

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 19 July 2012.

PRESENT:

Mr R E King (Chairman)
Mr E E C Hotson (Vice-Chairman)

Mrs A D Allen, Mr M J Angell, Mr A H T Bowles, Mr D L Brazier, Mr R E Brookbank, Mr J R Bullock, MBE, Mr R B Burgess, Mr C J Capon, MBE, Mr P B Carter, Mr N J D Chard, Mr I S Chittenden, Mr L Christie, Mrs P T Cole, Mr G Cooke, Mr B R Cope, Mr G Cowan, Mr H J Craske, Mr A D Crowther, Mr J M Cubitt, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mr J A Davies, Mr G K Gibbens, Mr R W Gough, Mrs E Green, Mr M J Harrison, Mr W A Hayton, Mr C Hibberd, Mr P M Hill, OBE, Mr D A Hirst, Ms A Hohler, Mrs S V Hohler, Mr P J Homewood, Mr M J Jarvis, Mr A J King, MBE, Mr J D Kirby, Mr J A Kite, MBE, 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 S C Manion, Mr R F Manning, Mr R A Marsh, Mr J M Ozog, Mr R J Parry, Mr R A Pascoe, Mr T Prater, Mr K H Pugh, Mr L B Ridings, MBE, Mr M B Robertson, Mr A Sandhu, MBE, Mr J E Scholes, Mr J D Simmonds, Mr C P Smith, Mr M V Snelling, Mrs P A V Stockell, Mr B J Sweetland, Mr J Tansley, Mr R Tolputt, Mrs E M Tweed, Mr M J Vye, Mrs C J Waters, Mr J N Wedgbury, Mr C T Wells, Mr M J Whiting, Mrs J Whittle, Mr M A Wickham and Mr A T Willicombe

IN ATTENDANCE: Geoff Wild (Director of Governance and Law) and Peter Sass (Head of Democratic Services)

UNRESTRICTED ITEMS

134. Apologies for Absence

The Director of Governance and Law reported apologies for absence from the following Members:

Mr Robert Bayford
Miss Susan Carey
Mr Alan Chell
Mr Nigel Collor
Mrs Trudy Dean
Mr Keith Ferrin
Mr Tom Gates
Mr Michael Northey
Mr Kit Smith
Mrs Julie Rook

135. Declarations of Interest

(1) Mr Cowan declared an interest as a foster carer with his wife in any item on the agenda relating to Children's Services.

(2) Mr Christie declared a significant interest in Item 12 (Petition Scheme Debate: SAT Campaign – School Allocation Trouble) as his grandson was in the current reception year of one of the schools named in the petition.

(3) Mrs Whittle declared a personal and prejudicial interest in Item 12 (Petition Scheme Debate: SAT Campaign – School Allocation Trouble) as an affected parent of one of the schools named in the petition.

(4) Mr Koowaree declared an interest in Item 7 (Kent Safeguarding Children Board (KSCB) Annual Report 2011/12) as his grandson was a Looked After Child and his great-grandson who was having dealings with Social Services.

136. Minutes of the meeting held on 17 May 2012 and, if in order, to be approved as a correct record

Resolved: that the minutes of the meeting held on Thursday, 17 May 2012, be approved as a correct record and signed by the Chairman.

137. Chairman's Announcements

(a) New Member

The Chairman welcomed Mr James Tansley, the newly elected Member for the Tunbridge Wells East Electoral Division, to the County Council.

(b) The Avenza Award - British Cartographic Society

The Chairman announced that the Council's ARCH Project team's digital habitat maps had been awarded the Avenza award for electronic mapping, presented annually by the British Cartographic Society and given for the most outstanding map presented for consideration. The ARCH Project, an EU funded project primarily focussed on updating the Kent habitat and land cover survey, sat within the Flood Risk & Natural Environment team.

The Chairman presented the award to William Moreno, the Senior Biodiversity Projects Co-ordinator for Environment and Enterprise, on behalf of the ARCH Project team.

