

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 8 December 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, Mrs P Brivio, Mr L Burgess, Mr C W Caller, Miss S J Carey, 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, Dr M R Eddy, Mr J Elenor, Mrs M Elenor, Mr G K Gibbens, Mr R W Gough, 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, Mr M J Horwood, 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, Ms D Marsh, Mr F McKenna, Mr M J Northey, Mr P J Oakford, Mr J M Ozog, Mr R J Parry, Mr C R Pearman, Mr L B Ridings, MBE, Mrs E D Rowbotham, Mr J E Scholes, Mr W Scobie, Mr T L Shonk, Mr C Simkins, Mr J D Simmonds, MBE, Mr C P Smith, Mr D Smyth, Mrs P A V Stockell, Mr B J Sweetland, Mr A Terry, Mr N S Thandi, Mr M J Vye, Mr J N Wedgbury, Mr M E Whybrow, Mr M A Wickham and Mrs Z Wiltshire

IN ATTENDANCE: Mr D Cockburn (Corporate Director Strategic & Corporate Services), Mr J Lynch (Head of Democratic Services) and Mr B Watts (General Counsel)

UNRESTRICTED ITEMS

35. Apologies for Absence

The General Counsel (Interim) reported apologies from Mr Bowles, Mr Carter, Mrs Dean, Mr Harman, Mr Hoare, Mrs Howes, Mr Neaves, Mr Ozog, Mr Truelove, Mrs Waters and Mrs Whittle.

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

(1) Mrs Marsh declared a Disclosable Pecuniary Interest in relation to item 7 (Kent and Medway Safeguarding Adults Board Annual Report April 2015) - March 2016) and item 11 (Motion on the British Deaf Association's Charter of British Sign Language).

(2) Mr Koowaree declared a Personal Interest as he had a grandson in Care.

37. Minutes of the meeting held on 20 October 2016 and, if in order, to be approved as a correct record

RESOLVED that the minutes of the meeting held on 20 October 2016 be approved as a correct record, subject to the addition of Mr Parry in the list of Members who gave apologies.

38. Chairman's Announcements

(a) Petition – Bredgar

(1) The Chairman invited Mr Baldock to present a petition regarding speeding through Bredgar Village.

(2) The Chairman then invited Mr Balfour, the Cabinet Member for Environment and Transport, to collect the petition and to respond to it in accordance with the Petition Scheme.

(b) Prince Michael Road Safety award

(3) The Chairman stated that he was delighted to inform Members that the County Council had been awarded the most prestigious award for Road Safety, the Prince Michael International Road Safety Award, and he invited Mr Pearman to give a brief account of the nature of this achievement.

(c) Communications campaign award

(4) The Chairman stated that he was pleased to inform Members that KCC's Public Health campaign - 'Release the Pressure' had won the Silver award in the Best Public Sector Campaign category at the South of England Chartered Institute of Public Relations awards. This was a highly successful media, marketing and public relations campaign which had received huge press coverage. Since it launched in March, there had been a 56 % rise in the number of male callers to the Mental Health Matters helpline which KCC commissioned. He congratulated the Kent Communications team and Tim Woodhouse, Wayne Gough and Sarah Lovell from Public Health.

(d) Office Visits

(5) The Chairman informed Members that over the last few weeks he had been visiting frontline offices across the county, these visits had include the Kent Film Office, Highways Management Centre at Ashford, Kent Resilience Team at Kent Fire & Rescue Authority HQ and Shorne Woods Country Park. He stated that he had thoroughly enjoyed these visits. He encourage as many Members as possible to take the time to visit the different teams working across the County to see the fantastic services and frontline support being delivered.

(e) Royal Mail's Delivery Office visit

(6) The Chairman announced that he had recently visited Royal Mail's Delivery Office in Maidstone to pass on Christmas wishes and encouragement during their busiest time of the year. He was shown around the office by Delivery Office

Manager, James Barnden and it was great to meet so many of the post office staff who went out in all weathers, and to see first-hand just how much effort they put into delivering for the people and businesses of Kent during the run-up to Christmas.

(f) Collection for Homeless Care (Maidstone Day Centre)

(7) The Chairman referred to the Liberal Democrat Groups collection being held that morning, for Homeless Care which ran the Maidstone Day Centre.

