

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber - Sessions House on Thursday, 12 July 2018.

PRESENT:

Mr M J Angell (Chairman)
Mrs A D Allen, MBE (Vice-Chairman)

Mr M A C Balfour, Mr P V Barrington-King, Mr P Bartlett, Mrs C Bell,
Mrs P M Beresford, Mrs R Binks, Mr R H Bird, Mr T Bond, Mr A H T Bowles,
Mr D L Brazier, Mr D Butler, Miss S J Carey, Mr P B Carter, CBE, Mrs S Chandler,
Mr N J D Chard, Mr I S Chittenden, Mr N J Collor, Ms K Constantine, Mr G Cooke,
Mrs M E Crabtree, Mr D S Daley, Mr M C Dance, Miss E Dawson, Mrs T Dean, MBE,
Mr T Dhesi, Mr D Farrell, Mrs L Game, Mrs S Gent, Mr G K Gibbens, Ms S Hamilton,
Mr P M Hill, OBE, Mr A R Hills, Mrs S V Hohler, Mr S Holden, Mr P J Homewood,
Mr A J Hook, Mr E E C Hotson, Mrs L Hurst, Mr J A Kite, MBE, Mr B H Lewis,
Mr R C Love, Mr G Lymer, Mr S C Manion, Mr R A Marsh, Mr J P McInroy,
Mr P J Messenger, Mr D D Monk, Mr D Murphy, Mr M J Northey, Mr P J Oakford,
Mr M D Payne, Mrs S Prendergast, Miss C Rankin, Mr H Rayner, Mr C Simkins,
Mrs P A V Stockell, Dr L Sullivan, Mr I Thomas, Mr M Whiting, Mr M E Whybrow and
Mr J Wright

IN ATTENDANCE: Mrs A Beer (Corporate Director Engagement, Organisation Design & Development), Mr D Cockburn (Corporate Director Strategic & Corporate Services), Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Mr M Dunkley CBE (Corporate Director for Children Young People and Education), Mr V Godfrey (Strategic Commissioner), Mr A Scott-Clark (Director of Public Health), Mr D Shipton (Head of Finance (Policy, Planning and Strategy)), Ms P Southern (Corporate Director, Adult Social Care and Health) and Mr B Watts (General Counsel)

UNRESTRICTED ITEMS

78. Apologies for Absence

The General Counsel reported apologies from Mr Booth, Mrs Cole, Mr Cooper, Mr Gough, Mr Harman, Mr Horwood, Mr Koowaree, Mr Lake, Ida Linfield, Mr Long, Ms Marsh, Mr Pascoe, Mr Pugh, Mr Ridgers Mr Simmonds and Mr Sweetland .

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

(1) Mr Oakford declared a disclosable pecuniary interest in item 11 (Select Committee – Pupil Premium) as he and his wife were owners of a pre-school.

(2) Dr Sullivan declared an interest as her husband was employed by the County Council as an Early Help and Prevention officer.

(3) Mr Lewis declared an interest as his wife was employed by the County Council.

80. Minutes of the meeting held on 17 May 2018 and, if in order, to be approved as a correct record

RESOLVED that the minutes of the meeting held on 17 May 2018 be approved as a correct record.

81. Chairman's Announcements

(a) Royal British Legion – Thank you

(1) The Chairman announced that November 2018 would mark the 100th anniversary of the end of the first world war. To mark the momentous occasion, the Royal British Legion had launched a campaign to say 'Thank You'.

(2) The Chairman invited Jane Ayers (Community Fundraiser – West Kent) and Julie Ness (Community Fundraiser – East Kent) to address the Council and introduce two short films which had been produced to mark the centenary of the end of the first world war and to say "thank you" for the sacrifices made by that generation.

(3) Members commented on the films presented by the Royal British Legion and commended the work that had been carried out.

(b) Birthday Honours List

(4) The Chairman referred Members to the list of honours recipients from Kent following the recent announcement in The Queen's Birthday Honours List.

(5) He stated that he was delighted to inform Members that Lizzy Yarnold had received an MBE for services to winter Olympic sport and Richard Oldfield, Vice-Lord Lieutenant of Kent, had received an OBE for services to the Canterbury Cathedral Appeal and charity.

(6) The Chairman, had on behalf of the County Council, offered sincere congratulations to all of those Honours recipients.