(c) Queen's Birthday Honours List

The Chairman announced that it gave him great pleasure to inform the County Council of the following Awards in the Queen's Birthday Honours list:

Order of the British Empire: Member of the Order of the British Empire

Mr Chris Capon, Member for Hythe, for services to Local Government and the community in Hythe

Order of the British Empire: Officer of the Order of the British Empire

Ms Victoria Pomery, Director Turner Contemporary, for services to the arts

The Queen's Police Medal

Ian Learmonth, Chief Constable of Kent – the medal is awarded to officers by the Sovereign for distinguished service

The Chairman then proposed, the Vice Chairman seconded that the Council records its sincere congratulations to Mr Chris Capon, MBE, Ms Victoria Pomery, OBE and Chief Constable Learmonth, QPM for the Honours they have received.

Agreed unanimously

(d) The Queen's Awards

The Chairman announced that Kent had secured three winners of The Queen's Awards for Voluntary Service this year, with one of them being in Medway. The winners were as follows:

*Chatham Dockyard Historical Society – Chatham;
Citizens Rights for Older People – Maidstone and Canterbury Offices; and
Demelza Kent (Hospice care for children) – Sittingbourne*

The Chairman also announced P & B Metal Component – Whitstable who had won The Queen's Awards for Enterprise this year.

138. Questions

Under Procedure Rule 1.18 (4), 5 questions were asked and replies given.

139. Report by Leader of the Council (Oral)

(1) The Leader began by talking about the coming year's budget and stating the published outturn for the last financial year was thoroughly good news - good news for Kent County Council and good news for our residents, with £100m of savings successfully delivered with an underspend of £16.2m enabling the recent announcement of an additional £6m investment for the repair and maintenance of roads and pavements across Kent, and £5m being put into the economic downturn reserve to help the Council through the difficult years still to come.

(2) He stated that the current year was now into the second quarter with a further £100m of savings well on its way to being delivered sensibly and intelligently with the whole organisation pulling together to deliver. He extended his thanks to all staff.

(3) The Leader then turned to the next financial year 2013/14, and yet another £100m of savings to be made, completing the 30% plus savings out of the base budgets excluding schools. He said that the proposals for next year's budget would go out to consultation on Thursday 6 September and very much focus on the four 'P's - prevention, productivity, procurement and partnership. At the heart of this will be a fifth and the most important 'P', the people of Kent, the residents of Kent.

(4) Prevention will result in a significant shift in resource to deliver expanded preventative and support services including Adult Social Care; Children's Services

and investment in roads maintenance to avoid heavy end deterioration and high costs repairs.

(5) The Leader made reference to procurement and getting the very best value for money from the £800m on goods and services by challenging the orthodoxy, by knowing when to scale up/scale down and when to go local.

(6) He said that partnership and productivity going hand in hand, stating that 'together we can deliver so much more' as had been exemplified by the early work in the Kent Health Commission work in Dover and Shepway bringing primary care, social care and acute care closer together to deliver much better use of resource, reducing heavy end expenditure and intervention thus developing excellent community health support and preventative services that led to better patient care and improved patient outcomes.

(7) The Leader stated that integrating Children's Services with health and other voluntary organisations to deliver joined up support and preventative services to families with both young children as well as joined up adolescent support services would result in a lower number of young people being taken into care. He said that the success of the Government's Troubled Families agenda would depend on integration and partnership work to solve problems and support families radically differently with both incentives and penalties.

(8) He spoke about the multi-agency workshop he had attended that had exemplified the eagerness of agencies to come together, integrate district based teams, and operate very differently. With Health, Police, districts, counties, schools, voluntary and charitable organisations working together at reducing crime and anti-social behaviour, improving the outcomes for young people and their families, and consequently reducing the impact on victims of crime and antisocial behaviour.

(9) He went on to say that with the fifth 'P', the people of Kent, there was the need for a bold step change in how the public access our services, putting the customer at the heart of what we do whether accessing a school place, adult social care, applying for a blue badge or the process of applying for a statement of educational need for their child. The Council needed a better understanding of the customer journey and experience, building the 'user friendly services' around its customers and most importantly making sure that the Council know what good looks like.

(10) The Leader finished by saying that he was pleased with the substantial progress in the pursuit of continuously improving services to the customers of Kent with a lot less money and no increases in Council Tax.

140. Kent Safeguarding Children Board (KSCB) Annual Report 2011/12

Maggie Blyth, KSCB Independent Chair and Detective Superintendent Tim Smith from the Public Protection Unit, Kent Police were in attendance for this item.

(1) The Chairman invited Ms Blyth, KSCB Independent Chair, to introduce the Annual Report to the Council.

