

# KENT COUNTY COUNCIL

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MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 22 July 2010.

## PRESENT:

Mr W A Hayton (Chairman)  
Mrs P A V Stockell (Vice-Chairman)

Mrs A D Allen, Mr M J Angell, Mr R W Bayford, Mr A H T Bowles, Mr D L Brazier, Mr R Brookbank, Mr R B Burgess, Mr C J Capon, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mr I S Chittenden, Mr L Christie, Mrs P T Cole, Mr N J Collor, Mr G Cooke, Mr B R Cope, Mr H J Craske, Mr A D Crowther, Mr J M Cubitt, Mrs V J Dagger, Mr M C Dance, Mrs T Dean, Mr J A Davies, Mr T Gates, Mr G K Gibbens, Mr R W Gough, Mr M J Harrison, Mr C Hibberd, Mr P M Hill, OBE, Mr D A Hirst, Mrs S V Hohler, Mr P J Homewood, Mr G A Horne MBE, Mr E E C Hotson, Mr M J Jarvis, Mr A J King, MBE, Mr R E King, Mr J D Kirby, Mr J A Kite, Mr S J G Koowaree, Mr P W A Lake, Mrs J P Law, Mr R J Lees, Mr J F London, Mr R L H Long, TD, Mr K G Lynes, Mr S Manion, Mr R F Manning, Mr R A Marsh, Mr M J Northey, Mr J M Ozog, Mr R J Parry, Mr R A Pascoe, Mr T Prater, Mr K H Pugh, Mr L B Ridings, Mr M Robertson, Mrs J A Rook, Mr A Sandhu, MBE, Mr J E Scholes, Mr J D Simmonds, Mr C P Smith, Mr K Smith, Mr M V Snelling, Mr B J Sweetland, Mr R Tolputt, Mrs E M Tweed, Mr M J Vye, Mr C T Wells, Mr M J Whiting, Mrs J Whittle and Mr A T Willicombe

IN ATTENDANCE: Katherine Kerswell (Group Managing Director) and Geoff Wild (Director of Law and Governance)

## UNRESTRICTED ITEMS

### 1. Group Managing Director

The Chairman welcomed Katherine Kerswell, Group Managing Director, to her first County Council meeting and wished her well in her role at Kent County Council.

### 2. Apologies for Absence

The Group Managing Director reported apologies from the following Members:

Mr Bullock  
Mr Daley  
Mr Ferrin  
Mr Frayne  
Mrs Green  
Mr Richardson  
Mr Wedgbury  
Mr Wickham

### 3. Declarations of Interest

Mr Christie declared a personal interest in item 9 (Monitoring and Outcomes from the Select Committee Topic Review Programme), as his daughter was a teacher in a Kent school.

**4. Minutes of the meeting held on 13 May 2010 and if in order, to be approved as a correct record.**

Resolved: that the minutes of the meeting held on 12 May 2010 be approved as a correct record and signed by the Chairman.

**5. Chairman's Announcements**

**(a) Visit from Hillview School for Girls, Tonbridge**

The Chairman welcomed a group of students from Hillview School for Girls in Tonbridge who were present to observe a full County Council Meeting as part of an Enrichment Programme arranged for them as an end of term activity.

The students are aged 12-15yrs and were the school's Student Council representing yrs 7-10, Key Stages 3 and 4.

They had a particular interest in seeing the Authority in action, carrying out its civic responsibilities in public.

The Chairman stated that he was grateful to Mr Horne for liaising with the school and making the necessary arrangements for the visit.

**(b) Birthday Honours**

The Chairman informed the County Council of the following Awards in the Queen's Birthday Honours list:

Mrs Helen Tait - the Headteacher at Sandgate Primary School in Folkestone, who was awarded the CBE for services to education in Kent.

Mr Alan Bernstein – the former Assistant Head of the Kent Youth Service, who was awarded the MBE for services to young people in Kent.

Mrs Catherine Marshall – the Assistant Headteacher at Wyvern School in Ashford, who was awarded the MBE for services to special needs education.

**Resolved unanimously: that this Council records its sincere congratulations to Mrs Helen Tait, Mr Alan Bernstein and Mrs Catherine Marshall for the Honours they have received.**

**(c) Recognition for the Personnel and Development Team**

The Chairman stated that the work of Personnel & Development's Reward Team was recently acknowledged at the national Employee Benefits Awards where the team was successful in gaining the title of 'Best Employee Benefits Strategy in the Public Sector'. Colin Miller, KCC's Reward Manager, also won the 'Compensation and

Benefits Professional of the Year' award and the team gained a 'highly commended' in the 'Best Total Reward Strategy' category.

The team made it a hat trick four days later by scooping the 'Best Public Sector HR Strategy' award in the national HR Excellence awards.