(c) Chartered Trading Standards Institute – Hero award

(7) The Chairman announced that Neil Butcher, Kent County Council Trading Standards Officer, had received the Hero Award from the Chartered Trading Standards Institute, for his exceptional work in tackling under-age drinking and alcohol-related antisocial behaviour. Mr Butcher had worked with great dedication to unite a range of partners and had helped set up two Community Alcohol Partnerships in Thanet and Herne Bay. He had obtained a grant from Kent Fire and Rescue for Community Alcohol Partnerships work and organised training for teachers from East Kent College by the Alcohol Education Trust.

(d) 'Best large trade stand' at County Show

(8) The Chairman announced that Kent County Council had been awarded first place for 'best large trade stand' at the Kent County Show. He said that 1,000 people had received support and advice from health advisors from Kent County Council and its partners, on how to lead a healthier lifestyle.

(e) Penny Southern

(9) The Chairman announced that Penny Southern, former Director of Disabled Children, Learning Disability and Mental Health, had been appointed as Corporate Director of Adult Social Care and Health in June 2018.

(10) Ms Southern was invited to briefly address the Council.

(f) Death of Mr Alfred Mersh

(11) The Chairman stated that it was with regret that he had to inform Members of the death of Mr Alfred Mersh, former Labour Member for Gravesend South between 2001 and 2005.

(12) The Chairman confirmed that Members would be given the opportunity to pay tribute to Mr Mersh at the next meeting of the County Council and that funeral arrangements would be circulated to Members as soon as they were available. .

82. Questions

In accordance with Procedure Rule 1.17(4), 10 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.

83. Report by Leader of the Council (Oral)

(1) The Leader informed the Council that Mr Simmonds had resigned as Cabinet Member for Finance, due to ill health. On behalf of the County Council, he thanked Mr Simmonds for the extraordinary contribution that he had made to Kent County Council as the Cabinet Member for Finance. Mr Simmonds had brought his great knowledge, experience and understanding of the financial world and carried out his Cabinet role in very difficult and challenging times.

(2) Mr Carter stated that his report would focus on Kent County Council's Medium-Term Capital Programme.

(3) Mr Carter referred to the three year investment in the Medium-Term Capital Programme which equated to £790 million of investment in traditional areas such as schools maintenance, schools expansion and maintaining roads. Mr Carter was hopeful that Kent County Council could become more ambitious in the future in

relation to the Medium-Term Capital Programme. Whilst retaining a prudent approach It was important to take advantage of favourable terms from the Public Works Loan Board in relation to long term borrowing at very reasonable rates. Which could be applied to projects that would in-turn create income, add social value and initiate potential to make significant capital gains for Kent County Council. Mr Carter referred to the Kent History and Library Centre in Maidstone as an example of an enabling development and highlighted other suggested income-producing opportunities for Kent.

(4) Mr Carter highlighted the substantial need to deliver new care homes across Kent and expressed the view that by utilising the preferential rates within the Public Works Loan Board, there would be potential for additional money to be borrowed against the rental income stream which would flow from the project, adding social value whilst continuing to meet the ever-increasing rise in demand.

(5) Mr Carter commented on the remarkable facilities that Ashford Borough Council had delivered at Farrow Court and on the housing benefit stream that they were receiving. He suggested that Kent County Council could apply the same working principle to extra care housing in Kent and could invest in new towns and villages .. He referred to Kings Hill and the benefits of this investment. .

(6) Mr Carter referred to the new powers announced by Dominic Raab (former Housing, Communities and Local Government Minister) which would allow Councils to establish new towns and villages through development corporations, subject to approval by Government. This would allow local authorities to determine the location of new communities and the potential to harvest a significant proportion of land value capture. Kent County Council's Section 151 Officer would ensure that rigorous and robust business processes and plans were scrutinised to ensure that income would flow and capital growth would be available.

(7) Mr Carter concluded that Kent County Council should continue to explore options to increase the social value of the Kent County Council's capital investments, to increase income streams, to maximise capital receipts and capital growth and support the delivery of infrastructure against housing growth.

(8) Mr Bird, the Leader of the Opposition, expressed his best wishes to Mr Simmonds.

(9) Mr Bird said that he was pleased to see the LGBT flag raised at Sessions House from 22nd to 25th June which demonstrated that the County Council was open and inclusive.

