

## KENT COUNTY COUNCIL

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### COUNTY COUNCIL

MINUTES of a meeting of the County Council held online on Thursday, 10 December 2020.

PRESENT: Mr G K Gibbens (Chairman), Mr M J Northey (Vice-Chairman), Mrs A D Allen, MBE, Mr M J Angell, 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 Booth, Mr A H T Bowles, Mr D L Brazier, Mr J Burden, Mr D Butler, Miss S J Carey, 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 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 S J G Koowaree, 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 D D Monk, Miss D Morton, Mr D Murphy, 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, Dr L Sullivan, Mr B J Sweetland, Mr R J Thomas, Mr M Whiting, Mr M E Whybrow and Mr J Wright

IN ATTENDANCE: Mr D Cockburn (Corporate Director Strategic & Corporate Services) and Mr B Watts (General Counsel)

### UNRESTRICTED ITEMS

**258. Apologies for Absence**  
*(Item 1)*

The General Counsel reported apologies from Sir Paul Carter, Mr Messenger and Mrs Stockell. Mrs Cole, Miss Dawson, Mrs Hohler and Mr Pugh gave their apologies for the afternoon session.

**259. Declarations of Disclosable Pecuniary Interests or Other Significant Interests in items on the agenda**  
*(Item 2)*

Mr Bartlett declared an interest in item 8 on the agenda - EU Transition Update - as he lived adjoining the Sevington Inland Border Facility in Ashford.

**260. Minutes of the meeting held on 22 October 2020**  
*(Item 3)*

RESOLVED that the minutes of the meeting held on 22 October 2020 be approved as a correct record, subject to the correct spelling of Mr Simkins' name on page 8 (Minute no 253, paragraph (1)).

**261. Chairman's Announcements**

*(Item 4)*

**a) New Vice Lord-Lieutenant of Kent**

The Chairman asked members to join him in welcoming Brigadier (Retd) Trevor Minter OBE DL to the post and in wishing him the very best during his tenure.

**b) New Deputy Lieutenants of Kent**

The Chairman asked members to join him in welcoming the eight new Deputy Lieutenants of Kent who had been appointed to the lieutenancy on 29 October. The new deputy lieutenants appointed were Mrs Jane Ashton, Mr Tim Bull, Mr Lennox Cato, Mrs Kate Fenwick, Mr Nicholas Hely-Hutchinson, Lady Newey, Lord Northbourne, and Professor Rama Thirunamachandran.

**c) No Use Empty scheme**

The Chairman said he was pleased to announce that Kent County Council had been a finalist in the category for "Council of the Year" at the annual awards ceremony organised by Inside Housing and held on 3 December. He said these awards celebrated the very best organisations in the UK Housing sector, and this nomination was a particularly impressive achievement as the Council was the only non-housing authority shortlisted in this category. He said the success was due, in part, to achievements of the award-winning No Use Empty scheme, which was established in 2005 and had brought back into use 6,600 long-term empty properties across the county. Close partnership working, a committed approach and a recyclable loan fund, which had provided £35 million worth of short term secured loans, was not only helping to meet housing needs but also supported the local economy and brought wider benefits to communities. The Chairman said the team responsible for the No Use Empty Scheme were always looking to expand it and had been successful in having an extra £1 million of funding from the South East Local Enterprise Partnership to launch Phase 2 of the No Use Empty Commercial Scheme. The business case was due to receive its final sign-off from the Local Enterprise Partnership in February, after which Phase 2 of the commercial scheme would be launched across the county. The Chairman invited members to join him in congratulating those involved on their success.

**262. Questions**

*(Item 5)*

In accordance with Sections 14.15 to 14.22 of the Council's constitution, 13 questions were asked, and replies given. A record of all questions put and answers given at the meeting is available [online](#) with the papers for this meeting.