The Reward team has worked very effectively and imaginatively to develop a package of benefits for staff that is attractive but at the same time highly cost-effective. These national awards recognise their track record of innovation.

**(d) Good Egg Award**

The Chairman stated that Kent County Council had been given a Good Egg Award for 2010.

The award had been achieved through using cage free eggs (barn eggs) in 15% of our school catering and exclusively for catering at strategic headquarters and Oakwood House.

Kent schools had also made a commitment towards sourcing cage-free eggs in all the County's schools as part of working towards achieving the 'Food for Life partnership' bronze award.

It was noted that KCC was currently procuring 170,000 cage free eggs per year through this work.

**(e) Innovation Award for the Community Warden Service**

The Chairman announced that The Kent Community Warden Service had won a national Employers' Forum award for its innovative work with young people with the aim of reducing age discrimination.

The judges were particularly impressed with the 30 support wardens who were employed following a successful bid from the "Future Jobs" fund. The support wardens were aged between 18 – 24 years, were from deprived areas of Kent and had been unemployed for more than a year. They worked alongside Community Wardens for six months to gain valuable work experience and life skills. As a result of this experience, many had been offered jobs, e.g. Eurotunnel; the Royal Navy; care homes; local authorities and a holiday park.

The Community Warden Service also came runner up in the "Belief" Category at the Employers' Forum Awards, for their work with families from Eastern Europe, Gurkha families; Romany and traveller communities.

**(f) Award for KCC's Information Services Group (ISG)**

The Chairman announced that the ISG service desk had recently completed an accreditation process, managed by the Service Desk Institute (SDI) and had received the highest possible certification (4 Star). It was noted that there were only two other service desks in the country with this level of accreditation and Kent was the only local authority. A 4 Star desk was recognised as being business led, delivering a high quality but efficient service that it linked to the business requirements.

The Chairman was pleased to announce that two key members of staff from ISG, Lisa Beck and Paula Davies were present at today's meeting and it was their hard work and the work of their team that has led to this award.

The Chief Executive of the Service Desk Institute, Howard Kendall presented the award to Lisa Beck and Paula Davies on behalf of KCC.

Mr Kendall addressed the meeting to offer his congratulations to KCC on winning this award.

**(g) Mr Roger Frayne and Mr Willie Richardson – extension of period of absence**

The Chairman moved, the Vice Chairman seconded and it was:

**Resolved: that in view of the continued absence of Mr Roger Frayne, County Councillor for the Dover Town Division and Mr Willie Richardson, County Councillor for Romney Marsh Division, due to ill health, the Council formally approves their continued absence, in accordance with Section 85(1) of the Local Government Act 1972.**

**6. Questions**

Under Procedure Rule 1.18 (4), 9 questions were asked and replies given.

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

(1) The Leader updated the County Council on various matters since the last meeting in May 2010. Specifically, he mentioned the willingness of the new Coalition Government to address the request for a real "control shift" to empower communities and citizens, which he welcomed as being firmly in line with the discussion document "Bold Steps for Radical Reform". He warned, however, of the massive challenges ahead in relation to the reduction in revenue and capital expenditure. He urged the County Council to do what it did best – seizing the opportunity that the change agenda brings, leading and innovating within new parameters set by national government and grasping the devolution agenda. He also referred to local government's increasing role in the new health agenda, particularly around prevention, community and public health and the different working relationships that will be required with our schools and education providers.

(2) The Leader stated that he would be launching for consultation a new document "Bold Steps for Kent", which would culminate in its adoption at a special meeting of the County Council in November, which would set out the direction of travel over the next four to five years.

(3) The Leader commented upon the disappointment shared by all about the curtailment of the Building Schools for the Future (BSF) programme and a review of the national Academy Programme, but he praised officers for working hard to deliver between £400/£500 million for the school modernisation programme under BSF.

(4) Finally, the Leader commented upon the steady progress being made on the road repair programme "Operation Find and Fix". On this, he stated that all districts would be completed by the end of September.

## **8. Annual Report of the Standards Committee**

(1) The Chairman welcomed Mr Peter Gammon, an independent Member of the Standards Committee, to the meeting.

(2) The Chairman moved, the Vice Chairman seconded that the report be formally received.

(3) Mr Gammon stated that the Standards Committee was very pleased that all 84 Members had attended training on ethical standards and the Code of Conduct following the County Council Elections in June. He also stated that the standard of conduct amongst Members was very high, which reflected well on the County Council.

Resolved: that the annual report of the Standards Committee be formally received.

## **9. Annual Report of the Independent Remuneration Panel**

(1) The Chairman formally welcomed Mrs Fiona Leathers (Chairman) and the other two Members of the Independent Remuneration Panel, Mrs Elizabeth Tullberg and Mrs Linda Frampton to the meeting.

