

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, 23 March 2023.

PRESENT: Mrs L Game (Chairman), Mr G Cooke (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, Mrs B Bruneau, Mr S R Campkin, 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, Mr N J Collor, Ms K Constantine, Mr D Crow-Brown, Mr M C Dance, Ms M Dawkins, Mrs T Dean, MBE, Mr R W Gough, Ms K Grehan, Ms S Hamilton, Peter Harman, Jenni Hawkins, 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, Rich Lehmann, Mr B H Lewis, Mr R C Love, OBE, Mr S C Manion, Mr R A Marsh, Mrs M McArthur, Mr J P McInroy, Ms J Meade, Mr J Meade, Mr D Murphy, Mr P J Oakford, Mrs L Parfitt-Reid, Mr H Rayner, Mr O Richardson, Mr A M Ridgers, Mr D Robey, Mr D Ross, Mr A Sandhu, MBE, Mr C Simkins, Mr M J Sole, Mr P Stepto, Dr L Sullivan, Mr B J Sweetland, Mr R J Thomas, Mr D Watkins and Mr S Webb

IN VIRTUAL ATTENDANCE: Mr M Dendor and Mr R G Streatfeild, MBE

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

The Chairman highlighted that the meeting was taking place during the pre-election period and therefore the Council had a duty to not seek to platform or publicise any activity designed to influence the election. Members were reminded that they should not use their speeches to seek to promote or denigrate candidates or local parties involved in the upcoming elections.

UNRESTRICTED ITEMS

125. Apologies for Absence (Item 1)

The Democratic Services Manager reported apologies for absence from Mr Baldock, Mr Broadley, Mr Chard, Mr Cooper, Mr Daley, Mr Hill, Mrs Prendergast, Mr Shonk and Mr Wright.

Members were advised that Mr Dendor and Mr Streatfeild had given their formal apologies and were joining the meeting virtually.

The Democratic Services Manager said Mrs Hohler would be joining the meeting late.

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

Ms Hamilton declared an interest that she was in the process of an assessment as a Kent County Council connected foster carer.

127. Minutes of the meeting held on 9 February 2023 and, if in order, to be approved as a correct record
(Item 3)

RESOLVED that the minutes of the meeting held on 9 February 2023 be approved as a correct record.

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

RESOLVED that the minutes of the meeting of the Corporate Parenting Panel held on 13 December 2022 be noted.

129. Chairman's Announcements
(Item 5)

- (1) The Chairman welcomed new Member, Ms Jenni Hawkins, to the Council.

Cameron Beart

- (2) The Chairman referred to her announcement at the last County Council of the sad passing of Mr Cameron Beart, Member for Sheppey. She reminded Members of the Notice of Election for the Sheppey Division and said the pre-election period was an important consideration. She determined that it was necessary and right for the Council to consider tributes to Mr Beart and asked Members to be mindful of the requirement that tributes be of a personal nature and did not seek to influence the election.
- (3) The Chairman invited Members to offer personal tributes to Mr Beart. Tributes were made by Mr Booth, Mr Hook, Mr Jeffrey, Dr Sullivan, Mr Lehmann, and Mr Gough.

Air Ambulance presentation

- (4) The Chairman welcomed Mr David Welch, Chief Executive of the Air Ambulance Charity – Kent, Surrey and Sussex to the meeting. Mr Welch provided a presentation to Members on the important work of the Air Ambulance.

- (5) Following the presentation comments and tributes were made by Mr Lewis, Mrs Binks, Mr Sandhu, and Mr Collor.
- (6) The Chairman thanked Mr Welch for his time and expressed, on behalf of Members, the Council's good wishes for the excellent work carried out by the organisation.

Theresa Grayell

- (7) The Chairman informed Members of the recent retirement of Ms Theresa Grayell from the Democratic Services Team.
- (8) The Chairman said that many Members would have had the pleasure of working with Theresa during their time at the Council. Ms Grayell started work in the Council's Planning Department as a student on 4 October 1982 and moved to Democratic Services in September 1989. She was instrumental in setting up the Children's Champion Board, now the Corporate Parenting Panel, and had supported many committees with an amazing attention to detail, thoughtfulness, and good humour. The Chairman said her enthusiasm and high standards of good governance and fairness would be missed by Members and Officers. Ms Grayell had worked hard to support all Members and had been a credit to Democratic Services and the Council as a whole.
- (9) On behalf of the Council, the Chairman thanked Ms Grayell for her service to KCC and wished her well in her retirement.

