

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber - Sessions House on Thursday, 23 May 2019.

PRESENT:

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

Mr M A C Balfour, Mrs C Bell, Mrs P M Beresford, Mrs R Binks, Mr R H Bird, Mr T Bond, Mr A Booth, Mr A H T Bowles, Mr D L Brazier, Mr J Burden, 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 J Clinch, Mrs P T Cole, Mr N J Collor, Ms K Constantine, Mr A Cook, Mr G Cooke, Mr P C Cooper, Mrs M E Crabtree, Mr D S Daley, Mr M C Dance, Miss E Dawson, Mrs T Dean, MBE, Mr D Farrell, Mrs L Game, Mr G K Gibbens, Mr R W Gough, Ms S Hamilton, Mr P M Harman, Mr P M Hill, OBE, Mr A R Hills, Mrs S V Hohler, Mr S Holden, Mr P J Homewood, Mr M J Horwood, Mr E E C Hotson, Mrs L Hurst, Mr J A Kite, MBE, Mr P W A Lake, Mr B H Lewis, Ida Linfield, Mr R L H Long, TD, Mr R C Love, OBE, Mr G Lymer, Mr S C Manion, Mr R A Marsh, Ms D 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 J M Ozog, Mr R A Pascoe, Mr M D Payne, Mrs S Prendergast, Mr K Pugh, Miss C Rankin, Mr H Rayner, Mr A M Ridgers, Mr C Simkins, Mrs P A V Stockell, Dr L Sullivan, Mr B J Sweetland, Mr I Thomas, Mr R J Thomas, Mr M Whiting, Mr M E Whybrow and Mr J Wright

IN ATTENDANCE: Mrs A Beer (Corporate Director of People and Communications), Mr D Cockburn (Corporate Director Strategic & Corporate Services), Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Ms L McCann (Head of Legal), Mr A Scott-Clark (Director of Public Health), Mr D Shipton (Head of Finance - Planning, Policy & Strategy - and Acting Section 151 Officer), Ms P Southern (Corporate Director, Adult Social Care and Health) and Mr B Watts (General Counsel)

UNRESTRICTED ITEMS

133. Election of Chairman

(Mr M Angell the present Chairman presided for this item)

(1) Mr Kite moved, and Mr Carter seconded that Mrs Allen be appointed Chairman of the County Council.

Agreed unanimously

(2) Thereupon Mrs Allen took the chair, made her Declaration of Acceptance of Office and returned thanks for her election.

(3) Mrs Allen, Mr Dance, Mr Bird and Mr Farrell paid tribute to Mr Angell and thanked him for the manner in which he had carried out his duties as Chairman of the County Council from May 2018 until the present day.

- (4) Mr Angell suitably replied.

134. Election of Vice-Chairman

- (1) Mr Northey moved, and Mr Bird seconded that Mr Gibbens be appointed Vice-Chairman of the County Council.

Agreed unanimously

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

135. Apologies for Absence

The General Counsel reported apologies from Mr Barrington-King, Mr Bartlett, Mr Hook and Mr Koowaree.

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

- (1) Mr Lewis declared an interest as his wife was employed by the County Council.
- (2) Dr Sullivan declared an interest, as her husband was employed by the County Council in the Early Help and Prevention Team.

137. Minutes of the meeting held on 21 March 2019 and, if in order, to be approved as a correct record

RESOLVED that the minutes of the meeting held on 21 March 2019 be approved as a correct record.

138. Chairman's Announcements

Mr Peter Rodberg

- (1) The Chairman stated that it was with regret that she had to inform Members of the death of Mr Peter Rodberg, former Conservative Member for Rochester Number 4 Division from 1977 to 1981. Mr Rodberg's service of thanksgiving had taken place on Wednesday 17th April 2019.
- (2) All Members stood in silence in memory of Mr Rodberg.
- (3) After the one-minute silence the Chairman moved, the Vice-Chairman seconded, and it was resolved unanimously that:

"This Council records the sense of loss it feels on the sad passing of Mr Rodberg and extends to his family and friends its heartfelt sympathy to them in their sad bereavement."

