

KENT COUNTY COUNCIL

COUNTY COUNCIL

MINUTES of a meeting of the County Council held in the on Thursday, 10 March 2022.

PRESENT: Mrs L Game (Chairman), Mr G Cooke (Vice-Chairman), Mr N Baker, Mr M Baldock, Mr P V Barrington-King, Mr D Beaney, Mr C Beart, Mr A Booth, Mr A Brady, Mr D L Brazier, Mr C Broadley, Mr S R Campkin, Mr T Cannon, Miss S J Carey, Sir Paul Carter, CBE, Mrs S Chandler, Mr N J D Chard, Mr I S Chittenden, Mrs P T Cole, Mr P Cole, Ms K Constantine, Mr P C Cooper, Mr D Crow-Brown, Mr D S Daley, Mr M C Dance, Mrs T Dean, MBE, Mr M Dendor, Mr R W Gough, Ms K Grehan, Ms S Hamilton, Mr P M Harman, Mr P M Hill, OBE, Mr A R Hills, Mrs S V Hohler, Mr S Holden, Mr M A J Hood, Mrs S Hudson, Mr D Jeffrey, Mr A Kennedy, Mr J A Kite, MBE, Rich Lehmann, Mr B H Lewis, Mr R C Love, OBE, Mr S C Manion, Ms M McArthur, Mr J P McInroy, Ms J Meade, Mr J Meade, Mr D Murphy, Mr P J Oakford, Mr J M Ozog, Mrs L Parfitt-Reid, Mrs S Prendergast, Mr H Rayner, Mr O Richardson, Mr A M Ridgers, Mr D Robey, Mr D Ross, Mr A Sandhu, MBE, Mr T L Shonk, Mr C Simkins, Mr M J Sole, Mr P Stepto, Mr R G Streatfeild, MBE, Dr L Sullivan, Mr B J Sweetland, Mr R J Thomas, Mr D Watkins, Mr A Weatherhead, Mr S Webb and Mr J Wright

ALSO PRESENT: Mr Gurvinder Sandher

IN ATTENDANCE: Dr Anjan Ghosh (Director of Public Health), Benjamin Watts (General Counsel) and Joel Cook (Democratic Services Manager)

UNRESTRICTED ITEMS

50. Apologies for Absence
(Item 1)

The General Counsel reported apologies from Mr Paul Bartlett, Mrs Clair Bell, Mrs Rosalind Binks, Mr Trevor Bond, Mrs Becki Bruneau, Ms Mel Dawkins, Mr Anthony Hook, Mr Alan Marsh and Ms Linda Wright. Members were advised that Mr Collor was joining the meeting virtually.

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

Mr Streatfeild declared an interest in Item 6 – *Questions* - as a member of his family had an Education, Health and Care Plan (EHCP) and received statutory provided transport to and from school. Mr Streatfield was also a member of Kent Parents and Carers Together (Kent PACT).

Dr Sullivan declared a disclosable pecuniary interest in Item 15 – *Pay Policy Statement* – as her husband was a KCC employee.

52. Minutes of the meeting held on 10 February 2022 and, if in order, to be approved as a correct record
(Item 3)

- (1) The General Counsel responded to a query regarding the availability of the recording of the meeting of County Council held on 10 February 2022 on the Kent County Council website.
- (2) RESOLVED that the minutes of the meeting held on 10 February 2022 be approved as a correct record.

53. Corporate Parenting Panel - Minutes for noting
(Item 4)

RESOLVED that the minutes of the meetings of the Corporate Parenting Panel held on 15 September 2021 and 8 December 2021 be noted.

54. Chairman's Announcements
(Item 5)

Mr John Davies

- (1) The Chairman, with the deepest sadness and regret, announced the passing of John Davies. Mr Davies was the former Member for Tunbridge Wells from 2001 until 2017. He served as Chairman of the County Council from May 2009 to May 2010 and held a number of roles, including that of Chair of the Planning Applications Committee. He was made Honorary Alderman of the Council in December 2019 and continued to engage with Council staff on the importance of effective democratic activity and local government generally.
- (2) Tributes were made by Mr Brazier, Mr McInroy, Mr Gough, Miss Carey, Dr Sullivan, Mrs Hamilton, Mr Baldock and Mrs Dean.