**263. Report by Leader of the Council (Oral)**  
*(Item 6)*

- (1) The Leader updated the Council on events since the last meeting. He acknowledged the importance of the transition arrangements for the withdrawal of the UK from the European Union and the new strategic plan but said he would not refer to them in his address as they would be considered later in the meeting. He said he had previously emphasised the degree to which the authority could face a triple pressure from Covid-19, the ending of EU transition arrangements and winter weather and he, his cabinet and senior officers had been pre-occupied with ensuring the authority was as prepared as it could be for each of those events and for their cumulative effects.
- (2) Mr Gough referred to the update he had provided at the last meeting of the County Council when he had set out what needed to be done to maintain Kent's relatively good position in relation to Covid-19 infections. However, since the second half of October the position had changed and, as of this morning, Kent's seven-day figure for infections was 339.1 per 100,000 of the population. This was more than twice the national average and Kent had been placed in tier 3 under the system announced by the government. Other indicators, such as test positivity and pressures within the NHS made it clear that the situation was grave. He said the authority was doing all it could to turn the position around and get back to a position where more normal life could be resumed. Mr Gough said that, for the last week or so, this included carrying out the local element of contact tracing for which the authority had lobbied for a long time. He said the authority was working closely with district and borough councils with the aim of following up over 80% of contacts of those who tested positive for Covid-19. In addition, the authority had been working with military planners and was hoping that approval would be given to the County Council to undertake asymptomatic testing starting in Thanet and Swale, which had the highest infection rates, and then to other parts of the county. He also referred to the part the County Council was playing in relation to the roll-out of the vaccine particularly in care homes and its work with the NHS to identify sites for administering the vaccination as well as its work with districts and boroughs on enforcement and communication. Mr Gough referred to the high-profile activity of Trading Standards over the previous weeks to ensure that regulations were followed, the work underway to understand the barriers to compliance and the development of localised forms of communication. He said there was evidence to suggest that lower compliance was more common when people believed the rules were not being enforced and that others were not complying.
- (3) Mr Gough referred to the statement about unaccompanied asylum-seeking children (UASC) that he and Mrs Chandler had issued on Monday regarding the resumption of the authority's statutory duties. He said the decision, taken in August, to cease collecting young people from the port and taking them into the care of the County Council had been taken very

reluctantly and, even with the benefit of hindsight, the only action that might have been different would have been to act sooner. In August, when the decision was made, there were over 600 UASC in Kent's care as well as over 900 care leavers which meant the numbers in Kent were almost three times the acceptable level set out in the National Transfer Scheme. Since then, large scale transfers had taken place both under the National Transfer Scheme and directly from the port to other local authorities. He said the number of UASC in Kent's care had fallen to 412 and as the caseloads of social workers were at lower levels KCC was able to resume its statutory duties. He referred to other developments including: an increase in the payment rates received from government to support UASC which meant there would not be a further burden on the Kent council tax-payer and to the continuing discussion with government on longer-term initiatives such as age assessments and efforts to secure placements. He said that, until a sustainable National Transfer System was established, he could not be confident there would not be a recurrence of what had happened in the summer. He said he was convinced that a mandatory National Transfer System, to which the government had not yet committed itself, was needed and that the County Council would continue to lobby for that.

- (4) Mr Gough said that the recent announcement of the spending review was broadly welcomed. However, much of the funding was described as being a one-off and that raised questions about the longer term and, in particular, the struggle of local government to get its share of public spending while coping with rising demand for services. He said the authority's approach to delivering its services would be considered later today during discussion on the Interim Strategic Plan. Mr Gough referred to the impact of the Covid-19 pandemic on Kent businesses and the initiatives underway to support them including the Kent and Medway Helpline which the authority would continue to support until March 2021, the additional tranche of funding from the Kent and Medway Business Fund, the work of the Employment Task Force and the work with higher and further education providers to ensure the right skills were available to support the employment of local people when growth took place.
- (5) Mr Gough referred to the receipt of £6.1 million from the second tranche of Active Travel funding. He welcomed the funding and said that Kent, like other local authorities, had learned from the challenges presented by the compressed timetables associated with the first tranche and was pleased to see that more extensive engagement with residents was part of the second tranche.
- (6) Mr Gough said that in the lead up to the schools' half-term holiday and during the public debate about the provision of free school meals during half-term, the authority had acted quickly to make vouchers available to those who were eligible. He said staff, particularly those in the Strategic Commissioning team and in Agilisys had responded magnificently to the challenge which had been characterised by the 'just do it' approach that had been in evidence throughout the Covid-19 crisis. He said it was

intended to use part of the winter grant scheme funding of £4.5 million to provide free school meal vouchers for the Christmas and February half-term holidays.

