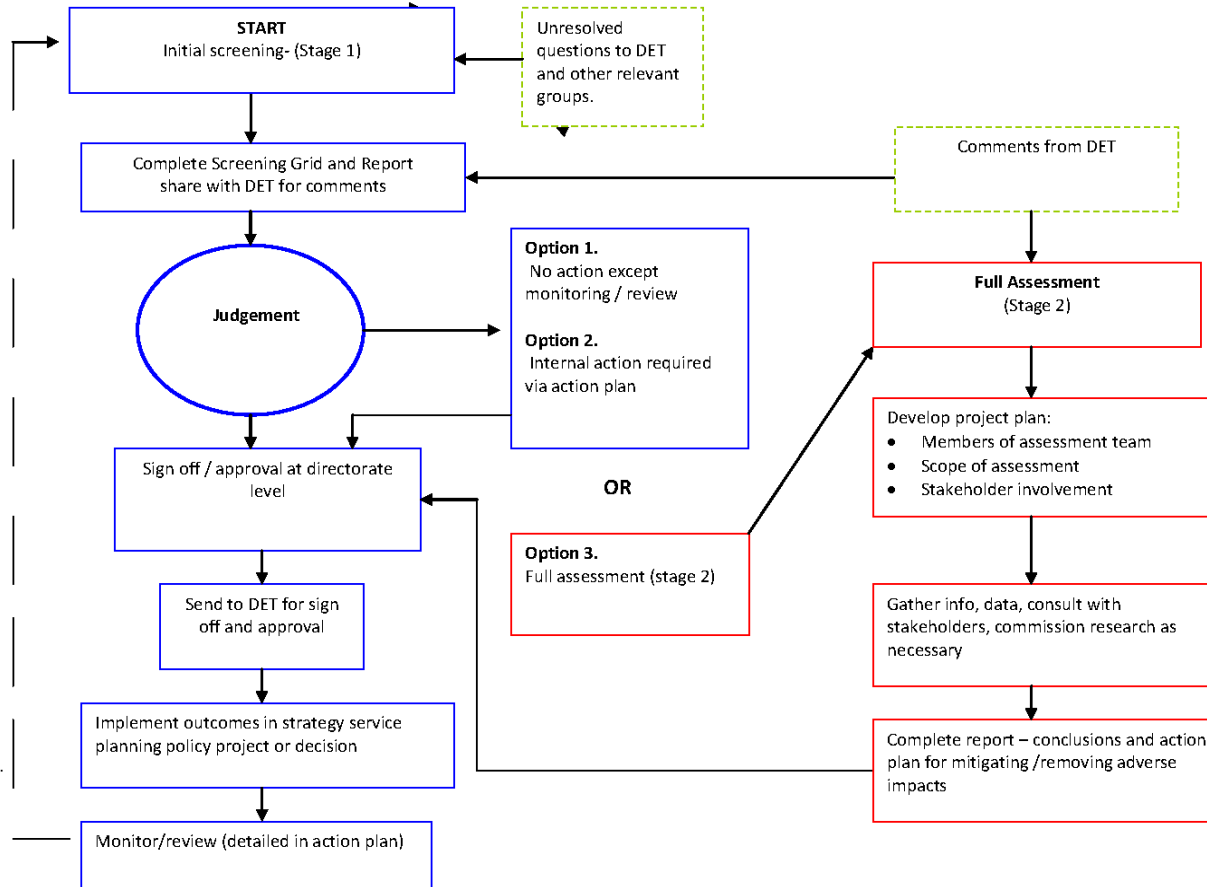
Signed: **Name:** Katie Stewart

Job Title: Director of EPE **Date:** 27th May 2016

Appendix 1

DET = Diversity Equality Team

Equality Impact Assessment See the EqIA guidelines on KNet for detail and forms



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By: Gary Cooke, Cabinet Member for Corporate and Democratic Services

To: County Council – 14 July 2016

Subject: Appointment of the Independent Person

Classification: Unrestricted

Previous Pathway of Paper: Discussion with Group Leaders.
Selection and Member Service Committee – 23 June 2016

Future Pathway of Paper: County Council

Summary: In accordance with the Localism Act 2011, the County Council is required to appoint an Independent Person with whom the Monitoring Officer can engage on alleged breaches of the Kent Member Code of Conduct.

Recommendation: The Selection and Member Services Committee recommend to the County Council the re-appointment of Michael George as the Independent Person for the Members' Code of Conduct for a further four year term from 1 July 2016 to 30 June 2020

1. Introduction

1.1 The Localism Act 2011 requires that the County Council to appoint an Independent Person to whom the Monitoring Officer can seek advice when he is in receipt of an alleged breach of the Kent Member Code of Conduct.

1.2 The legislation came into operation on 1 July 2012 just a few days after it was published. As a consequence the County Council approved at its meeting in September 2012 the appointment of Mr Michael George retrospectively for a four year term expiring 30 June 2016.

2. Reappointment of Mr George

2.1 Following a discussion with the Leaders of political Groups, it was their unanimous view to recommend to the Selection and Member Services Committee the re-appointment of Mr George for a further term of office as the Independent Person for the four year period 1 July 2016 to 30 June 2020.

2.2 The Selection and Member Services Committee on 23 June endorsed the views of the Leaders. The Committee agreed unanimously to recommend to the County Council the reappointment of Mr George.

2.3 Attached as an Appendix is a short biography of Mr George.

2.4 Mr George has said verbally that he would be delighted to accept the appointment for a further term of four years.

2.5 The remuneration for this post is a £500 annual retainer (payable over 12 months) plus a daily rate of £100 (pro rata for part of a day) when required to undertake any duties, together with travel expenses at the same rate as for elected Members (currently 45p per mile)

3. Kent and Medway Fire and Rescue Authority

The Committee is reminded that the County Council works in co-operation with the Kent and Medway Fire and Rescue Authority. Should Mr George not be available or have a conflict of interest the Kent and Medway Fire and Rescue Authority Independent Person Mrs Janet Waghorn would act. The Kent and Medway Fire and Rescue Authority have reappointed Mrs Waghorn for a further four years.

4. Recommendation

The County Council is recommended to reappoint Michael George as the Independent Person for the Member Code of Conduct for the four year term 1 July 2016 to 30 June 2020.

Report Author:

Paul Wickenden
Democratic Services Manager (Members)

[Tel:03000 416836](tel:03000416836)

Background documents - none

Michael Edward George

Michael is a retired Solicitor and Crown Prosecutor. Michael qualified as a Solicitor in 1977 and following four years in local government he moved into private practice where he specialised in civil and criminal litigation. In 1990 Michael joined the Crown Prosecution Service retiring in 2011.

Michael served for two years as an independent Member of a District Council Standards Committee.

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