Mr Ivor Jones

- (3) The Chairman, with the deepest sadness and regret, also announced the passing of Ivor Jones. Mr Jones was the former Labour Member for Dartford South West from May 1993 to May 1997 and former Member for Swanscombe and Greenhithe from May 2001 to May 2009. In addition to his time at Kent County Council, Mr Jones represented Stone at Dartford District Council.
- (4) Tributes were made by Ms Grehan, Mr Kite, Mr Sweetland, Mrs Dean and Mr Gough.

- (5) The Chairman asked members to remember those fighting for democracy in Ukraine, those who had sadly fallen and those who had fled their homes.
- (6) The Council held a one-minute's silence in memory of Mr Davies and Mr Jones, and for those suffering from the conflict in Ukraine.
- (7) The Chairman thanked all those who offered such heartfelt tributes as part of the meeting.

Public Choice Section of Regiostars Awards

- (8) The Chairman announced the Flood and Water Management Team had recently completed a Blue Green Infrastructure project at George Park Margate funded through the EU Interreg North Seas Region Blue Green Infrastructure and Social Innovation project, known as the BEGIN project.
- (9) The Chairman was delighted to inform Members that the BEGIN project had been voted the winner of the Public Choice section of the European-wide Regiostars awards and congratulated everyone involved in the project.

Winter Olympics and Paralympics

- (10) The Chairman congratulated all those who participated in the recent Winter Olympics in Beijing and those competing in the Winter Paralympics.
- (11) The Chairman paid tribute to the athletes from Kent including Millie Knight from Canterbury, who won a bronze medal in the Downhill skiing event, Matt Weston from Tunbridge Wells, who competed in the Skeleton event and Taylor Lawrence from Thanet, who was part of Team GB's four-man bobsleigh Team.

55. Questions *(Item 6)*

- (1) The General Counsel responded to a query regarding the printing and circulation of Questions for future meetings of the County Council.
- (2) In accordance with Sections 14.15 to 14.22 of the Constitution, 8 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. Questions 9 to 12 were not put in the time allocated but a written answer was provided. As Mrs Bell was not present at County Council Mr Meade responded to question 7 on her behalf.

56. Report by Leader of the Council (Oral) *(Item 7)*

- (1) The Leader updated the Council on events since the previous meeting.

- (2) Mr Gough said he recognised the pain and distress that had been caused by the SEND transport issues in recent weeks, to many parents and carers of children with special educational needs and disabilities. He said the issue had been acknowledged and discussed at Cabinet on 3 March 2022 and the voice of parents and carers effected by the issues was heard through the presence of Kent Parents and Carers Together (PACT). Mr Gough reiterated the apology that was made at that meeting and said an independent review had been commissioned and would be carried out by the Council's Internal Audit Team. He said discussions were underway with the Local Government Association to draw upon the best practice of other local authorities to ensure that a recurrence of the SEND transport issues did not take place and the best service improvement was secured.
- (3) Mr Gough referred to the war in Ukraine and said the flag of Ukraine was flying over County Hall, and he thanked Mr Andrew Kennedy for providing the Ukraine flags displayed on desks. He said he felt the war in Ukraine was something that united all Members across the Council's political groups. Mr Gough expressed the Council's support and solidarity to the country of Ukraine noting that the country had worked for over a generation to build democratic institutions and had sought to find its own place within Europe. Mr Gough said, alongside solidarity and symbolism, practical measures also had to be put in place. He said the Council's commissioning work and investments, including its supply chains and those of its companies, had been reviewed for any exposure to Russia, and entities close to the regime, and connections had been quickly ceased or suspended. He said assurance had also been sought regarding the increased risk of cyber activity. He said the war had displaced nearly 2 million people and that number was growing. He highlighted the Ukrainian Family Scheme and Humanitarian Sponsorship Pathway where people from Ukraine could be sponsored by individuals, businesses, and community groups to come to the United Kingdom. He said the situation remained dynamic and, along with other councils, the Council was seeking clarity on the implications of the crisis and how the Council should respond.
- (4) Mr Gough referred to the Levelling Up White Paper published in early February, and he commended colleagues for the presentation and discussion at Cabinet on 3 March 2022. He said he would have welcomed within the White Paper recognition of the failings of past policies - the combination of centralisation, bidding culture, fragmentation and silos at local and national level - and he hoped the national government reconfigured the central/local relationship to respond to that. Mr Gough welcomed recognition of the strategic role and significance of counties.
- (5) Mr Gough commended Mrs Bell, Richard Smith, and his team for ensuring the first Kent Care Summit, which took place on 2 March 2022, was a successful event and recognised the outstanding work of Georgina Walton. He said it was a partnership approach between the Council and the NHS and believed it provided the beginning of an important dialogue which would shape plans within both organisations. He referred to the Integration White Paper which presented a challenge to the county focus and said it was important to reconcile this with the Levelling Up White Paper. He recognised the work being done by the Council and the County Council's network with regards to social care reform and the importance of understanding the impact and challenge that it presented.
- (6) Mr Gough highlighted Brompton's investment in Ashford and commended Sir Paul Carter and Gerry Clarkson, the Leader of Ashford Borough Council, in securing the funding along with the work of Officers from Kent County Council, Ashford Borough