(10) Referring to the Medium-Term Capital Programme, Mr Bird agreed with Mr Carter's comments and highlighted the importance of addressing the housing needs of vulnerable people living in Kent.

(11) Mr Bird referred to the Medium-Term Capital Programme and said that whilst remaining ambitious, it was important to continue to focus on addressing responsibilities such as road maintenance in Kent.

(12) Mr Bird suggested that there should be the opportunity for an informed debate in the autumn on the Capital programme.

(13) Mr Bird commented on Kent County Council's challenges for Kent in relation to Brexit and the significant financial pressures being faced by the County Council..

(14) Mr Farrell, Leader of the Labour Group, expressed his thanks to Mr Simmonds for his service to the Council and the Cabinet

(15) Mr Farrell stated that he would submit a written response to Mr Carter's oral report. ..

(16) Mr Whybrow, Leader of the Independents Group offered his best wishes to Mr Simmonds.

(17) Mr Whybrow referred to the importance of the Adult Social Care green paper and the frustration caused by its current delays from Central Government.

(18) In replying to the other Leaders' comments, Mr Carter reassured Members that whilst Kent had resolved that no more than 15% of the revenue budget would be spent in servicing debt related to the capital programme, it was important to focus on income streams that would reduce borrowing costs on the authority..

(19) Mr Carter referred to the exceptional progress that had been made in relation to negotiations between the Department for Education, the Education and Skills Funding Agency and Kent County Council, to receive additional funding to contribute to closing basic need funding gaps. It was essential that Kent County Council commissioned necessary contracts to deliver school places on time.

(20) Regarding the Fair Funding Review which would set new funding baselines for Kent County Council alongside the introduction of 100% business rate retention in 2019-20, Mr Carter stated that the consultation documents would be received in autumn 2018.

(21) Mr Carter referred Members to the consideration later in the meeting that an additional £10 million be invested in road maintenance in Kent to ensure that potholes were fixed, and a good quality surface dressing applied to increase the life expectancy of roads.

(22) In conclusion, Mr Carter expressed his views on the need for a greater investment from government for road maintenance to enable roads to be maintained to a reasonable and safe standard.

84. Brexit Preparedness - Kent County Council Position

- (1) Mr Carter proposed and Mr Dance seconded the following recommendation:

“County Council is asked to ENDORSE Kent County Council’s position in relation to Brexit.”

- (2) Mr Hook proposed and Mr Bird seconded the following amendment:

“The Council calls on the UK Government to ensure that:

- (a) Kent is not exposed to a ‘no deal’ Exit from the European Union and all steps necessary to avoid that shall be taken; and
- (b) The proposed Exit Deal should be subject to a People’s Vote in the UK.

- (3) Mr Oakford* moved and Mr Gibbens * seconded the procedural motion “that the question be put”, the Chairman put this to vote and the voting was as follows:

For (51)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr P Barrington-King, Mr P Bartlett, Mrs C Bell, Mrs P Beresford, Mrs R Binks, Mr T Bond, Mr D Brazier, Mr D Butler, Miss S Carey, Mr P Carter, Mrs S Chandler, Mr N Chard, Mr N Collor, Mr G Cooke, Mrs M Crabtree, Mr D Daley, Mr M Dance, Miss E Dawson, Mrs L Game, Mrs S Gent, Mr G Gibbens, Ms S Hamilton, Mr M Hill, Mr T Hills, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Mrs L Hurst, Mr J Kite, Mr R Love, Mr G Lymer, Mr S Manion, Mr A Marsh, Mr J McInroy, Mr P Messenger, Mr D Murphy, Mr M Northey, Mr P Oakford, Mr M Payne, Mrs S Prendergast, Miss C Rankin, Mr H Rayner, Mr C Simkins, Mrs P Stockell, Mr I Thomas, Mr M Whiting, Mr J Wright.

Against (10)

Mr R Bird, Mr I Chittenden, Ms K Constantine, Mrs T Dean, Mr T Dhesi, Mr D Farrell, Mr A Hook, Mr B Lewis, Dr L Sullivan, Mr M Whybrow.

Abstain (1)

Mr A Bowles.

Procedural motion carried

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

For (6)

Mr R Bird, Mr I Chittenden, Mr D Daley, Mrs T Dean, Mr A Hook, Mr M Whybrow.