(g) Carols

(8) The Chairman invited all Members to join him for a seasonal buffet lunch and carols with the school choir from Brunswick House Primary School in the Atrium of Invicta House at 1.00 p.m. and hoped that Members would be able to join him in thanking Officers for their hard work and dedication and to wish them a very Merry Christmas.

39. Questions

In accordance with Procedure Rule 1.17(4), 11 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.

40. Report by Leader of the Council (Oral)

(1) Mr Simmonds, the Deputy Leader, on behalf of the Leader updated the Council on events since the previous meeting.

(2) Mr Simmonds mentioned that the annual settlement was awaited from the Government. He also referred to the Autumn Budget Statement from the Chancellor and stated that it was significant that what was missing from this was any mention of help for Adult Social Care and in particular with meeting the pressures Local Authorities were facing in providing care for the elderly. He emphasised that KCC were lobbying hard and that he had recently spoken with the Kent MP's regarding the scope of the problem in meeting the demands of adult social care. He had stressed how inextricably this was linked to the problems in the Health Service relating to bed occupancy and ensuring there was a support infrastructure for those in hospital and needing continuing care. It was important to get the relationship with the NHS right in order to care for the ever increasing number of elderly and those with disabilities. KCC's approach to this was fully supported by the Local Government Association.

(3) Mr Simmonds stated that Sajid Javid MP (Minister for Communities and Local Government) and Chris Grayling MP had been lobbied hard when they attended the County Council's Network (CCN) Conference. He confirmed that CCN which the Leader Chaired had fully endorsed the request to Government to look again at providing this essential support.

(4) Mr Simmonds referred to the very real budgetary problems that many Local Authorities had experienced which had been triggered by the need to prop up their adult social service budget. One of the options that had been mentioned was that Government might allow an additional Council Tax precept. He confirmed that an

additional 1% Council Tax precept for Kent would produce roughly £5.6m which would obviously help but would not meet entirely the pressures KCC were facing. The CCN had made it clear to Government that although this 1% would only be an additional £10 per annum for a band C taxpayer, which did not sound unreasonable, it would be in addition to the 1.9% council tax rise which KCC would be seeking and the 2% social care levy.

(5) Mr Simmonds mentioned the huge difference in care available between east and west Kent. In West Kent even for self-funders paying a premium rate, care could not always be found and as the aging population increased the situation would get worse. Despite active recruitment there were simply not enough carers to meet demand despite premium payments in the wealthier districts. He hoped that the financial strain would begin to ease when the monies from the new Better Care Fund appeared in 2018/19 but there could still be additional obligations placed on local authorities by Government, as there was a tendency for additional money to come with conditions.

(6) Mr Simmonds made reference to the change over to the business rate and Government were being lobbied strongly to ensure the balancing formula for those local authorities who could not generate sufficient business rate was sensible and did not only favour the London Boroughs, who did so much better than the shire counties.

(7) KCC were also lobbying for restraint on London Boroughs, particularly those that were seeking to solve their housing problems by acquiring Kentish accommodation, which was so badly needed for our own Council Tax payers and particularly in the housing run by the Districts where we have had several examples of this already and it was something that had been looked at. We know these issues were being listened to and we have reason to believe that there were some measures in place to support this but we have yet to hear of this directly.

(8) Mr Simmonds undertook to make Members aware of the financial settlement as soon as the information was received.

(9) Mr Latchford, the Leader of the Opposition, started by referring to the Chancellor's Autumn Budget Statement and the failure to include any financial respite for social care. He expressed the view that the Chancellor must have been aware of the dire warnings about providers of services being on the brink of collapse and also of Care England's warning over the growing disparity between the affluent and the poorer areas of the UK.

(10) Mr Latchford referred to the Prime Ministers pledge in her inaugural speech to address the issue of those that truly needed help. He mentioned that it had been reported that Kent had a shortage of 500 beds against the requirement which this being only the second year of the 2% additional levy on the Council tax for social adult services. He had been advised that the levy raised £11m but the pressures were currently £35m. He acknowledged that the reports being considered at this meeting highlighted KCC's serious concerns about care of the elderly.