Johanna Rohan

(4) The Chairman announced that Johanna Rohan, Portage Home Visitor at Kent County Council had been presented with her British Empire Medal for voluntary service to Young People in Kent, after being named in the Queen's New Year's Honours list.

(5) The Chairman congratulated Johanna on behalf of the County Council and thanked her for her support to the young people of Canterbury.

Queen's Awards for Enterprise

(6) The Chairman announced that Kent had three winners of The Queen's Awards for Enterprise this year. They were Atom Brands (Tonbridge), Brigade Electronics Group PLC (South Darenth) and Trinity Fencing CIC (Sittingbourne).

(7) The Chairman congratulated these companies on this great achievement.

D-Day 75

(8) The Chairman reminded Members of the Royal British Legion and Arena Travel chartered ship, carrying 300 veterans from Dover to Normandy and taking part in the 75th Anniversary of D-Day.

(9) The Chairman stated that she was delighted to announce that an additional five of Kent's veterans, William Adams, Donald Hunter, John Life, John Long and Ernest Salter, had successfully secured places on the chartered ship.

(10) The Chairman announced that Jock Hutton, a former member of 13th Battalion the Parachute Regiment, part of the British 6th Airborne Division, would repeat the tandem parachute jump he first performed in 2014 for the 70th Anniversary of D-Day.

(11) Mr Messenger drew the County Council's attention to the P22 gunboat moored at Sandwich which was also taking part in the D-Day celebrations and Members could register their interest in joining the voyage.

(12) Mr Holden referred to another related anniversary, the first clinical use of penicillin on D-Day.

139. 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.

140. Report by Leader of the Council (Oral)

(1) The Leader updated the Council on events since the previous meeting. Mr Carter referred to the significant progress that had been made in addressing issues which related to unmet asylum-seeking costs in Kent. He announced that Kent County Council had received an additional £1m from The Home Office within the new funding formula which would contribute towards unmet asylum-seeking costs,

reducing the current figure from £1.5m to £0.5m. Mr Carter expressed his views in relation to the new funding formula and acknowledged the need for Kent County Council to continue lobbying the Home Office and Home Secretary for the post 18 grant to be modified to cover significant increased costs relating to asylum.

(2) Mr Carter referred to the national issue regarding high needs funding and to the lobbying activity which had taken place through the County Councils Network and Local Government Association (LGA) to acquire additional funding to incorporate into Kent schools' budgets to fund high needs. He added that Kent County Council's budget was overdrawn by approximately £10m through supporting Kent schools in relation to high needs.

(3) Mr Carter commended the positive announcement by Liz Truss, Chief Secretary to the Treasury, at a recent LGA debate on the 2019 Spending Review where she recognised that additional funding was desperately needed within special educational needs and children's services. He expressed concern about the uncertainty around when the review would take place.

(4) Mr Carter referred to a recent PricewaterhouseCoopers report which stated that in England, County Council's had experienced the severest financial challenge of all tiers of local government. He emphasised the importance of addressing the financial crisis within local government in the 2019 Spending Review and the new evidence-based fair funding formula. Mr Carter added that Kent County Council would continue to work with the LGA and lobby with government for a settlement in relation to the 2019 Spending Review, which fully funded the cost pressures in inflation on local government services.

(5) Mr Carter referred to the charging for non-household waste at Kent County Council's household waste recycling centres. He confirmed that Kent County Council had reached a reciprocal one-year agreement with Medway Council in relation to the use of household waste and recycling centres. In addition, a new household waste and recycling centre would open in the Tonbridge and Malling area within the next 12 to 15 months.

(6) Mr Carter referred to the new non-household waste charge and confirmed that the estimated income from the charge would be between £1m to £1.4m per year. Mr Carter announced that Kent County Council would be establishing a one-year pilot and providing an additional £250,000 to renew the campaign against fly tipping in Kent, working closely with Kent Police, the Vehicle and Operator Services Agency, the National Farmers' Union and district councils in Kent.

