

# KENT COUNTY COUNCIL

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MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 12 September 2019.

## PRESENT:

Mrs A D Allen, MBE (Chairman)  
Mr G K Gibbens (Vice-Chairman)

Mr M J Angell, Mr M A C Balfour, Mr P V Barrington-King, Mr P Bartlett, Mrs C Bell, Mrs P M Beresford, Mr R H Bird, Mr T Bond, Mr A Booth, Mr A H T Bowles, Mr J Burden, Miss S J Carey, Mr P B Carter, CBE, Mrs S Chandler, Mr N J D Chard, Mr I S Chittenden, Mr J Clinch, Mr N J Collor, Ms K Constantine, 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, 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 A J Hook, 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, Mr J P McInroy, Mr P J Messenger, Mr D D Monk, Mr M J Northey, Mr P J Oakford, Mr J M Ozog, 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), Mr M Dunkley CBE (Corporate Director for Children Young People and Education), Mr S Jones (Director of highways, Transportation and Waste), Mr A Scott-Clark (Director of Public Health), Ms P Southern (Corporate Director, Adult Social Care and Health) and Mr B Watts (General Counsel)

## UNRESTRICTED ITEMS

### **157. Apologies for Absence**

The General Counsel reported apologies from Mrs Binks, Mr Butler, Mrs P Cole, Mr A Cook, Mrs Game, Ms D Marsh, Mr D Murphy and Mr D Pascoe.

### **158. Declarations of Disclosable Pecuniary Interests or Other Significant Interests in items on the agenda**

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

(2) Miss Carey declared an interest in item 10 (Motion for Time Limited Debate) as her Mother in Law had a disabled person's bus pass.

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

**159. Minutes of the meeting held on 11 July 2019 and, if in order, to be approved as a correct record**

RESOLVED that the minutes of the meeting held on 11 July 2019 be approved as a correct record and they be signed by the Chairman.

**160. Chairman's Announcements**

No Chairman's announcements were made

**161. Questions**

In accordance with Procedure Rule 1.17(4), 5 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.

**162. Report by Leader of the Council (Oral)**

(1) The Leader updated the Council on events since the previous meeting and highlighted the good news relating to the funding of local government and schools.

(2) Mr Carter, the Leader of the Council, welcomed the recent announcement of additional Brexit funding by the Chancellor of the Exchequer. He expressed disappointment at the delayed implementation of a three-year settlement for local government. However, he appreciated that the settlement announced for 2020/21 had exceeded expectation.

(3) Mr Carter stated that the additional Brexit funding included the continuation of the existing grant regime for a further 12 months. This included the continuation of the troubled families programme, the Better Care Fund and additional winter monies, and amounted to approximately £59m for Kent. The settlement would enable councils across England to apply a maximum increase of 2% in Council Tax and, for those with adult social care responsibilities, an ability to charge an additional 2% social care precept.

(4) Mr Carter welcomed the recently announced additional funding in 2020-21 to further support special educational services and highlighted the importance of ensuring that every pupil had access to a suitable level of education and that no child was held back from reaching their full potential.

(5) Mr Carter referred to the significant rise in the number of Education, Health and Care Plans (EHCPs) since the changes to legislation in 2014, which had consequently led to a rise in placements of young people into Kent's maintained special schools. He stated that the government had announced a fundamental review of the consequences of the changes to the 2014 Act. The review would consider how the new system could provide the highest quality support that would enable children and young people with special education needs and disabilities (SEND) to thrive and prepare for adulthood, including employment. The review would be led by a government-appointed Commissioner, Tony McArdle, Chief Executive of Lincolnshire County Council.

(6) Mr Carter referred to governments announcement of an increase in the minimum guaranteed funding for both primary and secondary schools. Kent's Dedicated Schools Grant (DSG) would increase as a consequence of the additional funding, and post 16 funding would increase in 2020 by 4.8%, this would also apply to FE colleges.

(7) Mr Carter welcomed the funding allocated to Kent County Council from the Department for Transport to prepare Kent's roads to deal with congestion and disruption that could be caused by Brexit. He expressed disappointment that the Fair Funding methodology would not now be introduced until April 2021

(8) Mr Bird, the Leader of the Opposition, suggested that consideration be given to how climate change and environmental considerations could be better integrated into Kent's formal decision-making process.

(10) Mr Bird welcomed the recent announcement of additional Brexit funding and expressed his concerns in relation to potential future budget cuts and austerity.

(11) Mr Bird referred to the additional investment into special educational services and the post 16 funding and emphasised the importance of ensuring that FE colleges in Kent were well supported to ensure that every young person in Kent had the opportunity to succeed.

(12) Mr Bird referred to a recently published Healthwatch Kent report (The reality of Autism for families in Kent). This report included feedback from a Special Educational Needs Coordinator (SENCO) expressing concerns in relation to issues such as high-functioning autism not being addressed adequately, social matters being disregarded by schools, confusion regarding the referral process, and a lack of response from the provider when referrals were made. He expressed the view that NHS partners needed to work closely with Kent County Council in relation to SEND services to ensure that children and young people were supported and that sufficient resources were available.