(2) The Chairman moved, the Vice Chairman seconded that the recommendations of the Independent Remuneration Panel be approved.

(3) Mrs Leathers stated that the Independent Remuneration Panel had recommended a number of further role descriptions for Members in positions of special responsibility; a reasonable increase in the level of the dependent carers' allowance, designed to help attract individuals from different backgrounds to stand as County Councillors; and a fairer redistribution of Special Responsibility Allowances for Members of the largest Opposition Group.

Resolved: that the Members' Allowances Scheme be amended as follows:

- a. The additional role descriptions for all SRA positions, as attached at Appendix 2 to the report;
- b. The increase in the maximum hourly rate for the Dependent Carers' Allowance, as described in paragraph 10 in the report; and
- c. The revised Special Responsibility Allowances (SRAs) as detailed in paragraph 12 in the report.

## **10. Monitoring and Outcomes from the Select Committee Topic Review Programme - May 2005 - June 2010**

(1) The County Council considered and debated a report detailing the outcome from the Select Committee Topic Review Programme – May 2005 to June 2010.

Resolved: that the report is formally noted and, in particular, the impact and added value that the outcomes of the Select Committee reports had provided for Kent residents be celebrated.

## **11. Proposed changes to the Constitution**

(1) The Chairman stated that he would take item 10 (a) Adoption of a Petition Scheme separately, as he was aware of a requested amendment to the recommendations.

(2) Mr A King moved, Mr A Bowles seconded the recommendations on page 171 and 172 of the Blue Book.

(3) Mr Vye moved, Mr Prater seconded the following amendment:

Add the following words to the end of recommendation (c) on page 172:

“except that where a petition calls for a full County Council debate on a matter, at least 6,000 signatures shall be required for a County-wide matter and at least 500 signatures where the County Council matter relates to a specific District Council area, and at least 500 signatures per District Council area where the matter relates to more than one District Council area; and that where a petition is for an officer to give evidence at an Overview and Scrutiny Committee, at least 3,000 signatures shall be required for a County-wide matter, and at least 500 signatures (or multiples) for a County Council matter relating to a District Council area(s).”

(4) The Chairman put the Amendment to the vote, where the voting was as follows:

### FOR - 6

Mr I S Chittenden, Mrs T Dean, Mr S J G Koowaree, Mr T Prater, Mr M B Robertson, Mr M J Vye

### ABSTAIN - 2

Mr A D Crowther, Mr R A Pascoe

### AGAINST - 56

Mrs A D Allen, Mr R W Bayford, Mr A H T Bowles, Mr D L Brazier, Mr R B Burgess, Mr C J Capon, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mr L Christie, Mrs P T Cole, Mr N J Collor, Mr G Cooke, Mr B R Cope, Mr H J Craske, Mr J M Cubitt, Mrs V J Dagger, Mr M C Dance, Mr T Gates, Mr G K Gibbens, Mr R W Gough, Mr M J Harrison, Mr C Hibberd, Mr P M Hill, Mr D A Hirst, Mrs S V Hohler, Mr G A Horne, Mr E E C Hotson, Mr M J Jarvis, Mr A J King, Mr J D Kirby, Mr J A Kite, Mrs J P Law, Mr R J Lees, Mr J F London, Mr R L H Long, Mr K G Lynes, Mr S Manion, Mr R F Manning, Mr R A Marsh, Mr M J Northey, Mr J M Ozog, Mr R J Parry, Mr L B Ridings, Mrs J A Rook, Mr A Sandhu, Mr J D Simmonds, Mr C P Smith, Mr M V Snelling, Mrs

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P A V Stockell, Mr R Tolputt, Mrs E Tweed, Mr C T Wells, Mr M J Whiting, Mrs J Whittle, Mr A T Willicombe

*Lost*

(5) Mr A King stated that he would wish the County Council to review the scheme after three months of operation and that a report would be submitted to the December County Council meeting for this purpose.

Resolved: that the County Council approve:

- (a) the adoption of the Petition Scheme attached as Appendix 1 to this report and that it be incorporated within the Constitution;
- (b) the coming into force of the Petition Scheme, including the provision for submitting e-petitions, on 1 September 2010;
- (c) consequential amendments to the Constitution resulting from the introduction of the Petition Scheme, as set out in Appendix 3, with effect from 1 September 2010.
- (d) the submission of a report on the operation of the petition scheme to the meeting of the County Council on 9 December 2010.