(7) Mr Bird, the Leader of the Opposition, started by expressing his concerns in relation to the threats of climate change and how climate change would affect every resident in Kent. Mr Bird reminded Members of the importance of preserving the planet for future generations.

(8) Mr Bird supported the comments made by Mr Carter in relation to the severe financial pressures faced by local government in England. He expressed his concerns in relation to the lack of special educational needs (SEN) funding in Kent and Kent County Council's recent Ofsted and Care Quality Commission (CQC) report for children with SEN.

(9) Mr Bird welcomed comments made by Mr Carter in relation to the additional funding that had been secured for unaccompanied asylum-seeking children, and congratulated Mr. Carter, Mr Gough, the Cabinet Member for Children, Young People and Education and officers on obtaining the settlement. Mr Bird added that the most vulnerable children in Kent's care system must also be protected against exploitation and be continuously supported to receive the best start in life.

(10) Mr Bird referred to comments made by Mr Carter in relation to the agreement between Kent County Council and Medway Council regarding household waste and recycling centres and welcomed the proposed new household waste and recycling centre in the Tonbridge and Malling area.

(11) Mr Farrell, Leader of the Labour Group, reiterated comments made by Mr Bird in relation to the lack of special educational needs (SEN) funding in Kent and the issues raised in the recently published report on the joint local area SEN inspection. He emphasised the crucial need for additional funding for children in Kent with SEN.

(12) Mr Whybrow, Leader of the Independents Group, welcomed the new Chairman and Vice-Chairman of the Council and wished them both a successful year, and paid tribute to Mr Angell. Mr Whybrow reminded Members of the importance of the discussion later in the meeting on the Climate Emergency

(13) Mr Whybrow expressed his views on the severe financial pressures that local government in England had been faced with, including the 2019 Spending Review and the new fair funding formula.

(14) Mr Whybrow welcomed the proposed new household waste and recycling centre in the Tonbridge and Malling area and commended the positive approach to tackling fly-tipping in Kent by contributing additional funds to the anti-fly-tipping pilot.

(15) In replying to the other Leaders' comments, Mr Carter expressed the hope that the government would be able to move forward with addressing social issues as soon as possible and in particular referred to the social care green paper.

(16) In relation to addressing unmet asylum-seeking costs and the 2019 Spending Review, Mr Carter acknowledged that much could be done to support local government in the country to allow significant progress to be made on tackling wider social issues.

(17) Mr Carter referred to Kent County Council's recent Ofsted report for children with SEN and said that although there was much to be done, Kent County Council was proud of the continuous investment into the delivery of special schools in Kent for special young people.

(18) Mr Carter referred to the importance of the proposed new household waste and recycling centre in the Tonbridge and Malling area and emphasised the need to continue to work closely with partners in addressing fly-tipping issues across Kent.

141. Kent and Medway Integrated Care System update

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

“ The County Council is asked to agree that:

- (a) KCC describes its relationship with the emerging Integrated Care System as being *partners to the ICS* supporting the vision and direction of travel and not *partners in the ICS*.
- (b) KCC is not bound to any system wide decisions made through STP/ICS Governance but continues to influence, support and align to the vision for the ICS where it makes sense for the County Council to do so.
- (c) Consequently, the County Council agrees to delegate the signing of the proposed ICS Memorandum of Understanding to the Leader in his role as Cabinet Member for Health Reform.”

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

- (3) RESOLVED that:

- (a) KCC describes its relationship with the emerging Integrated Care System as being *partners to the ICS* supporting the vision and direction of travel and not *partners in the ICS*;
- (b) KCC is not bound to any system wide decisions made through STP/ICS Governance but continues to influence, support and align to the vision for the ICS where it makes sense for the County Council to do so; and
- (c) Consequently, the County Council agrees to delegate the signing of the proposed ICS Memorandum of Understanding to the Leader in his role as Cabinet Member for Health Reform,

142. Select Committee Monitoring Process and Topic Review Update - May 2015 - March 2019

- (1) Mr Hotson moved and Mr Booth seconded the following motion:

“County Council is asked to note the report and the progress outlined in the appendices.”