(13) Mr Farrell, Leader of the Labour Group, welcomed the recent announcement of additional Brexit funding, further investment in per pupil funding, high needs funding and post 16 funding.

(14) Mr Farrell referred to the Written Statement of Action in response to Kent County Council's recent Ofsted and Care Quality Commission report for children with SEND. He expressed the view that there was a significant need for a SEND review, to identify demand and cost pressures, whilst considering inclusion within mainstream schools.

(16) Mr Farrell referred to a recent report from the National Audit Office which warned that large numbers of children with SEN in England were not being adequately supported in schools, and he reminded Members of their responsibilities in relation to school exclusion rates and EHCP's.

(17) In relation to the future of Kent's Highways Maintenance contract. Mr Farrell stated that all Kent residents would be affected, both in respect of cost and delivery.

(18) Mr Farrell emphasised the importance of continuing to, seek methods of income generation and evaluate trading company performance levels. He expressed the view that it might be time to consider the full effects of seeking to become a commissioning authority.

(19) Mr Whybrow, Leader of the Independents Group, commended Mr Carter for continuously lobbying government for additional funding for local governments. He welcomed the recent announcement of additional Brexit funding, a date for the Fair Funding Review and expressed his concerns in relation to austerity.

(20) Mr Whybrow emphasised the importance of investing in special educational services and reviewing the consequences of the changes to the 2014 Act to ensure that children and young people with SEND were supported.

(21) Mr Whybrow expressed his concerns in relation to the settlement which again enabled councils with adult social care responsibilities to apply an additional 2% social care precept. He did not consider this to be a long-term sustainable way of financing local government.

(22) Mr Whybrow acknowledged that the creation of the proposed Climate Emergency Select Committee was a positive step towards addressing climate emergency issues in Kent.

(23) In replying to the other Leaders' comments, Mr Carter referred to the Climate Emergency Select Committee and confirmed that the vast majority of Kent's strategic documents and policies supported environment protection.

(24) Mr Carter expressed his views in relation to the one-year settlement and the severe financial pressures that local government in England had been faced with over the years.

(25) Mr Carter referred to Kent's Highways Maintenance contract and the upcoming developments to the contract that would deliver good quality highways maintenance in Kent. He hoped that a briefing on the matter could take place before the next meeting of the County Council.

### **163. Brexit Preparedness - Kent County Council Update**

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

"County Council is asked to:

- (a) note the increased national preparations for a no-deal Brexit scenario;
- (b) note Kent County Council's further preparations for a potential no-deal Brexit scenario;
- (c) note Kent County Council's requests for Government action to resolve the outstanding issues as highlighted in the paper; and
- (d) confirm Kent County Council's Lead Brexit Officer as Barbara Cooper, Corporate Director, Growth, Environment and Transport."

(2) Mr Jones, Director of Highways, Transport and Waste, was invited to give a brief Powerpoint presentation.

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

For (57)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr P Barrington-King, Mr P Bartlett, Mrs C Bell, Mrs P Beresford, Mr T Bond, Mr A Booth, Mr A Bowles, Miss S Carey, Mr P Carter, Mrs S Chandler, Mr N Chard, Mr N Collor, Mr G Cooke, Mr P Cooper, Mrs M Crabtree, Mr M Dance, Miss E Dawson, 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 P Lake, Mr R Long, Mr R Love, Mr G Lymer, Mr S Manion, Mr A Marsh, Mr J McInroy, Mr P Messenger, Mr D Monk, 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 A Ridgers, Mr C Simkins, Mrs P Stockell, Mr B Sweetland, Mr I Thomas, Mr R Thomas, Mr M Whiting, Mr J Wright

Against (11)

Mr R Bird, Mr I Chittenden, Mr J Clinch, Ms K Constantine, Mr D Daley, Mrs T Dean, Mr D Farrell, Mr A Hook, Mr B Lewis, Ida Linfield, Mr M Whybrow

Abstain (1)

Dr L Sullivan

*Section (a) of motion carried*

(4) The Chairman put section (b) of the motion set out in paragraph (1) above to the vote and the 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 T Bond, Mr A Booth, Mr A Bowles, Miss S Carey, Mr P Carter, Mrs S Chandler, Mr N Chard, Mr N Collor, Mr G Cooke, Mr P Cooper, Mrs M Crabtree, Mr M Dance, Miss E Dawson, 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 P Lake, Mr R Long, Mr R Love, Mr G Lymer, Mr S Manion, Mr A Marsh, Mr J McInroy, Mr P Messenger, Mr D Monk, 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 A Ridgers, Mr C Simkins, Mrs P Stockell, Mr B Sweetland, Mr I Thomas, Mr R Thomas, Mr M Whiting, Mr M Whybrow, Mr J Wright

Against (6)

Mr R Bird, Mr I Chittenden, Mr D Daley, Mrs T Dean, Mr A Hook, Ida Linfield

Abstain (6)