Against (51)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr P Barrington-King, Mr P Bartlett, Mrs C Bell, Mrs P Beresford, Mrs R Binks, Mr T Bond, Mr A Bowles, Mr D Brazier, Mr D

Butler, Miss S Carey, Mr P Carter, Mrs S Chandler, Mr N Chard, Mr N Collor, Mr G Cooke, Mrs M Crabtree, Mr M Dance, Miss E Dawson, Mrs L Game, Mrs S Gent, Mr G Gibbens, Ms S Hamilton, Mr M Hill, Mr T Hills, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Mrs L Hurst, Mr J Kite, Mr R Love, Mr G Lymer, Mr S Manion, Mr A Marsh, Mr J McInroy, Mr P Messenger, Mr D Murphy, Mr M Northey, Mr P Oakford, Mr M Payne, Mrs S Prendergast, Miss C Rankin, Mr H Rayner, Mr C Simkins, Mrs P Stockell, Mr I Thomas, Mr M Whiting, Mr J Wright.

Abstain (5)

Ms K Constantine, Mr T Dhesi, Mr D Farrell, Mr B Lewis, Dr L Sullivan.

Amendment lost

(5) Following a debate, the Chairman put the motion as set out in paragraph (1) to vote and voting was as follows:

For (58)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr P Barrington-King, Mr P Bartlett, Mrs C Bell, Mrs P Beresford, Mr R Bird, Mr T Bond, Mr A Bowles, Mr D Brazier, Mr D Butler, Miss S Carey, Mr P Carter, Mrs S Chandler, Mr N Chard, Mr I Chittenden, Mr N Collor, Mr G Cooke, Mrs M Crabtree, Mr D Daley, Mr M Dance, Miss E Dawson, Mrs T Dean, Mr T Dhesi, Mr D Farrell, Mrs L Game, Mrs S Gent, Mr G Gibbens, Ms S Hamilton, Mr M Hill, Mr T Hills, Mrs S Hohler, Mr S Holden, Mr A Hook, Mr P Homewood, Mr E Hotson, Mr J Kite, Mr B Lewis, Mr R Love, Mr G Lymer, Mr S Manion, Mr A Marsh, Mr J McInroy, Mr P Messenger, Mr D Murphy, Mr M Northey, Mr P Oakford, Mr M Payne, Mrs S Prendergast, Miss C Rankin, Mr H Rayner, Mr C Simkins, Mrs P Stockell, Dr L Sullivan, Mr I Thomas, Mr M Whiting, Mr J Wright.

Against (1)

Mr M Whybrow.

Abstain (1)

Ms K Constantine.

Motion carried

(6) RESOLVED that Kent County Council's position in relation to Brexit, be endorsed.

*(*as amended at County Council – 18 October 2018)*

85. Revenue Budget 2018-19 Update/ Highways Asset Management

(1) The Chairman reminded Members that any Member of a Local Authority who is liable to pay Council Tax, and who has any unpaid Council Tax amount overdue for at least two months, even if there is an arrangement to pay off the arrears, must declare the fact that they are in arrears and must not cast their vote on anything related to KCC's Budget or Council Tax.

- (2) Mrs Crabtree moved and Mr Whiting seconded the following motion:

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“Members are asked to approve an additional £4.6m draw down from reserves to support the £10.1m already committed and provide for a further £2.5m revenue spending on pot-hole repairs in 2018-19. Members are asked to note the £10m capital for road schemes will be facilitated over the 3 – 4 year programme of £794.7m”

- (3) Following the debate the Chairman put the motion set out above to the vote and the voting was as follows:

For (62)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr P Barrington-King, Mr P Bartlett, Mrs C Bell, Mrs P Beresford, Mrs R Binks, Mr R Bird, Mr T Bond, Mr A Bowles, Mr D Brazier, Mr D Butler, Miss S Carey, Mr P Carter, Mrs S Chandler, Mr N Chard, Mr I Chittenden, Mr N Collor, Ms K Constantine, Mr G Cooke, Mrs M Crabtree, Mr D Daley, Mr M Dance, Miss E Dawson, Mrs T Dean, Mr T Dhesi, Mr D Farrell, Mrs L Game, Mrs S Gent, Mr G Gibbens, Ms S Hamilton, Mr M Hill, Mr T Hills, Mrs S Hohler, Mr S Holden, Mr A Hook, Mr P Homewood, Mr E Hotson, Mrs L Hurst, Mr J Kite, Mr B Lewis, Mr R Love, Mr G Lymer, Mr S Manion, Mr A Marsh, Mr J McInroy, Mr P Messenger, Mr D Murphy, Mr M Northey, Mr P Oakford, Mr M Payne, Mrs S Prendergast, Miss C Rankin, Mr H Rayner, Mr C Simkins, Mrs P Stockell, Dr L Sullivan, Mr I Thomas, Mr M Whiting, Mr M Whybrow, Mr J Wright.

