

KENT COUNTY COUNCIL

COUNTY COUNCIL

MINUTES of a meeting of the County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 14 December 2023.

PRESENT: Mr G Cooke (Chairman), Mr B J Sweetland (Vice-Chairman), Mr N Baker, Mr P V Barrington-King, Mr P Bartlett, Mr D Beaney, Mrs C Bell, Mrs R Binks, Mr T Bond, Mr A Booth, Mr A Brady, Mr D L Brazier, Mr C Broadley, Mr T Cannon, Miss S J Carey, Sir Paul Carter, CBE, Mrs S Chandler, Mr I S Chittenden, Mrs P T Cole, Mr P Cole, Ms K Constantine, Mr P C Cooper, Mr D Crow-Brown, Mr M C Dance, Ms M Dawkins, Mrs T Dean, MBE, Mr M Dendor, Mr R W Gough, Ms K Grehan, Ms S Hamilton, Peter Harman, Jenni Hawkins, Mr P M Hill, OBE, Mr A R Hills, Mrs S V Hohler, Mr S Holden, Mr M A J Hood, Mr A J Hook, Mrs S Hudson, Mr D Jeffrey, Mr A Kennedy, Mr J A Kite, MBE, Mr B H Lewis, Mr R C Love, OBE, Mr R A Marsh, Mr J P McInroy, Ms J Meade, Mr J Meade, Mr D Murphy, Mr P J Oakford, Mr C Passmore, 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 R J Thomas, Mr S Webb and Mr J Wright

IN ATTENDANCE: Mr J Cook (Democratic Services Manager) and Mr B Watts (General Counsel)

UNRESTRICTED ITEMS

188. Apologies for Absence
(Item 1)

The General Counsel reported apologies from Mrs Becki Bruneau, Mr Nick Chard, Mr Nigel Collor, Mr Rich Lehmann, Mr Steve Manion, Mrs Margot McArthur, Mrs Lottie Parfitt-Reid, Mrs Shellina Prendergast, and Mrs Linda Wright.

Mr Jeffrey reported apologies from Mrs Game and Mr Hood reported apologies from Mr Campkin.

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

There were no declarations of interest.

190. Minutes of the meeting held on 16 November 2023 and, if in order, to be approved as a correct record

(Item 3)

RESOLVED, subject to a minor correction and the noting of voting for some items, that the minutes of the meeting held on 16 November 2023 be approved as a correct record.

191. Chairman's Announcements

(Item 4)

Mr Kent Tucker

1. The Chairman referred to the sad passing of Mr John Martyn Kent Tucker MBE, former Member for Sevenoaks North-East from 1989 – 2005 and a former Chairman of Kent County Council.
2. The Chairman invited Members to pay tribute to Mr Tucker and tributes were made by Mr Brazier, Mrs Cole, Mr Gough, Dr Sullivan, Mr Hood, and Mr Hook.

Staff Lottery Fund

3. The Chairman was pleased to be invited to serve as a representative on the Staff Lottery Committee and was thrilled to announce that the Staff Lottery had donated £2,000 to the Corporate Parenting Christmas Appeal in memory of Mrs Ann Allen. The Chairman explained that the appeal was undertaken in partnership with the Young Lives Foundation.
4. The Staff Lottery Fund had also agreed to donate £10,000 to this year's Chairman's charities, Imago and Crossroads, to support their work with Young Carers across Kent. The Chairman expressed his gratitude to the Staff Lottery Fund and to all members of staff who participated in the lottery.

Found a Pound Campaign

5. The Chairman thanked those who attended and donated towards the Chairman's charities at various events in 2023 including a luncheon at the annual meeting in May, and the Chairman's Civic Carol Service at All Saints Church in Maidstone on Tuesday 14 December. He invited Members and staff to join him at lunchtime where they would be joined, for carols, by the choir from Valley Park School.
6. The Chairman officially announced the launch of his Found a Pound Campaign and Appeal and highlighted that if just one person in ten, living in Kent, were to make a £2 donation that would raise £200,000 which would help to change the lives of Young Carers for the better. The Chairman encouraged Members, as Corporate Parents and Champions of their communities, to donate.