- (7) Mr Gough thanked and congratulated Miss Carey on the recent successful environmental conference at which Kent's energy and low emissions strategy had been launched and Mr Holden on the Plan Bee conference as well as the officers who had supported the events.
- (8) Mr Gough said it had been a year in which the authority and the county of Kent had faced massive challenges and he thanked and saluted members and staff for the way in which the authority had responded to these challenges. He concluded by wishing everyone a merry and safe Christmas.
- (9) Mr Bird said he was pleased that Kent County Council was once again able to accommodate asylum-seeking children, particularly as they had endured considerable hardship and trauma. He feared, however, that the recent issues would recur sooner rather than later as world-wide migration continued and there were already increasing reports of attempts to get into lorries in Calais to cross the English Channel. He said the National Transfer System was not working properly and, although some local authorities had stepped up to share the burden, many had not. He said that until the National Transfer System became mandatory, Kent and other local authorities had to work hard to ensure that these children and young people got the support they needed to build a new life in Britain.
- (10) Mr Bird welcomed the start of the programme of vaccination against Covid-19 and hoped that the Oxford AstraZeneca vaccine would be approved soon. He said the infection rates for all Kent districts and for Medway were currently above the national average and other key criteria such as the incidence of Covid-19 among the over-sixties and the pressure of Kent's hospitals had been flashing amber or red for some time. He said that no one wanted to be in tier 3 any longer than necessary, but the attempts by some Kent MPs to split the county into different tiers were ill-informed, short-sighted, and ill-judged. He hoped a mass testing regime could be implemented across the county and that a localised tracing system, provided by Kent County Council with district partners, would be more effective than the national system. He said these systems would only work if those who tested positive self-isolated and that the government needed to provide more support for people who could not afford to miss work or who needed to go out for essential supplies.
- (11) Mr Bird, on behalf of the Liberal Democrat group, commended health staff, care workers, teachers and other frontline staff in Kent, for all they had done during the pandemic. He also praised the thousands of carers who had supported their families and neighbours through the most challenging of circumstances. He acknowledged the fact that the authority had previously celebrated the role and contribution of young carers and suggested that no one could have anticipated some of the challenges

young carers had faced in the previous nine months. He hoped that the County Council would work with partner agencies to ensure that the Young Carers Action Day, scheduled for the 16 March 2021, would be a day when the county as a whole remembered the immense contribution of these remarkable young people.

- (12) Mr Bird said he did not have the time to say everything he wished to about Brexit. He anticipated shortages, higher prices and job losses for many years to come, and an economic and social shock which would blight future generations.
- (13) Mr Bird concluded by wishing everyone a good and safe Christmas.
- (14) Mr Farrell said the Covid-19 vaccine was a global triumph of scientific research and design, however, the pandemic was not over and many Kent residents would spend the Christmas period worrying about their health, and that of their families, while thousands would worry about what the new year might mean in terms of their jobs. He said it was clear that Kent would remain in tier 3 for some time and that he was looking forward to the Scrutiny session later in the day as he hoped there would be a constructive discussion about the measures that might be taken to get the county out of tier 3. He said people might be more inclined to follow the rules if they were led by science and made sense. He referred to the impact of the pandemic on the hospitality sector, the national debate on Scotch eggs, the limited government support for wet pubs and the desire of the sector to re-open in the Christmas period. He said many had spent thousands of pounds making their premises Covid-secure and that he would continue to stand up for business owners and employees in his division and across the county. He said that, whilst the roll-out of mass vaccination was just around the corner, it should not be used to justify the lack of support for many businesses. He said the extension to the furlough scheme was welcome, but more government support was needed. While he acknowledged the assistance the County Council had provided to the government in relation to personal protective equipment, and its role in relation to public health issues, he thought more lobbying of government should have been done on issues relating to the economy. He said he would be interested in the Leader's views on the SERCO test and trace and on the actions taken to accelerate the test and trace programme locally.
- (15) Turning to finance, Mr Farrell said that the authority was accustomed to welcoming any small improvement to initial assumptions about its financial position and acknowledged the fact that the administration had managed to close a deficit of £20 million. He said the only tax increase included in the spending review related to the council tax and he suggested that another round of austerity had already started. He said the NHS had a £1 billion shortfall in funding to pay wages to the end of the year and £400 million was required to provide emergency health care in Kent. He said the pandemic had demonstrated that centralised planning did not work,

and that local government could take on more responsibility if it was better resourced.