130. Questions
(Item 6)

In accordance with Sections 14.15 to 14.22 of the Constitution, 9 questions were submitted by the deadline, 7 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.

As Mr Streatfeild was not present during this item a written answer to their question was provided.

Question 9 was not put in the time allocated but a written answer was provided.

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

- (1) The Leader opened his report by reflecting on the impact the winter weather had had on the county's infrastructure, services, and residents. He commented on the cost-of-living crisis debate at the October County Council meeting and said a report on subsequent work, including the

delivery of the national Household Support Fund and the locally driven Financial Hardship Programme, would be considered at Cabinet on 30 March 2023.

- (2) Mr Gough said the Council had sought to work closely with its NHS partners in response to the pressures on public services within Kent and confirmed that work continued in developing that integration. He referred to the awaited Hewitt Review of Integrated Care Systems which he hoped would strengthen the local nature of health and care systems and the ability to work together.
- (3) Mr Gough turned to the conclusion of the Council's high needs safety valve negotiations with the Department for Education (DfE). He explained that the cost sharing arrangement with the DfE to eliminate accumulated deficits by 2027/2028 went alongside the Council's plans to deliver major service change that could serve children and families better and put the Council on a financially sustainable path. He emphasised the scale of the task and the challenges involved in delivering it. Mr Gough explained that undertaking this programme of change and addressing both the safety valve and the impact of the Ofsted Care Quality Commission (CQC) revisit, came at a time when the government had published the Special Educational Needs and Disabilities (SEND) and Alternative Provision Improvement Plan. He welcomed many features of the plan but was doubtful that it went far enough in helping to establish a sustainable system.
- (4) The Leader welcomed Josh MacAlister's Independent Review of Children's Social Care and the national response to it and said there was much to be positive about within the review.
- (5) The Leader turned to Kent's Bus Service Improvement Plan (BSIP) funding award and said although it was not on the scale he had hoped for it would nonetheless deliver improvements and support network stability. He acknowledged that the sector overall remained under intense pressure but hoped that the further three months of funding from government could feed through to a medium- or longer-term support package. He said he had established a cross party member group to review and advise on the way forward.
- (6) The Leader said the number of highway reports had increased fivefold in December and January and although constrained by tight funding and inflationary pressures, the pace of repairs had increased. Mr Gough welcomed the government's budget announcement of £200million for highways maintenance for the 2023-24 financial year and explained this would mean approximately £6million for the Council.
- (7) The Leader commented on the impact on Kent residents, businesses, and communities of the longstanding disruption at the borders and ports and referred to the EU Entry/Exit system (EES) which had been anticipated for Spring 2023 but had been delayed. He confirmed that £45million had

been secured for improvements at the port of Dover under round two of the Levelling Up Fund and acknowledged this was a helpful step in enhancing resilience, however, a programme of longer-term change would be sought with the Department for Transport. Mr Gough referred to the two-year delay to the Lower Thames Crossing and its impact on several programmes within the Road Investment Strategy (RIS).