7. Finally, the Chairman thanked all members of staff, past and present, for their service and wished them and their families a happy Christmas and a healthy, happy, and peaceful new year.

192. Questions

(Item 5)

In accordance with Sections 14.15 to 14.22 of the Constitution, 15 questions were submitted by the deadline and 15 questions were put to the Executive. 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 9-15 were not put in the time allocated but written answers were provided.

193. Report by Leader of the Council (Oral)

(Item 6)

1. The Leader opened his report by referring to the government's Autumn Statement and the lack of additional funding for local authorities which many county and unitary councils had argued for. Mr Gough stressed that the Council's financial planning had been on the assumption that there would not be additional resource from the Autumn Statement and therefore, although it was disappointing, it was not surprising.
2. Mr Gough referred to the report on Securing Kent's Future which went to Cabinet on 5 October 2023 and the four strategic objectives which included balancing the budget for 2023/24, initiatives in areas such as large scale contracting which had the most rapid growth in expenditure, policy choice in relation to statutory and discretionary services, and the continued transformation of the organisation for delivery under the financial circumstances. Mr Gough highlighted that although savings plans had come an exceptionally long way since the summer there were still significant challenges to address.
3. Mr Gough spoke about the devolution deals referenced in the Autumn Statement and said it remained his position, following the expression of interest submitted by the Council, that the overall national policy position should continue to be advanced. He was encouraged that both major parties had a commitment to the devolution agenda and said it was important that the right proposition for Kent and Medway was developed.
4. The Leader turned to Unaccompanied Asylum Seeking Children (UASC) and the High Court judicial review of the Home Secretary which ruled in favour of the Council. The ruling established that the current operation of the National Transfer Scheme (NTS) was not fit for purpose in terms of the Council delivering all its statutory obligations, and it was a national and international issue. He stressed that the Council would continue to work with

the Home Office and Department for Education to ensure the NTS was effectively delivered but would continue to push against the assumption that Kent was the place where so many migration related issues were solved.

5. Regarding Operation Brock, the Leader commented that the Kent Resilience Forum, subject to unforeseen events, had assessed that the traffic management system would not be implemented over the Christmas period. Mr Gough highlighted that the bigger problem was the anticipated introduction of the EU's Entry Exit System, most likely in October 2024. The prospect of significant delays, therefore, remained a material risk but was one on which local and national partners were working to develop a strong response. He commented that development of the EES had implications for Eurostar at St Pancras, and the Council would continue to make the case for Kent's international stations at Ebbsfleet and Ashford.
6. Mr Gough said the Integrated Care Strategy would be brought to Cabinet for approval in early January 2024 and a report to Full Council on the implementation aspects would follow in March. There was a meeting of the Integrated Care Partnership recently and the strategy, now much developed, brought forward measures for effective working.
7. Turning to winter preparations within Adult Social Care, Mr Gough said work continued with partners to develop further hospital discharge and community services. Discharge to assess processes had been well established and there had been significant development of integrated transfer of care hubs across Kent. He noted that the Council had worked hard with health colleagues to respond to the scale of pressures and said that nearly £3m of the local authority grant for urgent and emergency care had been secured from Department of Health and Social Care.
8. Finally, the Leader noted that the Council had reached and exceeded the £20,000 Care Leavers Appeal which secured among other things a £20 voucher for each care leaver. He thanked everyone who had contributed and concluded by wishing all Members and staff a merry Christmas.
9. The Leader of the Labour Group, Dr Sullivan, thanked Council staff for the delivery of many services in general and over the Christmas period.
10. Dr Sullivan referred to the government's forthcoming financial settlement and said, along with residents, staff, and Members, she hoped it would include funding for local government. She commented on the Council's budget situation and noted that services needed to be cut for the Council to stay afloat but questioned where enough was enough. She stressed the importance of the government listening to, and funding, local government to resolve the financial issues and to enable the Council to support residents.
11. Dr Sullivan stressed the importance of considering whether the care markets in Kent were broken, and questioned where the safety net was if the market failed, who the provider of last resort was, and the financial cost

that would come with that. She said it was important to reconsider and invest in inhouse services so that the Council was the provider of last resort.