- (16) Mr Farrell concluded by wishing all members and staff a merry Christmas and a happy new year.
- (17) Mr Whybrow said it was very good to have attended the event for prospective county councillors the previous evening and said it provided an opportunity to reflect on the role of a county councillor. He went on to say that despite budget constraints and rising demand for services, 2020 had demonstrated the important role of local charities and agencies in supporting local communities and that KCC should nurture, encourage, and protect them by providing certainty about their funding, reducing the complexity of their interactions with the authority, and considering any additional support they might need.
- (18) Mr Whybrow that whilst 2020 had been an awful year because of Covid-19, it had also been an awful year for the planet with the annual melting record broken at both poles and a million species facing extinction within decades. He said that zero carbon had to be embedded in all the County Council's activities, as otherwise, the zero-carbon aspirations would remain just that. He said the authority should re-consider its support for the carbon-guzzling, air-polluting, habitat-destroying lower Thames crossing, oppose any new airports or airport expansions, divest from fossil fuels in the Kent Pension Fund and in its treasury investments, end support for the Thanet Parkway railway station, to which most people would drive, and not allow a bus operator to start a new service in Kent using diesel buses. Mr Whybrow said that all capital projects should be reviewed, and that all future South East Local Enterprise Partnership's transport-related projects should have walking, cycling and public transport as their primary focus.
- (19) He concluded by wishing everybody a happy and safe Christmas and thanked staff for their efforts during the year.
- (20) Mr Gough responded to some of the points made. He said he believed there was a general consensus about the need for a mandatory National Transfer Scheme and the desire to get out of tier 3 as soon as possible. He also echoed the praise for, and the thanks given to young carers, frontline workers and school staff. Mr Gough said the authority had lobbied for local testing and tracing for a long time and he thought that the comparatively low rates of infection in Kent earlier in the year was one of the reasons why it had not happened sooner. He said a localised approach to communication and enforcement had been adopted and that he was an advocate for local solutions.
- (21) In relation to support for business Mr Gough disagreed with Mr Farrell's comments and referred him to Mr Whiting's presentation to members on 4 December which had set out the scale of the authority's support for business. He also referred to government schemes some of which were administered nationally or through district and borough councils. Mr Gough

said the current crisis provided an opportunity to reset many of the priorities and actions, however, he could not agree with Mr Whybrow's views about the Thanet Parkway station, which he said would make a significant contribution to economic activity in the surrounding area and had the support of Thanet and Dover district councils. He also reiterated his view that a blanket approach to divestments was not the way forward, and that the authority would always seek to be a prudent and sensible investor with responsibility for its pension obligations.

(22) Resolved that the Leader's report be noted.

**264. 'Setting the Course' - Kent County Council's Interim Strategic Plan**  
(Item 7)

(1) Mr Gough proposed and Mr Oakford seconded the following motion:

"The County Council is asked to approve 'Setting the Course' – Kent County Council's Interim Strategic Plan."

(2) Following the debate, the Chairman put the motion set out in paragraph (1) above and the voting was as follows:

For (56)

Mrs Allen, Mr Angell, Mr Balfour, Mr Barrington-King, Mr Bartlett, Mrs Bell, Mrs Beresford, Mrs Binks, Mr Bond, Mr Booth, Mr Bowles, Mr Brazier, Mr Butler, Miss Carey, Mrs Chandler, Mrs Cole, Mr Collor, Mr Cook, Mr Cooke, Mr Cooper, Mrs Crabtree, Mr Dance, Miss Dawson, Mrs Game, Mr Gough, Mrs Hamilton, Mr Harman, Mr Hill, Mr Hills, Mrs Hohler, Mr Holden, Mr Homewood, Mr Hotson, Mrs Hurst, Mr Kite, Mr Lake, Mr Long, Mr Love, Mr Lymer, Mr Manion, Mr Marsh, Mr McInroy, Mr Murphy, Mr Northey, Mr Oakford, Mr Ozog, Mr Pascoe, Mr Payne, Mrs Prendergast, Mr Pugh, Miss Rankin, Mr Rayner, Mr Simkins, Mr Thomas, Mr Whiting, Mr Wright.

Against (13)

Mr Bird, Mr Burden, Mr Chittenden, Mr Clinch, Mrs Constantine, Mr Farrell, Mr Hook, Mr Koowaree, Mr Lewis, Ida Linfield, Dr Sullivan, Mr Sweetland, Mr Whybrow

Abstain (0)

*Motion Carried.*

(3) Resolved that the County Council approves 'Setting the Course' – Kent County Council's Interim Strategic Plan.