- (8) The Leader addressed the ongoing issue of asylum and the significant impact on hotels within Kent. He said the Council, along with district and borough colleagues and Members of Parliament, felt strongly that some locations were unsuitable. Mr Gough referred to the Illegal Migration Bill and said it potentially had significant implications for the Council in terms of its Unaccompanied Asylum Seeking Children Service.
- (9) Finally, the Leader referred to the indication in the government's spring budget that by March 2024 there would be an end to the Local Enterprise Partnerships (LEPs) and reflected the Council had worked well within the Southeast LEP. In terms of fiscal devolution, he highlighted two trailblazer areas, Greater Manchester, and the West Midlands, and noted with interest that this may be available over time to devolved areas. Mr Gough said the autumn statement in late 2022 had made a huge difference to the Council's budget making process, however, longer term funding solutions were needed, and he recognised the degree to which, in national debate, that was linked to the devolution agenda.
- (10) The Leader of the Labour Group, Dr Sullivan, responded to the Leader's remarks. She referred to the high needs safety valve negotiations with the DfE and the risks and conditions this posed to the Council and other large local authorities.
- (11) Dr Sullivan commented on discussions that took place at the SEND Sub-Committee on 22 March 2023 in relation to Education, Health, and Care Plans (EHCP). She suggested there was a belief held by parents that an EHCP helped in accessing needed support for their children and said this was due to a lack of investment in, and withdrawal of, early years preventative work. Dr Sullivan said the number of EHCP cases that staff within the Council were holding was double the advised amount and that staff were undervalued. She questioned why this was the case and whether there would be public accountability.
- (12) Dr Sullivan, in relation to Kent's Bus Service Improvement Plan (BSIP) funding award questioned whether plans to deliver services on the ground would be ready at short notice, whether they were the plans that the county's communities wanted, or whether they matched the Council's priorities. Dr Sullivan commented on the short timescale given by central government to accept the funding and stressed the democratic right of Members of the Council, across all political persuasions, to scrutinise decisions.

- (13) Dr Sullivan referred to the county's road conditions and the government funding for potholes and noted it had been announced at the February 2023 County Council meeting that work on filling potholes had been stopped. Dr Sullivan hoped that staff and contractors would be ready to commence the work at short notice and highlighted this was a risk posed by urgent decisions and short-term funding.
- (14) Dr Sullivan commented that the use of hotels for asylum seekers, which district and borough councils had worked together to object to, was the product of failed immigration policies.
- (15) Dr Sullivan commented on the Hewitt Review which she said looked at localisation more than centralisation and said service delivery varied depending on location. She noted that the Hewitt Review would consider the oversight and governance of the Integrated Care System with greater autonomy and robust accountability.
- (16) Mr Lehmann, Leader of the Green and Independent Group, welcomed new Member of the Green Party, Ms Jenni Hawkins, to her first meeting at the Council.
- (17) Mr Lehmann commented on the high needs safety valve negotiations and expressed his concern for the deficit reduction in relation to the improvement of SEND provision. He said he feared SEND children in Kent may suffer if policy was steered too heavily by financial restrictions rather than the needs of Kent's children. Mr Lehmann noted with disappointment that the agreement of free schools, based on Kent's bidding success, was subject to review.
- (18) Mr Lehmann welcomed the first instalment of the BSIP funding and was pleased to see the 'use the bus to get to school' initiative had been included. He said he thought it unlikely that new school services would be introduced or revived, and he was relieved that the funding should allow for the price of the Kent Travel Saver to be held in the short term.
- (19) Mr Lehmann welcomed the additional funding for potholes and referred to the different figures he had seen as to how much the Council would be awarded. He commented on the size of the award which he said seemed significantly less generous compared to the government's highways grant in 2022.
- (20) Mr Lehmann referred to asylum and read a short segment from The UN Refugee Agency's response to the proposed Illegal Migration Bill.
- (21) Mr Hook, Leader of the Liberal Democrats Group, also welcomed Ms Jenni Hawkins to the Council.
- (22) Mr Hook welcomed the extra money for SEND education through the safety valve agreement and commented on the provision of two SEND free schools. He emphasised that the funding amount was for six years, and

not per year, and referred to the expectation that EHCPs would be reduced, stressed the importance of them, and said the backlog of EHCP requests was an urgent problem.