(6) The Chairman then asked the County Council to determine the following reports en bloc:

- Item 10 (b) Proposed Changes to Financial Regulations
- Item 10 (c) Proposed Changes to the Property Management Protocol
- Item 10 (d) Proposed Changes to the Terms of Reference of the Governance and Audit Committee

Resolved: that:

- (a) the updated Financial Regulations be approved as an amendment to the Constitution, together with any consequential amendments required to reflect the revised Terms of Reference of the Governance and Audit Committee
- (b) the revisions to the Property Management Protocol be approved; and
- (c) the revised Terms of Reference for the Governance and Audit Committee be approved as set out at Appendix 1, together with consequential changes to the Constitution

## **12. Report of an urgent key decision taken in the previous quarter - Response to Government Savings Announcements - Impact on Revenue and Capital Budgets 2010/11**

(1) Mr Carter moved, Mr A King seconded that this report be noted.

Resolved: that the reasons for the urgent key decision taken in the previous quarter, relating to the Response to Government Savings Announcements – Impact of Revenue and Capital Budgets 2010/11 be noted.

**13. Minutes for Approval - Governance and Audit Committee - 30 April and 30 June 2010**

(1) Mr Long moved, Mr Snelling seconded that the Council notes the minutes of the Governance and Audit Committee meetings held on 30 April and 30 June 2010.

Resolved: that the minutes of the meetings of the Governance and Audit Committee held on 30 April and 30 June 2010 be noted.

**14. Minutes for Information**

(1) Pursuant to Procedure Rule 1.10 and 1.23(1), the Minutes of the Planning Applications Committee (13 April, 11 May and 15 June 2010); the Regulation Committee (18 May 2010); and the Superannuation Fund Committee (18 June 2010) were noted.

**15. Motion for Time Limited Debate**

(1) Mr Robertson moved, Mrs Dean seconded the following Motion:

"Given the information in the public domain regarding a significant severance payment to a senior officer, and the widespread public concern and anger generated by it, this Council requests the Group Managing Director carry out an urgent review of interview, appointment, contract and severance payment procedures, and report back to Members with proposals to strengthen those procedures so as to minimise the risk of such large payments being made in the future."

(2) Mr Carter moved, Mr Gough seconded the following Amendment:

(1) "Given the information in the public domain regarding a significant payment to a senior officer, this Council notes that the Group Managing Director has been asked to carry out an urgent review of the interview, appointment, contract and severance payment procedures, and report back to Members with proposals to strengthen those procedures so as to minimise the risk of such large payments being made in the future.

(2) This Council also agrees to lobby the Coalition Government to amend the Employment Rights Act 1996; in effect to make employment fixed term contracts "fixed term"."

(3) The Chairman put the Amendment to the vote, where the voting was as follows:

FOR - 72

Mrs A D Allen, Mr R W Bayford, Mr A H T Bowles, Mr D L Brazier, Mr R E Brookbank, Mr R B Burgess, Mr C J Capon, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mr I S Chittenden, Mr L Christie, Mrs P T Cole, Mr N J Collor, Mr G Cooke, Mr



B R Cope, Mr H J Craske, Mr A D Crowther, Mr J M Cubitt, Mrs V J Dagger, Mr M C Dance, Mr J A Davies, Mrs T Dean, Mr T Gates, Mr G K Gibbens, Mr R W Gough, Mr M J Harrison, Mr C Hibberd, Mr P M Hill, Mr D A Hirst, Mrs S V Hohler, Mr P J Homewood, Mr G A Horne, Mr E E C Hotson, Mr M J Jarvis, Mr A J King, Mr R E King, Mr J D Kirby, Mr J A Kite, Mr S J G Koowaree, Mrs J P Law, Mr R J Lees, Mr J F London, Mr R L H Long, Mr K G Lynes, Mr S Manion, Mr R F Manning, Mr R A Marsh, Mr M J Northey, Mr J M Ozog, Mr R J Parry, Mr R A Pascoe, Mr T Prater, Mr K H Pugh, Mr L B Ridings, Mr M B Robertson, Mrs J A Rook, Mr A Sandhu, Mr J E Scholes, Mr J D Simmonds, Mr C P Smith, Mr C (Kit) Smith, Mr M V Snelling, Mrs P A V Stockell, Mr B J Sweetland, Mr R Tolputt, Mrs E Tweed, Mr M J Vye, Mr C T Wells, Mr M J Whiting, Mrs J Whittle, Mr A T Willicombe

AGAINST – 0

ABSTAIN - 0

*Carried*

(4) The Chairman invited the County Council to determine the substantive motion, which was carried without a vote.

Resolved: that:

(a) Given the information in the public domain regarding a significant payment to a senior officer, this Council notes that the Group Managing Director has been asked to carry out an urgent review of the interview, appointment, contract and severance payment procedures, and report back to Members with proposals to strengthen those procedures so as to minimise the risk of such large payments being made in the future.

(b) This Council also agrees to lobby the Coalition Government to amend the Employment Rights Act 1996; in effect to make employment fixed term contracts "fixed term".