12. Dr Sullivan spoke about prevention and suggested that funding of the Kent Communities Programme could have been better spent on youth services. She stressed the importance of empowering staff and thanked all Council staff at this challenging time for noting the need to achieve the best outcomes quickly and resiliently. She implored all staff to speak up to help solve the problem and she implored Cabinet Members and senior officers to listen and see the trends from the residents themselves, not just through dashboards and scorecards.
13. Dr Sullivan referred to the recent decisions on Commissioned Youth Service Contracts and the Kent Family Hub Model, and suggested there was a failing in statutory duty. She questioned who was accountable and said young people were suffering without a youth service. Dr Sullivan said it was important to consider partnership working and not cost shunting.
14. Dr Sullivan commented that it was a shame that Pfizer was looking to pull out and noted the importance of growing the science community in Kent.
15. Finally, Dr Sullivan wished all members a very happy Christmas.
16. Mr Hood, on behalf of the Green and Independents Group, said the lack of government funding had forced local authorities to cut services and led many into bankruptcy. He said a recent Local Government Association (LGA) survey suggested that one in five local authorities may have to issue a section 114 notice in 2024 or 2025, and authorities across the country would be forced to cut further than ever before making the lives of many people worse off, particularly the most vulnerable. Mr Hood explained that the Office of Budgetary Responsibility confirmed that the repercussions of the Autumn Statement would mean significant reductions to councils' reserves.
17. Turning to the climate, Mr Hood said an LGA report revealed that just 5% of the British public felt prepared for climate change. He said local authorities could play a key role in preparing communities for climate change by delivering policies that increased community resilience and mitigated the damaging effects of climate change on local biodiversity. Mr Hood referred to the Motion for Time Limited Debate that his group had, today, brought to Full Council, and which he hoped could move the Council in that direction whilst not adding additional excessive financial burden.
18. Mr Hood referred to the EU's Entry/Exit System and said it was not known how much chaos it would bring to the county's roads but considering recent holiday periods he said it could be assumed that Operation Brock would be in place for some years to come.
19. Mr Hood commented on the Lower Thames Crossing and the urgent decision which had been taken. He said the crossing would have a

devastating effect on hundreds of acres of woodland on both sides of the Thames, and on Kent's road network as thousands of lorries would use routes not designed for the levels of traffic they would be subjected to.

20. Turning to devolution Mr Hood raised concerns that conversations with the government referred to an elected mayor and not, in his view, about the deal that was ultimately desired.
21. Finally, Mr Hood wished all Members a very happy Christmas.
22. Mr Hook, Leader of the Liberal Democrats Group, also wished all Members and staff of the Council a merry Christmas.
23. Mr Hook welcomed the recent judgment in the Council's favour against the Home Office. He explained that the outcome of high court proceedings could never be predicted with absolute certainty and congratulated the General Counsel and all those involved. Mr Hook referred to the wider national problem of refugee entry and said safe and legal routes needed to be created.
24. Regarding devolution Mr Hook said his party strongly supported devolution and said the future needed more than ever a dispersal of power from government to a local level.
25. Mr Hook said the financial pressure on local government was driven by the rising pressure on adult social care and the government was collecting more tax than ever but giving less of it back to spend on local services. He said the care service was broken and care providers were raising their prices because of greater costs of labour, food, and energy. The number of people needing care was increasing due to an aging population and the people who needed care needed it more intensively.
26. Mr Hook referred to the Autumn Statement and said not only did it not offer anything for local government but the NHS, which was one of the biggest problems facing residents, faced a considerable spending cut and there was no mention within the statement of GPs, dentists, or ambulances.
27. Mr Hook condemned the changes to legal migration rules for family and work visas in 2024 and said they would have a great impact on many of Kent's residents. He said the new high-income threshold restricted the rights of British people and that it had been reported in the news that there were many British people living abroad with non-British partners, such as teachers, nurses, and academics, who faced this position. He said the people of Kent were paying the price for a government focused on populism and it was time for something better.
28. The Leader responded to some of the points that were made. Firstly, in relation to local government funding he explained that, although the Autumn Statement had been announced and the local government finance settlement would be seen the following week, the Council would continue to

make the case for additional funding particularly in relation to children's services. Mr Gough said he feared the funding situation for local government would remain for some considerable time even if there was a change of government nationally, and the Council had to work on that basis with a degree of clarity and realism. In response to Dr Sullivan's comments, he said there were many things that the Council found itself under pressure to do, that it did not want to do, but its greatest responsibility was to ensure that services were provided. He stressed the importance of staying in control of that and managing the Council's own fate.