(11) Mr Latchford referred to the impact of the Government austerity measures and the serious affect that these have had on Local Authorities throughout the UK who were facing similar problems. He understood from the Mr Simmonds that KCC was in

a marginally better place financially than some authorities. He emphasised the importance of the Conservative administration ensuring that a very clear message was passed to central government, as clearly KCC cannot continue talking on more responsibility with less money.

(12) Mr Latchford emphasised the importance of the Government making savings in, for example, overseas aid and suggested that in future support should only be given to mandatory aid and to disaster relief. Referring to the Brexit issue and the cost to the exchequer of every month that this was delayed and that despite fears to the contrary, the Times Economic Correspondent had recently predicted that Britain should finish this year as the fastest growing economy of the 7 leading nations.

(13) Mr Latchford acknowledged the difficult position the County Council faced to provide a statutorily balanced budget and it was a concern which must be addressed or it would increase pressures in the following year.

(14) Mr Latchford referred to the union protest outside County Hall which he sympathised with but felt was premature as the constructive debate on the Budget would take place in February where he was confident that there would be challenges to the draft budget from opposition groups. He expressed the view that there was a strong case to consider drawing on some reserves to help those who were in most need rather than implementing cuts.

(15) Mr Latchford referred to a recent BBC programme which discussed Local Authorities reliance on consultants, spending £100m of taxpayer's money on contracts that were covered by confidentiality deals meaning very little was known about them. He suggested that this was something that KCC needed to review. He was of the view that this could achieve significant savings as the County Council had sufficient professional highly qualified staff in-house.

(16) In conclusion Mr Latchford thanked Mr Simmonds for the openness of his report.

(17) Mr Cowan, Leader of the Labour Group, referred to the Autumn Budget Statement and the Chancellor stating that austerity would continue beyond 2020 into the next decade which was in contrast to the previous Chancellors announcement that he would remove the net structural budget deficit by 2015. He agreed with Mr Simmonds regarding the absence of any mention of the most important item, adult social care, in the Autumn Budget Statement. The speculation that the Chancellor might relax the austerity policy in relation to local government proved to be wishful thinking, the flat cash government settlement would remain in place comprising of reducing government funding and increased council tax. He stated that this would mean that 10 County Councils would still have no additional money to address rising costs and spending demands and the planned cuts must stand at around £80m. He acknowledged that there were some infrastructure investment funds being made available which would be useful but this would fall short of what was really needed. He stated that Kent residents on middle and low incomes, who were most in need of KCC's services, were the most affected by the cut backs. The cuts have had an impact on for example education, social services, libraries, highways, waste disposal and public health. He referred to the Administrations belief that front line services could be protected from cutbacks in government funding by transformation in the way that they were delivered but this was becoming impossible to sustain. He referred to

the abrupt withdrawal of the education services grant by the Government without consultation and that some services to schools might have to cease. He expressed the view that a tipping point had been reached where to meet further cuts from Government some services would have to cease. He stated that the Labour Group would fight for further funding so that services did not continue to be cut and commissioned out to an unaccountable third party.

(18) Mr Cowan referred to the budget monitoring for 2016/17 and acknowledged that securing a balanced budget in a period of brutal austerity was getting increasingly harder to achieve each year. He stated that normally by this time there was a reasonable certainty that a balanced budget would be achieved but this was not the case this year as there were still savings of £4.85m to be identified. He mentioned the need to reduce spending by £1.912m in social care, health and wellbeing for adults, the later was proving particularly difficult due to increasing service demands.

(19) Mr Cowan referred to the additional 400 jobs that would be lost which could only be to the detriment of the services provided to the people of Kent. He stated that many services that KCC provided to the community were under threat and he asked KCC's Conservative Administration to tell the Government that enough was enough.

(20) Mr Bird, on behalf of the Leader of the Liberal Democrat Group, referred to Chancellors Autumn Budget Statement and expressed the view that it did little to support those "Just About Managing" (JAM) and did little for our local communities including the chronic housing shortage. He referred to the continuing Government austerity measures and the recognition by the Liberal Democrats in 2010 of the need to rise public spending.