Against (0) Abstained (0)

Motion carried

- (4) RESOLVED that:

- (a) an additional £4.6m be drawn down from reserves to support the £10.1m already committed and provide for a further £2.5m revenue spending on pot-hole repairs in 2018-19; and
- (b) it be noted that the £10m capital for road schemes will be facilitated over the 3-4 year programme of £794.7m.”

86. End of Year Performance Report 2017/18

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

“That the County Council NOTE the Performance Report.”

- (2) Following the debate the Chairman put the motion set out above to the vote and the voting was as follows:

For (48)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr P Barrington-King, Mr P Bartlett, Mrs C Bell, Mrs P Beresford, Mrs R Binks, Mr T Bond, Mr A Bowles, Mr D Brazier, Miss S Carey, Mr P Carter, Mrs S Chandler, Mr N Chard, Mr N Collor, Mr G Cooke, Mrs M

Crabtree, Mr M Dance, Miss E Dawson, Mrs L Game, Mrs S Gent, Mr G Gibbens, Ms S Hamilton, Mr M Hill, Mr T Hills, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Mrs L Hurst, Mr J Kite, Mr R Love, Mr G Lymer, Mr A Marsh, Mr J McInroy, Mr P Messenger, Mr D Murphy, Mr M Northey, Mr P Oakford, Mrs S Prendergast, Miss C Rankin, Mr H Rayner, Mr C Simkins, Mrs P Stockell, Mr I Thomas, Mr M Whiting, Mr J Wright.

Against (6)

Mr R Bird, Mr I Chittenden, Mr D Daley, Mrs T Dean, Mr A Hook, Mr M Whybrow.

Abstain (7)

Mr D Butler, Ms K Constantine, Mr T Dhesi, Mr D Farrell, Mr B Lewis, Dr L Sullivan, Mr M Payne.

Motion carried

(3) RESOLVED that the Performance Report 2017/18 be noted.

87. Members Allowances Scheme 2018/19

(1) Mr Angell moved and Mrs Allen seconded the following motion:

“That the County Council adopt the Members’ Allowances Scheme for 2018/19.”

(2) The motion as set out in paragraph (1) was agreed without formal vote.

(3) RESOLVED that the County Council adopt the Members’ Allowances Scheme for 2018/19.

(It was noted at County Council on 18 October 2018 that the Appendix to the report on Members Allowances should have included an allowance for the Lead Member for Trading Services at the equivalent of Cabinet Member. This allowance was recommended by the Independent Member Remuneration Panel and agreed by the County Council on 13 July 2017.)

88. Select Committee - Pupil Premium

(1) Mr Northey moved and Mr McInroy seconded the following motion: "That County Council is asked to:

- (a) Thank the Select Committee for producing a useful report on a complex and challenging issue; and
- (b) Recognise the valuable contribution of the witnesses and others who provided evidence to the Select Committee, and
- (c) Comment on and endorse the report and recommendations of the Select Committee."

(2) The motion as set out in paragraph (1) was agreed without a formal vote.

(3) RESOLVED that

- (a) the Select Committee be thanked for producing a useful report on a complex and challenging issue; and
- (b) the valuable contribution of the witnesses and others who provided evidence to the Select Committee be recognised, and
- (c) the Comments made by Members be noted and the report and recommendations of the Select Committee be endorsed

89. Amendments to the Constitution

(1) Mr Hotson moved and Mr Carter seconded the following recommendations:

"That the County Council:

- a) AGREE the adoption of the CIPFA/SOLACE 2016 Framework; and
- b) AGREE the changes to the Constitution as detailed in the report and recommend their adoption."

(2) The motion as set out in paragraph (1) was agreed without a formal vote.

(3) RESOLVED that the CIPFA/SOLACE 2016 Framework and the changes to the Constitution as detailed in the report be adopted.