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

- (3) RESOLVED that the report and progress outlined in the appendices be noted.

143. Members' Allowances Scheme - 2019/20

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

“The County Council approve the Members’ Allowances Scheme for 2019/20 as set out in the Appendix to this report.”

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

For (58)

Mrs A Allen, Mr M Balfour, Mrs C Bell, Mrs P Beresford, Mr T Bond, Mr A Booth, Mr A Bowles, Mr D Brazier, Mr D Butler, Miss S Carey, Mr P Carter, Mrs S Chandler, Mrs P Cole, Mr N Collor, Mr A Cook, Mr G Cooke, Mrs M Crabtree, Mr M Dance, Miss E Dawson, Mr G Gibbens, Mr R Gough, Ms S Hamilton, Mr M Hill, Mr T Hills, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr M Horwood, Mr E Hotson, Mrs L Hurst, Mr J Kite, Mr P Lake, Mr R Long, Mr R Love, Mr G Lymer, Mr S Manion, Mr A Marsh, Ms D Marsh, Mr J McInroy, Mr P Messenger, Mr D Monk, Mr D Murphy, Mr M Northey, Mr J Ozog, Mr D Pascoe, Mr M Payne, Mrs S Prendergast, Mr K Pugh, Miss C Rankin, Mr H Rayner, Mr A Ridgers, Mr C Simkins, Mrs P Stockell, Mr B Sweetland, Mr I Thomas, Mr R Thomas, Mr M Whiting, Mr J Wright.

Against (8)

Mr R Bird, Mr I Chittenden, Mr J Clinch, Mr D Daley, Mrs T Dean, Mr P Harman, Ida Linfield, Mr M Whybrow.

Abstain (6)

Mrs R Binks, Mr J Burden, Ms K Constantine, Mr D Farrell, Mr B Lewis, Dr L Sullivan.

Motion carried

- (3) RESOLVED that the County Council approve the Members’ Allowances Scheme for 2019/20 as set out in the Appendix to the report.

144. Proportionality and Appointments to committees and other bodies

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

(a) “The County Council is asked to allocate 3 committee places to Mr Clinch and Mr Messenger.

(b) Give delegated powers to the General Counsel to make the necessary adjustments following discussions between the political groups.”

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

- (3) RESOLVED that:

- (a) 3 committee places be allocated to Mr Clinch and Mr Messenger; and
- (b) delegated powers be given to the General Counsel to make the necessary adjustments following discussions between the political groups.

145. Motions for Time Limited Debate

(a) Climate Emergency

- (1) Mr Whybrow moved and Mr Bird seconded the following motion:

1.1 *“In terms of achievements to date, the significant reduction in carbon emissions from the roll-out of LED streetlights across the county was an excellent step forward by KCC and there is also important work within the Kent Environment Strategy and other initiatives such as the Active Travel Strategy and emerging Energy and Low Emissions Strategy.*

1.2 *Building on this:*

(i) KCC recognises the Climate Emergency and will commit resources and will align its policies to address this.

(ii) KCC will set a target of carbon neutrality from its activities and those of its trading companies by 2030 using the Carbon Trust framework, with an Action Plan for achieving this.

(iii) KCC will report annually at full council on its progress towards the target.

(iv) KCC will work with partners and contract providers and will investigate all possible sources of external funding and match funding to support this commitment as well as writing to central government with respect to the emergency to request funding to implement swift appropriate actions in response.”