(21) Mr Bird quoted part of the LGA's response to the Autumn Budget Statement regarding the Government's failure address the social care issue. He emphasised that KCC could not continue to do more for less with its social care provision by putting more onto the voluntary sector and pretending that front line services were not being affected. He expressed the view that Kent's social care and health services were close to breaking point and referred to the fact that specialist children's services had been over budget for the past 4 years. He expressed the view that this was not just because of unaccompanied asylum seekers or because of massive inefficiencies, the real problem was KCC's continued failure to come to terms with what it took to provide an effective social service for all in need. He referred to the struggle to manage for example, SEN transport costs, maintain Home to School transport, waste management. He stated that highways had been cut to the bone with Members having to tell residents why local highways schemes had been relegated to low priority, why redundant light columns had not been removed yet and why so many footways needed to be repaired. He stated that KCC might be just about managing but unless the administration could persuade the Government, KCC like many other councils soon won't be managing at all.

(22) Mr Whybrow, Leader of the Independents Group, stated that Kent had an ever increasing number of Just About Managing families as well as people who were not managing at all. He referred to Local Authorities outside of London, struggling to manage and gave the example of Liverpool City Council. He mentioned the difficult choices facing the County Council especially at the next meeting when there would

be a difficult decision to be taken about a particular budget that was linked to the most vulnerable people in Kent. He also referred to the additional job losses.

(23) Mr Whybrow welcomed the increase in the national minimum wage in the Autumn Budget statement but acknowledged the impact that this would have on social care. He was pleased that there had not been a cut in air passenger duty but was disappointed in the freeze on *fuel* duty for the seventh consecutive year with the implications that has for carbon emissions and air pollution. Whilst acknowledging the Chancellors partial U-turn on universal credit cuts there was still the £3 billion cut to out of work allowance to come so overall a lot of Kent residents would be worse off. In addition to there being no reference to social care in the Autumn Budget Statement, Mr Whybrow also referred to there being no mention on climate change, particularly in a year when there have been record increases in temperatures around the globe.

(24) Mr Whybrow referred to the recent launch of the Kent Environment Strategy and expressed the wish for this to have a higher profile at KCC, for example maybe a Cabinet Committee for the Environment as several other County Councils had. This would enable there to be a focus on the Environment and separate it from the larger Environment and Transport Cabinet Committee which was often diametrically opposed to environmental improvements in its quest for economic growth and infrastructure at all costs.

(25) Mr Simmonds replied to the comments made and in particular referred to the cause of the national financial situation. He stated that KCC had been working on managing the financial situation that the County Council found itself in since 2010. He stated that there would be a balanced budget for 2016/17 which would be achieved whilst still providing care to the elderly. He reminded Members that the County Council were still looking after an increasing number of young people and they KCC had coped with the unaccompanied asylum seekers crisis as it emerged and this had been commended. He acknowledged that there was £2m outstanding from Government for unaccompanied asylum seekers but it would be paid, but there would be a 12 – 18 month wait.

(26) Mr Simmonds referred to the emphasis that had been placed by Group Leaders on the loss of 400 jobs, whilst acknowledging that this was regrettable he confirmed that this would be managed by, for example, using the policy of vacancy management. He emphasised that it was 400 jobs not necessarily 400 individuals and pointed out that there was a 10 -11% turnover in staff. It was right that KCC evolved to take account of the huge changes in technology.

(27) Mr Simmonds stated that KCC was honouring its obligations to the elderly, young and vulnerable and had well managed services but it was getting increasingly difficult. He confirmed that Government was being lobbied hard to try to make sure that they listened to KCC's problems and provided help.

(28) Mr Simmonds reminded Mr Bird that the County Council had received all of the £50m invested in Iceland with interest.

41. Kent and Medway Safeguarding Adults Board Annual Report April 2015 - March 2016

(1) Mr Gibbens moved and Mrs Cole seconded the following motion:

“County Council is asked to **COMMENT** on the progress and improvements made during 2015-16, as detailed in the Annual Report from the Kent and Medway Safeguarding Adults Board and **ENDORSE** the 2015-16 Annual Report attached. Following this meeting, this document will be available for download on the KCC website.”

(2) Ms Stuart-Angus, the Independent Chair of the Kent and Medway Safeguarding Adults Board, addressed the meeting and answered questions from Members.

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

(4) **RESOLVED** that the Kent and Medway Safeguarding Adults Board Annual Report 2015-16 be endorsed and the comments made by Members on the progress and improvements made during 2015-16 be noted.