29. In response to Dr Sullivan's comments about the provision of services in house or commissioned, the Leader said the Council looked carefully at circumstances where markets were broken to determine the best response. He disagreed that bringing everything in house was the solution to the Council's budget problems and said that a pragmatic response, which considered the circumstances and sought to get the best value for Kent residents, was essential.
30. The Leader responded to Mr Hood's comments and said that the Council had a proud record in responding to environmental pressures. He referred to the Local Flood Risk Management Strategy 2024-34 consultation which the Council was working with partners on to address the challenges and pressures in relation to climate change and flooding.
31. The Leader endorsed Mr Hook's comments and thanked the General Counsel and all staff that contributed for their excellent work in relation to the claim against the Home Secretary.
32. Mr Gough referred, in response to Mr Hook's comment about safe and legal routes, to the Syrian Vulnerable Persons Resettlement Scheme which showed how local and central government could work together to provide safe and legal routes for particularly vulnerable people. However, he challenged whether it addressed all pressures such as housing requirements and provision. He explained that Kent Leaders were collectively responding to a consultation on safe and legal routes.
33. RESOLVED that the Leader's Report be noted.

194. Governance Update
(Item 7)

1. Mr Jeffrey proposed, and Mr Gough seconded the motion that

“County Council is asked to:

- a) Note and comment on the report.
- b) Agree to adopt the amendments to the Constitution set out in paragraphs 2.b.i.i.1, 2.b.ii.i.1, 2.b.iii.i.1-3, and 2.b.iv.i.1 as recommended by the Selection and Member Services Committee.

- c) Note the establishment of a Member Working Party chaired by the Cabinet Member for Communications and Democratic Services to work on a cross party basis.
 - d) Agree the establishment of the Shareholder Board as a formal sub-Committee of the Cabinet from 1 April 2024.
 - e) Delegate the responsibility for drafting terms of reference for the Shareholder Board to the General Counsel in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services.
2. Following the debate, the Chairman put recommendations a) to c) within the motion, as set out in paragraph 1, including the four amendments within recommendation b), individually to the vote. Recommendations d) and e) were put to the vote together:

- a) Note and comment on the report.

Agreed.

- b) Agree to adopt the amendments to the Constitution set out in paragraphs 2.b.i.i.1, 2.b.ii.i.1, 2.b.iii.i.1-3, and 2.b.iv.i.1 as recommended by the Selection and Member Services Committee.

Amendment 2.b.i.i.1 – Carried.

Amendment 2.b.ii.i.1 – Carried.

Amendment 2.b.iii.i.1-3 – Lost.

Amendment 2.b.iv.i.1 – Lost.

- c) Note the establishment of a Member Working Party chaired by the Cabinet Member for Communications and Democratic Services to work on a cross party basis.

Agreed.

- d) Agree the establishment of the Shareholder Board as a formal sub-Committee of the Cabinet from 1 April 2024.

- e) Delegate the responsibility for drafting terms of reference for the Shareholder Board to the General Counsel in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services.

Agreed.

The Opposition Groups asked that their votes for amendment 2.b.iii.i. 1-3 of recommendation b) be noted.

The Labour and Green & Independents Groups asked that their votes for amendment 2.b.iv.i. 1 of recommendation b) be noted.

The Liberal Democrat group abstained to recommendations d) and e).

3. RESOLVED that the County Council:
 - a) Notes the report.
 - b) Agrees to adopt the amendments to the Constitution set out in paragraphs 2.b.i.i.1 and 2.b.ii.i.1 as recommended by the Selection and Member Services Committee.
 - c) Notes the establishment of a Member Working Party chaired by the Cabinet Member for Communications and Democratic Services to work on a cross party basis.
 - d) Agrees the establishment of the Shareholder Board as a formal sub-Committee of the Cabinet from 1 April 2024.
 - e) Delegates the responsibility for drafting terms of reference for the Shareholder Board to the General Counsel in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services.