Council and Locate in Kent. He said it provided a huge economic and environmental benefit to Kent and went on to report the good news of Grow Up Farms' investment at Discovery Park in Sandwich. He said he was delighted to recently welcome Lord Deben, former Cabinet Minister and Chairman of the Climate Change Committee to Kent and said the visit provided the opportunity for building a dialogue with the Climate Change Committee on the challenges of delivering the net zero and adaptation agendas.

- (7) The Leader, referring again to the Ukraine conflict, noted that the Council now faced additional challenges. He recognised the exposure to both inflation and economic disruption on the Council's budget and what it would mean for Residents amidst what was already a severe cost of living crisis. He said he felt the county was confronting an economic shock and it was important the work of the Council took full account of that to ensure residents were supported, and the Council's financial soundness and ability to go on delivering its services was sustained.
- (8) The Leader of the Labour Group, Dr Sullivan, responded. She thanked the parents and carers who had contacted her and other KCC Members regarding the problems that arose from the SEND Transport retender. She said that this was the latest issue in an ongoing breach of trust, remembering: the Council had been here a few years ago, promising to parents and carers, children and young people that KCC would do better.
- (9) Dr Sullivan said that at the Scrutiny Meeting held on Tuesday 8 March 2022, it was reported that budgets were the main driver in the decision to retender the contract and to change the policy. She highlighted there had not been a decision notice for this. She said that it had been argued that algorithms, computer programmes, the analytics team, data dashboards and scorecards could fix it all. However, each piece of data represented a child and their family - a child who had its needs independently assessed, placed on an EHCP, and to whom KCC had a statutory duty. She said that when KCC did not deliver, it caused immeasurable pain and anxiety to those children and parents. She questioned who was responsible for the failure. She said that she hoped for an independent, external enquiry to establish those facts swiftly, rather than another action plan.
- (10) Dr Sullivan said that at the Scrutiny meeting, the Cabinet Member of Highways blamed the arrangements on a previous administration. She asked the Leader which administration Mr Brazier was referring, questioning whether it had been the Conservative administration of 1997, 2001, 2005, 2009, 2013, 2017 or 2021. She asked how the Council could expect the people of Kent to trust the Conservative administration with matters of SEND. Dr Sullivan said that Kent residents deserved better. She said that such service provision was a matter of honour and how such failures in the past would be a resignation matter. She said that that honour has left.
- (11) Dr Sullivan said, however, that she welcomed the Leader's swift action in dealing with an outcome of that meeting and hoped that this was the start of a change of culture which would ripple throughout the authority.