Mr J Burden, Mr J Clinch, Ms K Constantine, Mr D Farrell, Mr B Lewis, Dr L Sullivan

*Section (b) of motion carried*

(5) The Chairman put section (c) of the motion set out in paragraph (1) above to the vote and the voting was as follows:

For (64)

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 Booth, Mr A Bowles, Miss S Carey, Mr P Carter, Mrs S Chandler, Mr N Chard, Mr I Chittenden, Mr J Clinch, Mr N Collor, Mr G Cooke, Mr P Cooper, Mrs M Crabtree, Mr D Daley, Mr M Dance, Miss E Dawson, Mrs T Dean, Mr R Gough, Ms S Hamilton, Mr P Harman, 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 P Lake, Ida Linfield, Mr R Long, Mr R Love, Mr G Lymer, Mr S Manion, Mr A Marsh, Mr J McInroy, Mr P Messenger, Mr D Monk, 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 A Ridgers, Mr C Simkins, Mrs P Stockell, Mr B Sweetland, Mr I Thomas, Mr R Thomas, Mr M Whiting, Mr M Whybrow, Mr J Wright

Abstain (5)

Mr J Burden, Ms K Constantine, Mr D Farrell, Mr B Lewis, Dr L Sullivan

Against (0)

*Section (c) of motion carried*

(6) The Chairman put section (d) of the motion set out in paragraph (1) above to the vote and the voting was as follows:

For (70)

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 Booth, Mr A Bowles, Mr J Burden, Miss S Carey, Mr P Carter, Mrs S Chandler, Mr N Chard, Mr I Chittenden, Mr J Clinch, Mr N Collor, Mr G Cooke, Mr P Cooper, Ms K Constantine, Mrs M Crabtree, Mr D Daley, Mr M Dance, Miss E Dawson, Mrs T Dean, Mr D Farrell, Mr R Gough, Ms S Hamilton, Mr P Harman, Mr M Hill, Mr T Hills, Mrs S Hohler, Mr S Holden, Mr A Hook, Mr P Homewood, Mr M Horwood, Mr E Hotson, Mrs L Hurst, Mr J Kite, Mr P Lake, Mr B Lewis, Ida Linfield, Mr R Long, Mr R Love, Mr G Lymer, Mr S Manion, Mr A Marsh, Mr J McInroy, Mr P Messenger, Mr D Monk, 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 A Ridgers, Mr C Simkins, Mrs P Stockell, Dr L Sullivan, Mr B Sweetland, Mr I Thomas, Mr R Thomas, Mr M Whiting, Mr M Whybrow, Mr J Wright

Against (0), Abstain (0)

*Section (d) of motion carried*

(7) RESOLVED that:

- (a) the increased national preparations for a no-deal Brexit scenario be noted ;
- (b) Kent County Council's further preparations for a potential no-deal Brexit scenario be noted;
- (c) Kent County Council's requests for Government action to resolve the outstanding issues as highlighted in the paper be noted; and
- (d) Barbara Cooper – Corporate Director, Growth, Environment and Transport. be confirmed as " Kent County Council's Lead Brexit Officer

**164. Reform of the South East Local Enterprise Partnership (SELEP)**

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

"County Council is asked to note the Reform of the South East Local Enterprise Partnership (SELEP) report."

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

(3) RESOLVED that the Reform of the South East Local Enterprise Partnership (SELEP) report be noted.

**165. Treasury Management Annual Review 2018/19**

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

"County Council is asked to note this report."

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

(3) RESOLVED that the Treasury Management Annual Review 2018-19 report be noted.

**166. Motion for Time Limited Debate**

*Removal of peak time restrictions to the Disabled Person's Bus Pass"*

(1) Mr Chittenden moved and Ida Linfield seconded the following motion:

"This Council requests that the Head of Public Transport enter into negotiations with the bus operating companies with a view to removing the peak time restrictions under the terms and conditions of the English National Concessionary Travel Scheme (ENCTS) for both the Disabled Person's Bus Pass and Disabled Person + Companion Pass in Kent. The Council supports removing restrictions on disabled travel and asks the Cabinet Member to put the necessary measures in place with effect from April 2020, subject to approval of the necessary budget implications at the

County Council meeting in February and satisfactory outcomes from negotiations with bus operating companies.”

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

(3) RESOLVED that

this Council requests that the Head of Public Transport enter into negotiations with the bus operating companies with a view to removing the peak time restrictions under the terms and conditions of the English National Concessionary Travel Scheme (ENCTS) for both the Disabled Person's Bus Pass and Disabled Person + Companion Pass in Kent. The Council supports removing restrictions on disabled travel and asks the Cabinet Member to put the necessary measures in place with effect from April 2020, subject to approval of the necessary budget implications at the County Council meeting in February and satisfactory outcomes from negotiations with bus operating companies.

**167. Corporate Parenting Panel - minutes for noting**

RESOLVED that the minutes of the meeting of the Corporate Parenting Panel on 29<sup>th</sup> May 2019 be noted