- (23) Mr Hook turned to the Bus Service Improvement Plan (BSIP) and said the plan's six targets, by themselves, were laudable. However, he noted that a target for the frequency of busses was not included and said this was the biggest priority for the residents of Kent.
- (24) Mr Hook said the EU Entry/Exit System posed a serious threat to Kent of harder borders, but it had been positive to see the Prime Minister had met with the President of France. He said the Windsor Framework was an encouraging step in creating easier borders for Northern Ireland and commended the benefits of the European Single Market to Kent and Great Britain.
- (25) Mr Hook commented on the use of hotel space for refugees and the proposed Illegal Migration Bill. He highlighted that the UK received less refugees than Germany or France and said the problems faced by the UK were due to backlogs and an under resourced system.
- (26) Mr Hook agreed with the Leader that LEPs had been a positive development for many years, however, he thought, in recent years, they had been undermined by a centralising tendency within government.
- (27) Finally, Mr Hook referred to the Council's consultation on proposals for children's centres and youth hubs and stressed they were an important community service to parents and young children and accessible to those without transport. Mr Hook urged Members to reply to the Community Services Consultation.
- (28) The Leader also welcomed Ms Jenni Hawkins, thanked the group leaders for their contributions and responded to several points.
- (29) Mr Gough explained the safety valve agreement was not a loan, but a funding package to right off an anticipated accumulated deficit by 2027/28. He said, in his view, the programme of change under the safety valve was also needed to respond to the issues raised by the CQC revisit and to set the Council on a path of financial sustainability. Mr Gough recognised that other local authorities had similar financial pressures but there were some specific issues in Kent.
- (30) Mr Gough agreed with group leaders that there was a need to address the number of EHCPs in Kent and said this required the delivery of an immediate offer within the local community or school. He acknowledged again that this would be a hard programme to implement.
- (31) Mr Gough said there was some agreement between group leaders on the points made about BSIP in relation to short term funding packages and there was some recognition of that in the Levelling Up White Paper. He

said the Council had submitted a strong BSIP bid and although it was not in the form or quantum the Council wanted it still provided important opportunities.

- (32) Regarding the Hewitt Review, Mr Gough said he believed there would be a greater equality of outcomes across the country if localism was trusted, and he thought the Hewitt Review was a step in the right direction on which the Council should seek to capitalise.
- (33) Finally, Mr Gough said whilst there was agreement on many comments relating to LEPs he did not agree that the winddown was a form of centralism. He said some areas of activity would move to local authorities and that path could be seen in relation to devolved areas in the Levelling Up White Paper. Mr Gough explained that work had been done successfully at the Kent and Medway level and this would need to be embraced to develop a comprehensive and effective economic development programme.

RESOLVED that the Leader's update be noted.

132. Top Tier Restructure
(Item 8)

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

“County Council:

1. Agrees the deletion of the posts of Director – Special Educational Needs & Disability and the Director – Integrated Children's Services posts in the Children, Young People and Education Directorate.
2. Agrees the deletion of the post of Strategic Commissioner from the Chief Executive's Department.
3. Agrees the creation of the role of Director - Adults and Integrated Commissioning in the Adult Social Care and Health Directorate
4. Agrees the introduction of the revised posts of Director – Education & SEN, Director – Operational Integrated Children's Services and Director – Children's Countywide Services posts in the Children, Young People and Education Directorate
5. Agrees the descriptions for the four new roles as set out in Appendices 3, 4, 5, and 7.”

- (2) Following the debate, the Chairman put the motion set out in paragraph 1.

- (3) RESOLVED that the County Council:

1. Agrees the deletion of the posts of Director – Special Educational Needs & Disability and the Director – Integrated Children's Services posts in the Children, Young People and Education Directorate.

2. Agrees the deletion of the post of Strategic Commissioner from the Chief Executive's Department.
3. Agrees the creation of the role of Director - Adults and Integrated Commissioning in the Adult Social Care and Health Directorate
4. Agrees the introduction of the revised posts of Director – Education & SEN, Director – Operational Integrated Children's Services and Director – Children's Countywide Services posts in the Children, Young People and Education Directorate
5. Agrees the descriptions for the four new roles as set out in Appendices 3, 4, 5, and 7."

The Liberal Democrats Group and Labour Group asked that their votes against the recommendation be noted in the minutes.

The following Members asked that their votes against the recommendation be noted in the minutes: Mr Campkin, Mr Harman, and Ms Hawkins.

The following Members asked that their votes to abstain from the recommendation be noted in the minutes: Mr Hood, Mr Lehmann, and Mr Stepto.