- (2) Mr Payne proposed and Mr Whiting seconded the following amendment:

1.1 *“In terms of achievements to date, **data shows that Co2 emissions have already been reduced by 36% when compared to the 2005 baseline target set in the existing Kent Environment Strategy of 34% by 2020.** A ~~the~~ significant reduction in carbon emissions from the roll-out of LED streetlights across the county was an excellent step forward by KCC and there is also important work within the Kent Environment Strategy and other initiatives such as the Active Travel Strategy and emerging Energy and Low Emissions Strategy.*

1.2 *Building on this:*

*(i) KCC recognises the **UK Environment and Climate Emergency** and will **continue to** commit resources and ~~will~~ align its policies to address this.*

*(ii) **Through the framework of the Energy and Low Emissions Strategy KCC will facilitate the setting and agreement of a target of Net Zero emissions by 2050 for Kent and Medway.***

- (iii) **KCC will by May 2020 set an accelerated target with associated action plan for its own estate and activities including those of its traded companies using appropriate methodologies.**
- (iv) **KCC will in addition deliver a Kent and Medway Climate Change Risk and Impact Report, and develop and facilitate adoption of a subsequent Kent and Medway Climate Change Adaptation Implementation Plan by the end of March 2020.**
- ~~(ii) KCC will set a target of carbon neutrality from its activities and those of its trading companies by 2030 using the Carbon Trust framework, with an Action Plan for achieving this.~~
- (v) KCC will report annually at full council on its progress towards the target **as part of a KES report.**
- (vi) KCC will **continue to** work with partners and contract providers and will investigate all possible sources of external funding and match funding to support this commitment as well as **continuing to work with** ~~writing~~ to central government ~~with respect to the emergency to request funding~~ to implement swift appropriate actions in response.”

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

For (54)

Mr M Angell, Mr M Balfour, Mrs C Bell, Mrs R Binks, Mr T Bond, Mr A Booth, Mr A Bowles, Mr D Brazier, Mr D Butler, Miss S Carey, Mr P Carter, Mrs S Chandler, Mrs P Cole, Mr A Cook, Mr G Cooke, Mr P Cooper, Mrs M Crabtree, Mr M Dance, Miss E Dawson, Mrs L Game, Mr R Gough, Ms S Hamilton, Mr M Hill, Mr T Hills, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr M Horwood, Mr E Hotson, Mrs L Hurst, Mr R Long, Mr R Love, Mr G Lymer, Mr S Manion, Mr A Marsh, Ms D Marsh, Mr J McInroy, Mr P Messenger, Mr D Murphy, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr M Payne, Mrs S Prendergast, Mr K Pugh, Miss C Rankin, Mr H Rayner, Mr C Simkins, Mrs P Stockell, Mr B Sweetland, Mr I Thomas, Mr R Thomas, Mr M Whiting, Mr J Wright.

Against (13)

Mr R Bird, Mr J Burden, Mr I Chittenden, Mr J Clinch, Mr D Daley, Mrs T Dean, Mr D Farrell, Mr P Harman, Mr B Lewis, Ida Linfield, Mr A Ridgers, Dr L Sullivan, Mr M Whybrow.

Abstain (0)

Amendment Carried

(4) The Chairman put the substantive motion as set out in paragraph (2) above to the vote and the voting was as follows:

For (57)

Mrs A Allen, Mr M Angell, Mrs C Bell, Mrs R Binks, Mr T Bond, Mr A Booth, Mr A Bowles, Mr D Brazier, Mr J Burden, Mr D Butler, Miss S Carey, Mr P Carter, Mrs S Chandler, Mrs P Cole, Mr A Cook, Mr G Cooke, Mr P Cooper, Mrs M Crabtree, Mr M Dance, Miss E Dawson, Mr D Farrell, Mrs L Game, Mr R Gough, Ms S Hamilton, Mr P Harman, Mr M Hill, Mr T Hills, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr M Horwood, Mr E Hotson, Mrs L Hurst, Mr J Kite, Mr B Lewis, Mr R Long, Mr R Love, Mr G Lymer, Mr S Manion, Mr J McInroy, Mr P Messenger, Mr D Murphy, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr M Payne, Mrs S Prendergast, Mr K Pugh, Miss C Rankin, Mr H Rayner, Mr C Simkins, Dr L Sullivan, Mr B Sweetland, Mr I Thomas, Mr R Thomas, Mr M Whiting, Mr J Wright.