- (12) Dr Sullivan joined the Leader in deploring the illegal incursion of Russian state and armed forces into a sovereign nation. She said that the Labour group stood in solidarity with Ukraine and with the people of Ukraine, their friends and family in the United Kingdom as well. Dr Sullivan said that as part of an outward looking, global United Kingdom, she had hoped the government's response would have been a stronger. She said that in place of humanity, the United Kingdom had bureaucracy, process, procedure and data. Dr Sullivan said that the United Kingdom had a proud history of being welcoming, open, multicultural and tolerant. She said that while security and process should be in place, it should be based on humanity. She highlighted that from Tuesday 15 March 2022, Ukrainian nationals with passports or ID cards will be able to apply for UK visas. She hoped there was enough support to enable that to happen quickly.
- (13) Dr Sullivan referred to the cost of living crisis and emphasised that this was emerging long before the Russian invasion into Ukraine. She said that with energy bills going up, food prices increasing and people feeling the squeeze, she looked forward to the government fully funding the Council. She said that ultimately the increased demand and desperation will come to the Council's door and hoped that the authority could meet it.
- (14) Dr Sullivan, commenting on Levelling Up and devolution, said that she had heard too many times that KCC was *the* strategic authority. She thought that the SEND Transport failure was another example of KCC not delivering in a key strategic area. She said that the Council should not claim that it could run things on behalf of the people of Kent when she believed KCC could not maintain its highway networks, potholes, had no money to deal with social care, had no long-term vision to deal with the problems the county faces and yet wanted more control, more centralisation. Dr Sullivan argued that the Council should deal with its current responsibilities before asking for more.
- (15) Mrs Dean, on behalf of the Liberal Democrats, said that there should have been red lights flashing all over the County Council with regard to the SEND transport issue. She commented that there should have been time to fine tune the plans in advance but instead the Council had attempted a complete county-wide network redesign of complex routes and patterns for over 5000 children, including some of the most vulnerable. She raised questions as to which Members or Officers reviewed the project before implementation.
- (16) Mrs Dean explained that she not been able to locate a Key Decision regarding the SEND Transport system and argued that it was important to establish how the whole system was managed. In her view, this would require an external, independent investigation whereby internal officers were not able to choose their arbiter. Mrs Dean stated that the SEND Transport issue had led a loss of trust from parents in the county. The relationship with parents had been strained because of the 2014 Ofsted report which was damning. Mrs Dean again called for an independent and external inquiry.

- (17) Mrs Dean expressed concerns about the lack of Member support for an external inquiry in the SEND Transport issue. She said that this disregarded the principle of thou shalt not be judge and jury in thine own case, and underestimated the integrity, commitment and loyalty of Council staff. Mrs Dean argued that Council staff are willing and able to tell truth to power.
- (18) Mrs Dean said that the Council needed to establish who made the decision and what the departments did when they talked to each other about it. She questioned whether this was a GET problem or an education department problem. She commented that there was little comment from education Members at Scrutiny.
- (19) Commenting on the Ukraine conflict, Mrs Dean thanked the Chair for her opening comments asking Members to think about the Ukrainian people. Mrs Dean welcomed the positive response amongst communities as British people had contributed in their millions to all the calls for blankets and money. However, Mrs Dean expressed concern that the UK government was not responding appropriately or providing sufficient support. Mrs Dean noted that the United Kingdom had turned down more refugees than any other country in Europe, admitted fewer refugees than Ireland and had put in place a bureaucracy which no other country in Europe had suggested should be in place.
- (20) Mrs Dean agreed with the Leader that the ramifications of the war in Ukraine meant that the Council would need to re-evaluate its policies, including the strategic statement. However, she expressed her disappointment with the government's White Paper which suggested that there would not be any Levelling Up. She explained that with the exception of one indicator – life expectancy - all indicators and visions were simply statements about improving everything everywhere. Mrs Dean argued that there needed to be provision for those people who were struggling with poverty and who would struggle even more over the next six months. She said that unless that gap was addressed, the Council would not look back at this issue in 10 years time with any kind of appreciation.
- (21) Mr Stepto, Leader of the Green and Independent Group, thanked the Leader for his report. He confirmed that the group had received many emails from residents who had suffered because of the retendered SEND Transport contract. He said that the Green and Independent Group would like for there to be a thorough, impartial, transparent, and quick investigation into what had happened. Mr Stepto argued that lessons needed to be learned and KCC should be seen to facilitate an excellent home to school transport service for SEND children and their families. The Group would like to see a commitment that Pact would be involved in any review.
- (22) Mr Stepto said that the Green and Independent Group were pleased that KCC had identified potential risks from the war in the Ukraine and was acting to mitigate them. He said that the group's concern was whether KCC holds any Russian related assets in the pension or treasury funds and, if so, what was going to be done about them.