133. Pay Policy Statement - 2023-24
(Item 9)

- (1) Mr Kite proposed, and Mr Gough seconded the motion that
"The County Council endorses the Pay Policy Statement – 2023-24."
- (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 – 2023-24.

The Labour Group asked that their votes to abstain from the recommendation be noted in the minutes.

Mr Chittenden asked for his vote against the recommendation be noted in the minutes.

134. Treasury Management - 6 month review 2022/23
(Item 10)

- (1) Mr Oakford proposed, and Mr Simkins seconded the motion that
"The County Council notes the report."
- (2) Following the debate, the Chairman put the motion set out in paragraph 1.
- (3) RESOLVED that the County Council notes the report.

135. Motion for Time Limited Debate
(Item 11)

Motion for Time Limited Debate 1 – Toxic polyfluoroalkyl substance (PFAS) pollution in Kent

- (1) Mr Hook proposed and Mr Chittenden seconded the following motion for time-limited debate:

“The County Council resolves to:

- a. to express its concern over PFAS pollution in Kent’s soils, waterways, and sediments, as identified by the Forever Pollution Project.
- b. To recommend to the Executive that:
 - (i) work is undertaken within this authority to produce an urgent report on the extent of PFAS pollution and the associated risks in Kent, and for the findings to be presented to the Environment and Transport Cabinet Committee and this Council.
 - (ii) a strategy on managing PFAS pollution in Kent based on the findings of the urgent report and engagement with external partners be explored.

- (2) Mr Holden proposed and Mr Collor seconded the following amendment:

The County Council resolves;

- a. to express its concern ~~to the Environment Agency about polyfluoroalkyl substances (PFAS) over PFAS pollution~~ in Kent’s soils, waterways, and sediments, ~~as identified by the Forever Pollution Project.~~
- b. To recommend ~~to the Executive that:~~
 - (i) ~~that the Executive presses the Environment Agency to produce an urgent report on the extent of the risks PFAS pose in Kent. work is undertaken within this authority to produce an urgent report on the extent of PFAS pollution and the associated risks in Kent, and for the findings to be presented to the Environment and Transport Cabinet Committee and this Council.~~
 - (ii) ~~that the Environment Agency report, including any guidance on managing PFAS based on the findings of the report, is presented to the Environment and Transport Cabinet Committee to make recommendations on any necessary action to the Executive. a strategy on managing PFAS pollution in Kent based on the findings of the urgent report and engagement with external partners be explored.~~

- (3) Following the debate, the Chairman put the amendment set out in paragraph 2.
Amendment carried.
- (4) The Chairman put the substantive motion set out in paragraph 2.
Substantive motion carried.
- (5) RESOLVED that the County Council resolves;
- a. to express its concern to the Environment Agency about polyfluoroalkyl substances (PFAS) in Kent’s soils, waterways, and sediments.
 - b. To recommend:
 - (i) that the Executive presses the Environment Agency to produce an urgent report on the extent of the risks PFAS pose in Kent.
 - (ii) that the Environment Agency report, including any guidance on managing PFAS based on the findings of the report, is presented to the Environment and Transport Cabinet Committee to make recommendations on any necessary action to the Executive.

Motion for Time Limited Debate raised in advance of the meeting.

The General Counsel informed Members that a Motion for Time Limited Debate received prior to the meeting would be taken to the Selection and Member Services Committee and a note would be circulated to all Members.

The Chairman invited Mr Lehmann to provide a summary of the motion.

136. Request for Extended Leave of Absence
(Item 12)

This Item was taken before Item 11 – Motions for Time Limited Debate.

- (1) The Chairman proposed, and the Vice-Chairman seconded the motion that
- “In accordance with Section 85 (1) of the Local Government Act 1972 the County Council considers Mr Daley’s request for extended leave to 20 October 2023 on the grounds of ill health.”
- (2) The Chairman put the motion set out in paragraph 1.
- (3) RESOLVED that the County Council, in accordance with Section 85 (1) of the Local Government Act 1972 the County Council considers Mr Daley’s request for extended leave to 20 October 2023 on the grounds of ill health.