Against (8)

Mr M Balfour, Mr R Bird, Mr I Chittenden, Mr J Clinch, Mr D Daley, Mrs T Dean, Ida Linfield, Mr M Whybrow.

Abstain (0)

Substantive motion Carried

(5) RESOLVED that:

- a) in terms of achievements to date, data shows that CO₂ emissions have already been reduced by 36% when compared to the 2005 baseline target set in the existing Kent Environment Strategy of 34% by 2020. A significant reduction in carbon emissions from the roll-out of LED streetlights across the county was an excellent step forward by KCC and there is also important work within the Kent Environment Strategy and other initiatives such as the Active Travel Strategy and emerging Energy and Low Emissions Strategy;
- b) KCC recognises the UK Environment and Climate Emergency and will continue to commit resources and align its policies to address this;
- c) through the framework of the Energy and Low Emissions Strategy, KCC will facilitate the setting and agreement of a target of Net Zero emissions by 2050 for Kent and Medway;
- d) KCC will by May 2020 set an accelerated target with associated action plan for its own estate and activities including those of its traded companies using appropriate methodologies;
- e) KCC will in addition deliver a Kent and Medway Climate Change Risk and Impact Report, and develop and facilitate adoption of a subsequent Kent and Medway Climate Change Adaptation Implementation Plan by the end of March 2020;
- f) a report will be submitted annually to full Council on progress towards the target, as part of a KES report; and

- g) KCC will continue to work with partners and contract providers and will investigate all possible sources of external funding and match funding to support this commitment as well as continuing to work with central government to implement swift appropriate actions in response.

(b) Council tax exemption for young care leavers

- (6) Ida Linfield moved and Mrs Dean seconded the following motion:

“The council notes the disadvantage that care leavers have when transitioning into adult life and therefore resolves to engage with each of Kent’s twelve district councils ask for their relevant committees to consider and agree to provide a 100% council tax discount to care leavers who meet the following criteria:

- *Have been in the care of Kent County Council (as Corporate Parent) for a period of at least 13 weeks since the age of 14*
- *Are under the age of 25*
- *Reside within Kent*

- (7) Mr Gough proposed and Mrs Prendergast seconded the following amendment:

1.1 ~~The council notes the disadvantage that care leavers have when transitioning into adult life and therefore resolves to engage with each of Kent’s twelve district councils ask for their relevant committees to consider and agree to provide a 100% council tax discount to care leavers who meet the following criteria:~~

- ~~• Have been in the care of Kent County Council (as Corporate Parent) for a period of at least 13 weeks since the age of 14~~
- ~~• Are under the age of 25~~
- ~~• Reside within Kent~~

welcomes the initiative by the young people’s council in proposing the full exemption of Kent Care Leavers living in Kent from council tax until the age of 25, and in raising this as a Challenge Card at the Corporate Parenting Panel. The Council welcomes the commitment by officers and Members to pursue this with Kent’s 12 District Councils, and notes the discussions that have already taken place with District Council Finance Officers. The Council asks that the Chairman, in her continuing role as Chair of the Corporate Parenting Panel, reports back on progress and ultimate delivery of this policy through her Chairman’s announcements.

- (8) Ida Linfield, as proposer of the original motion, with the support of her seconder agreed to accept the amendment.

- (9) Following the debate, the amendment set out in paragraph (2) became the substantive motion and was agreed without a formal vote.

(10) RESOLVED that the Council notes the disadvantage that care leavers have when transitioning into adult life and therefore welcomes the initiative by the young people's council in proposing the full exemption of Kent Care Leavers living in Kent from council tax until the age of 25, and in raising this as a Challenge Card at the Corporate Parenting Panel. The Council welcomes the commitment by officers and Members to pursue this with Kent's 12 District Councils, and notes the discussions that have already taken place with District Council Finance Officers. The Council asks that the Chairman, in her continuing role as Chair of the Corporate Parenting Panel, reports back on progress and ultimate delivery of this policy through her Chairman's announcements.