42. Kent Health and Wellbeing Board Annual Report 2015-2016

(1) Mr Gough moved and Mr Gibbens seconded the following motion:

“That the County Council is asked to agree that the Kent Health and Wellbeing Board has fulfilled its responsibilities under its Terms of Reference.”

(2) Following debate the motion was agreed by a show of hands.

(3) **RESOLVED** that the Kent Health and Wellbeing Board has fulfilled its responsibilities under its Terms of Reference.

43. Your Life, Your Well - Being - A vision and strategy for Adult Social Care 2016 - 2021

(1) Mr Gibbens moved and Mr Smith seconded the following motion:

“County Council is asked to **ENDORSE** Your Life, Your Well-Being - A Vision and Strategy for Adult Social Care 2016 -2021”

(2) Following debate the motion was agreed without a formal vote.

(3) **RESOLVED** that ‘Your Life, Your Well-Being’ - A vision and Strategy for Adult Social Care 2016 -2021 be endorsed.

44. Appointment of External Auditors for the 2018/19 accounts and beyond

(1) Mr Simmonds moved and Mrs Crabtree seconded the following motion:

“County Council is asked to:

NOTE the changes in the external auditor appointment process following the Local Audit and Accountability Act 2014.

NOTE the options available to the Council for the appointment of an external auditor for the 2018/19 accounts and beyond.

RESOLVE that the Council opts-in to a sector led body (PSAA Ltd) to appoint external auditors for five financial years commencing 1st April 2018.”

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

(3) RESOLVED that :

(a) the changes in the external auditor appointment process following the Local Audit and Accountability Act 2014 be noted.

(b) the options available to the Council for the appointment of an external auditor for the 2018/19 accounts and beyond be noted

(c) the County Council opt-in to a sector led body (PSAA Ltd) to appoint external auditors for five financial years commencing 1st April 2018.

45. Motion for Time Limited Debate

(1) Mr Burgess moved and Mr Baldock seconded the following motion:

“This Council fully supports the aspirations behind the British Deaf Association's Charter of British Sign Language (BSL), and agrees to sign up to the Charter and to implement their five pledges to improve access and rights for Deaf BSL users. Further, we request the appropriate Cabinet Members to submit a report to County Council in 12 months' time on progress made with implementing the pledges.

1. **Ensure access for Deaf people to information and services**
Pledge: Deaf people will get the same quality of provision, information and standards and the same right to be consulted as everyone else.
2. **Promote learning and high quality teaching of British Sign Language(BSL)**
Pledge: Family members, guardians and carers of deaf children and Deaf young people and local authority/public service employees will have access to BSL lessons from suitably qualified teachers.
3. **Support Deaf children and families**
Pledge: At the point of diagnosis of deafness, health and education providers will offer parents genuinely informed choices, including a bilingual/bicultural approach.
4. **Ensure staff working with Deaf people can communicate effectively in BSL**
Pledge: Customer-facing staff will have basic BSL skills. Specialist staff will have higher-level BSL skills so they can deliver good services to Deaf people without needing interpreters.

5. Consult with the local Deaf community on a regular basis

Pledge: Deaf people should have the right to be consulted on services or changes to services that affect them and to have input into consultations alongside other forums and user groups.”

(2) Mr Gibbens proposed and Mr Oakford seconded the following amendment:

“This Council fully supports the aspirations behind the British Deaf Association's Charter of British Sign Language (BSL), and agrees to ~~sign~~**investigate the implications of both signing** up to the Charter and ~~to~~ **of** implementing their five pledges to improve access and rights for Deaf BSL users. Further, we request the appropriate Cabinet Members to submit a report to the ~~County Council~~ **Adults Social Care and Health Cabinet Committee** within 12 months' time on progress made with implementing the pledges.”

(3) The amendment set out in paragraph (2) and the resultant substantive motion were agreed without formal votes.

(4) **RESOLVED** that this Council fully supports the aspirations behind the British Deaf Association's Charter of British Sign Language (BSL), and agrees to investigate the implications of both signing up to the Charter and to of implementing their five pledges to improve access and rights for Deaf BSL users. Further, the appropriate Cabinet Members is requested to submit a report to the Adults Social Care and Health Cabinet Committee within 12 months' on progress made with implementing the pledges.