- (23) Mr Stepto said that the group was pleased to hear that KCC was preparing for the arrival of refugees. He wondered whether KCC could establish contact with the Ukrainian community in the County to assist with that. He also said that while the scenes on television of the Russian invasion in Ukraine were horrifying, it was important that KCC and residents do not conflate the actions of Vladimir Putin with Russian people and with Russian culture. Mr Stepto pointed to the thousands of Russians who were risking arrest by protesting the 'special operation' and who were meeting 15 year prison terms for calling it a war. He said that the Council must be careful not to condemn all things Russian.
- (24) Mr Stepto reported that while the policies set out in the Levelling Up White Paper appeared to apply more to the North than to Kent, he hoped that the county would see some benefits. His group had attended the briefings on the Strategic Reset programme and felt that it was good to have in place a well thought out structure to give focus on how the Council can improve its services and residents' lives. He said that the group welcomed the principle of creating hubs to build on the excellent work that the Council had carried out during the pandemic. With reference to the Care Summit, Mr Stepto affirmed that the Green and Independent Group would like an assurance that carers were going to be involved in any decision making in this field.
- (25) Mr Stepto said that the group were pleased that Lord Deben and the Climate Change Committee chose to visit Kent that week. The group hoped that what they learnt would help them contribute to the delivery of Net Zero.
- (26) The Leader thanked the group leaders for their comments and responded to several items. Regarding the SEND transport issue Mr Gough said there had been an extensive scrutiny session, and more would follow to provide opportunities for Members cross party to contribute to the investigation. He said it was important to note that the Council's Internal Audit Team was statutorily independent and was commissioned at arm's length from the Administration. Mr Gough explained the first part of the review would focus on what happened and this would lead into the second phase which would focus on benchmarking and learning from best practice. He said that Kent PACT played an important role in the Cabinet meeting on 3 March and reiterated the point that he was not involved in the review, but he strongly anticipated that Kent PACT would play a significant part in the Council's efforts to achieve service improvement.
- (27) Mr Gough said he endorsed what Mr Stepto said about the issues relating to the war in Ukraine and said Russians living in Kent should not be tarred with the brush of the Russian government. He went on to say, and he thought all Members agreed, that it was a tragedy that Russia, which had contributed an enormous amount to the world, was now in effect represented by the criminal activities of the current regime.
- (28) Mr Gough said, with regards to the Council's assets and investments, it was reported at the beginning of March that 0.3 per cent of the Council's

treasury assets and 0.03 per cent of the Council's treasury investments were in some form of Russian asset. Mr Gough said within 24 hours of the Council issuing its statement that included those figures the numbers had come down. He said although it was a matter for the fund managers the Council was making representations as part of its approach to ensure it did not in any sense facilitate what was going on through Putin's invasion.

(29) Mr Gough affirmed that the carers voice was a very important part of the Kent Care Summit, and he made the point again that the summit had successfully focused on the day to day experience of care users, carers, staff and the ultimate achievement of the more strategic aims of the Council and the NHS.

(30) Mr Gough responded to points made regarding the Levelling Up White Paper. He said he had his criticisms on many aspects of the Levelling Up White Paper and referred to the recent Cabinet discussion which had picked out the good and the bad in it. He said the challenge was whether all the solutions matched the scale of the problem that was described, and it was about bringing everybody up, more so in the areas that were deprived or left behind. He said one of the challenges for the Council was to build on where Kent and the different parts of Kent fitted into that.

(31) Finally, Mr Gough responded to Dr Sullivan's point about devolution. He said the Council was the strategic authority providing a wide range of services across the whole of Kent but this did not mean it would seek to do everything or hold back devolution. He said his focus as Leader was working closely with district colleagues, and the voluntary and community sector. Mr Gough said if there was a challenge to the Council delivering it, it would be the financial pressure already experienced before and made worse by the current crisis.

(32) RESOLVED that the Leader's update be noted.

57. Public Health in Kent after COVID: Some early thoughts

(Item 8)

(1) The Chairman welcomed Dr Ghosh to Kent County Council.