**265. Report Under Section 5 of the Local Government and Housing Act 1989**  
(Item 9)

- (1) The General Counsel introduced the report, which was made under section 5 of the Local Government and Housing Act, relating to a breach of statutory duties by Kent County Council. The General Counsel confirmed that Kent County Council was no longer in breach of its statutory duty.
- (2) Resolved to note the report.

**266. Proposed top tier realignment in Growth, Environment and Transport Directorate**  
*(Item 11)*

- (1) Mr Gough proposed and Miss Cary seconded the following motion:
  - 1.1 “The County Council is invited to approve the recommendation of the Personnel Committee to agree:
    - the deletion of the posts of Director Environment, Planning and Enforcement and Director Economic Development in the Growth, Environment and Transport Directorate.
    - the introduction of three new Divisions, each headed by a new Director role – Transportation; Environment and Waste; and Growth and Communities.
    - consequential amendments to the current role of Director Highways and Waste
    - that the new structure will operate from 1 April 2021 and that the selection to the new posts will begin immediately if the County Council endorses the recommendation. The current proposal would result in the Director Highways and Waste being “slotted” under existing HR policies to the new post of Director - Transportation. Appointments to the other two posts will be made by the Personnel Committee through a Member Appointment Panel.”
- (2) Following the debate, the Chairman put the motion set out in paragraph (1) above.
- (3) Resolved that the County Council approves the recommendation of the Personnel Committee to agree:
  - (a) the deletion of the posts of Director Environment, Planning and Enforcement and Director Economic Development in the Growth, Environment and Transport Directorate.
  - (b) the introduction of three new Divisions, each headed by a new Director role – Transportation; Environment and Waste; and Growth and Communities.

- (c) consequential amendments to the current role of Director Highways and Waste
- (d) that the new structure will operate from 1 April 2021 and that the selection to the new posts will begin immediately if the County Council endorses the recommendation. The current proposal would result in the Director Highways and Waste being “slotted” under existing HR policies to the new post of Director - Transportation. Appointments to the other two posts will be made by the Personnel Committee through a Member Appointment Panel.

**267. Corporate Parenting Panel - Annual Report - 2019- 20**  
*(Item 10)*

- (1) Mrs Chandler proposed and Mrs Allen seconded the following motion:  
  
“The Members of the County Council are asked to note the annual report and our responsibilities as corporate parents.”
- (2) Following the debate, the Chairman put the motion set out in paragraph (1) above.
- (3) Resolved that the County Council notes the annual report and their responsibilities as corporate parents.

**268. EU Transition Preparedness - Kent County Council Update**  
*(Item 8)*

- (1) Mr Gough proposed, and Mr Payne seconded the following motion:  
  
“The County Council is asked to:
  - (1) note the updated national and local preparations for the end of the EU Transition phase.
  - (2) endorse Kent County Council’s continuing focus on Government action needed to resolve final remaining risks and dependencies.”
- (2) Following the debate, the Chairman put the motion set out in paragraph (1) above and the voting was as follows:

For (55)

Mrs Allen, Mr Angell, Mr Chittenden, Mr Clinch, Mr Balfour, Mr Barrington-King, Mr Bartlett, Mrs Bell, Mrs Beresford, Mrs Binks, Mr Bond, Mr Booth, Mr Bowles, Mr Brazier, Mr Butler, Miss Carey, Mrs Chandler, Mr Collor, Mr Cook, Mr Cooke, Mrs Crabtree, Mr Dance, Mrs Game, Mr Gough, Mrs Hamilton, Mr Harman, Mr Hill, Mr Hills, Mr Holden, Mr Homewood, Mr Horwood, Mr Hotson, Mrs Hurst, Mr Koowaree, Mr Lake, Mr Long, Mr Love, Mr Manion, Mr Marsh, Mr McInroy, Miss

Morton, Mr Murphy, Mr Northey, Mr Oakford, Mr Pascoe, Mr Payne, Mrs Prendergast, Miss Rankin, Mr Rayner, Mr Ridgers, Mr Simkins, Mr Sweetland, Mr Thomas, Mr Whiting , Mr Wright

Against (9)

Mr Bird, Mrs Constantine, Mrs Dean, Mr Farrell, Mr Hook, Mr Lewis, Ida Linfield, Dr Sullivan, Mr Whybrow

Abstain (1)

Mr Lymer

*Motion Carried.*

(3) Resolved that the County Council:

- (a) Notes the updated national and local preparations for the end of the EU Transition phase.
- (b) Endorses Kent County Council's continuing focus on Government action needed to resolve final remaining risks and dependencies.