195. Pre-Submission Draft Kent Minerals and Waste Local Plan 2024-39
(Item 8)

1. The Chairman explained, and the General Counsel confirmed, that the draft Kent Minerals and Waste Local Plan 2024-39 would come back to Full Council for decision on its approval once it had been reviewed by government.
2. Mr Gough proposed, and Mr Hills seconded the motion that
“County Council is asked to:
 - “A.
 - (i) Approve, and publish for public consultation, a Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 for representations on soundness and legal compliance;
 - (ii) Agree to submit the Pre-Submission Draft of Kent Minerals and Waste Local Plan 2024-39 to Government for Independent Examination into its soundness and legal compliance following the representation period;
 - (iii) Agree to request the examination Inspector to recommend changes (‘main modifications’) needed to ensure the soundness of the Kent Minerals and Waste Local Plan; and
 - (iv) Delegate powers to the Corporate Director for Growth, Environment & Transport to, in consultation with the relevant Cabinet Member,
 - a. Agree main modifications with the Inspector and to publish them for representations on soundness and legal compliance;
 - b. Approve any non-material changes to the draft Kent Minerals and Waste Local Plan 2024-39;
 - B. Note the timetable for work related to mineral and waste planning policy in Kent.”

3. Ms Meade proposed, and Mr Hood seconded an amendment that the word “ragstone” be replaced by the word “hardstone” throughout the document.
4. The Chairman put the amendment set out in paragraph 3 to the vote.

Amendment lost.

The Opposition groups asked that their votes in favour of the amendment be noted.

5. The Chairman put the substantive motion set out in paragraph 2.
6. RESOLVED that the County Council:
 - A.
 - (i) Approves, and publishes for public consultation, a Pre-Submission Draft of the Kent Minerals and Waste Local Plan 2024-39 for representations on soundness and legal compliance;
 - (ii) Agrees to submit the Pre-Submission Draft of Kent Minerals and Waste Local Plan 2024-39 to Government for Independent Examination into its soundness and legal compliance following the representation period;
 - (iii) Agrees to request the examination Inspector to recommend changes (‘main modifications’) needed to ensure the soundness of the Kent Minerals and Waste Local Plan; and
 - (iv) Delegates powers to the Corporate Director for Growth, Environment & Transport Page 30 to, in consultation with the relevant Cabinet Member,
 - a. Agree main modifications with the Inspector and to publish them for representations on soundness and legal compliance;
 - b. Approve any non-material changes to the draft Kent Minerals and Waste Local Plan 2024-39;
 - B. Notes the timetable for work related to mineral and waste planning policy in Kent.

The Opposition Groups asked that their votes to abstain from the recommendation be noted.

196. Motion for Time Limited Debate
(Item 9)

Motion for Time Limited Debate 1 – Ecological Emergency

1. Mr Hood proposed, and Mr Streatfeild seconded the following motion for time-limited debate:

“The Council resolves to:

1. Declare an ecological emergency; and

Recommend that the Executive;

2. Makes arrangements to require explicit consideration of ecological and climate change implications to Council reports as part of decision-making processes.
 3. Ensures that addressing the climate and ecological emergencies and nature recovery are considered as strategic priorities for planning and related policies.
 4. Sets measurable targets and standards for biodiversity increase, in both species and quantities, seeking also to increase community engagement via specific policies or strategies.
 5. Works with our partners and River Catchment Organisations to explore what role the Council can play in improving the ecology of our rivers in keeping with the urgency of this declaration.
 6. Seeks to ringfence the funding for the Plan Tree planting strategy and Kent's Plan Bee, to support nature protection and carbon sequestration, within its budget proposals.
 7. Ensures that our property policies consider opportunities for biodiversity enhancements and tree planting on Council landholdings.
 8. Writes to all Kent's MPs urging them to support the Climate and Ecological Bill, a private member's bill, in keeping with the declarations of this Council."
2. The Chairman put the motion, set out in paragraph 1 to the vote in two parts.

Motion lost.

The Opposition Groups asked that their votes in favour of recommendations 1 to 8 be noted.