(2) Mr Ghosh responded in his capacity as newly appointed Director of Public Health.

(3) Mrs Cole proposed and Mr Meade seconded the motion that

“The County Council notes the Report”.

(4) Following the debate the Chairman put the motion set out in paragraph 1.

(5) RESOLVED that the County Council notes the Report.

58. Presentation of the Kent Invicta Award to Mr Gurvinder Sandher
(Item 9)

This item was moved up the agenda and taken before Item 8.

- (1) The Chairman offered a very warm welcome to the meeting to Mr Gurvinder Sandher. The Chairman stated that Mr Sandher had promoted and championed racial equality and community cohesion working in partnership with local communities and public sector partners across Kent.
- (2) Tributes were made by Mr Hill, Dr Sullivan, Mr Kite, Mr Sandhu MBE and Mr Gough.
- (3) The Chairman presented Mr Sandher the Kent Invicta Award and a cheque for £5,000 in support of charities of Mr Sandher's choosing.

59. Signing & Sealing - Constitution Update
(Item 10)

- (1) Mr Oakford proposed and Mr Gough seconded the motion that

"The County Council approves the changes to the Constitution related to the signing and sealing of documents as set out in the Appendix to the report."
- (2) Following the debate the chairman put the motion set out in paragraph 1.
- (3) The General Counsel responded to a query regarding the specific inclusion within the Constitution that physical signatures have been obtained.
- (4) RESOLVED that the County Council approve the changes to the Constitution related to the signing and sealing of documents as set out in the Appendix to the report.

The Labour Group asked for their abstentions to be noted in the minutes.

60. Urgent Executive Decisions - Constitution update
(Item 11)

- (1) Mr Gough proposed and Mr Oakford seconded the motion that

"The County Council agree that the Constitution be amended to allow the Chairman of the Council to act with regards urgent key decisions where the Chair of the Scrutiny Committee cannot, or the Vice-Chairman of the Council where the Chairman cannot."
- (2) Following the debate the chairman put the motion set out in paragraph 1.

- (3) RESOLVED that the County Council agree that the Constitution be amended to allow the Chairman of the Council to act with regards urgent key decisions where the Chair of the Scrutiny Committee cannot, or the Vice-Chairman of the Council where the Chairman cannot.

The Labour Group asked for their abstentions to be noted in the minutes.

61. Code of Corporate Governance

(Item 12)

- (1) Mr Oakford proposed and Mr McInroy seconded the motion that

“The County Council approve the updated Code of Corporate Governance and Section 26 of the Constitution amended accordingly.”
- (2) Following the debate the chairman put the motion set out in paragraph 1 to the vote and the motion was carried.

The Labour Group and Green & Independent Group asked for their abstentions to be noted.

62. Financial Regulations

(Item 13)

- (1) Mr Oakford proposed and Mr Cooper seconded the motion that

“The County Council consider and approve the updated Financial Regulations and Delegated Authority Matrix of Approval Limits.”
- (2) Following the debate the chairman put the motion set out in paragraph 1.
- (3) RESOLVED that the County Council consider and approve the updated Financial Regulations and Delegated Authority Matrix of Approval Limits.

The Labour Group asked for their abstentions to be noted in the minutes.

63. Appointment of External Auditor

(Item 14)

- (1) Mr Oakford proposed and Mr Cooper seconded the motion that

“The County Council accepts Public Sector Appointments’ invitation to opt into the sector-led option for the appointment of our external auditors for five financial years from 1 April 2023.”
- (2) Following the debate the chairman put the motion set out in paragraph 1.

- (3) RESOLVED that the County Council accepts Public Sector Appointments' invitation to opt into the sector-led option for the appointment of our external auditors for five financial years from 1 April 2023.

64. Pay Policy Statement
(Item 15)

- (1) Mr Sweetland proposed and Mr Oakford seconded the motion that
“The County Council endorses the Pay Policy Statement.”
- (2) Following the debate the chairman put the motion set out in paragraph 1.
- (3) RESOLVED that the County Council endorses the Pay Policy Statement.

The Labour Group asked for their abstentions to be noted in the minutes.