(2) Mrs Whittle moved, Mr Lake seconded that the Council

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- (a) comment on the progress made; and
- (b) note the 2011/12 Annual Report.

(3) RESOLVED: that that the above recommendations be agreed.

141. Revision to the Accountability Protocol for the Director of Children's Services and the Lead Member for Children's Services

(1) Mrs Whittle proposed, Mr Lake seconded, the following recommendations, that the Council:

- (a) approves the revised Accountability Protocol for the Director of Children's Services and Lead Member for Children's Services appended to this report; and
- (b) notes that the Accountability Protocol will be reviewed on a regular basis and that any amendments resulting from this will come back to the County Council for approval

(2) RESOLVED: that the above recommendations be agreed.

142. Possible Nuclear Waste Facility in Shepway

(1) Mr Carter proposed, Mrs Waters seconded, the following recommendations that:

- (a) the County Council totally opposes the establishment of a Nuclear Research and Development Facility in Kent; and
- (b) should Shepway District Council decide to progress this proposal further, the County Council should review whether or not to hold a Kent-wide referendum on this proposition at a future date.

(2) Following a debate, the Chairman put to the vote the recommendations as set out in (1) (a) and (b) above, when the voting was as follows:

For (58)

Mrs A Allen, Mr M Angell, Mr A Bowles, Mr R Burgess, Mr C Capon, Mr P Carter, Mr N Chard, Mr I Chittenden, Mrs P Cole, Mr G Cooke, Mr B Cope, Mr G Cowan, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr D Daley, Mr M Dance, Mr J Davies, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr D Hirst, Mr P Homewood, Mr E Hotson, Mr M Jarvis, Mr A King, Mr J Kirby, Mr J Kite, Mr G Koowaree, Mrs J Law, Mr R Lees, Mr R Long, Mr S Manion, Mr R Manning, Mr J Ozog, Mr R Parry, Mr T Prater, Mr K Pugh, Mr L Ridings, Mr M Robertson, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr M Snelling, Mrs P Stockell, Mr B Sweetland, Mr J Tansley, Mr R Tolputt, Mrs E Tweed, Mr M Vye, Mrs C Waters, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Abstain (5)

Mr R Brookbank, Mr L Christie, Mr C Hibberd, Ms A Hohler, Mrs S Hohler

Against (2)

Mr R Bullock, Mr J Scholes

Carried

143. Localism Act 2011 - Adoption of a New Standards Regime

(1) Mr A King proposed, Mr Carter seconded the recommendations as follows:

- (i) That the Council adopts the Kent Model Code of Conduct as set out at Appendix 1 of the report which deals with the conduct expected of members and co-opted members of this authority when they are acting in that capacity. The Code to be retrospectively effective from 1 July 2012.
- (ii) That the Council notes the requirements of the Localism Act 2011 for members to notify the Monitoring Officer of any disclosable pecuniary interests ("DPs") by 28 July 2012 and the duty of the Monitoring Officer to establish and maintain a register of members' interests.
- (iii) That the Council adopts the arrangements contained within Appendix 2 of the report, under which allegations of non-compliance with the Code can be investigated and under which decisions can be made. The arrangements shall be retrospectively effective from 1 July 2012.
- (iv) That the dispensation set out in paragraph 5(6) be endorsed.
- (v) That the existing Standards Committee be formally dissolved with retrospective effect from midnight on 30 June 2012.
- (vi) That as from 1 July 2012 a new Standards Committee be established with the Terms of Reference/Delegations set out in Appendix 3.
- (vii) That Council appoints 5 members (3:1:1) to serve on the Standards Committee and dis-applies the proportionality arrangements.
- (viii) That the Director of Governance and Law in consultation with the three Group Leaders and the Chairman of the Selection and Member Services Committee be authorised to undertake the recruitment of an independent person as set out in paragraphs 5(17)-(18) to this report and appoints an independent person to discharge the functions ascribed by section 28 of the Localism Act 2011.
- (ix) That the arrangements set out in paragraph 19 for the remuneration, expenses and insurance of the independent person and substitute be approved.
- (x) That the Scheme of Officer Delegations with regard to Council functions be amended as from 1 July 2012, so as to confer on the Monitoring Officer the delegation of functions set out in Appendix 3 of the report and incorporated in the County Council Constitution.
- (xi) That the Procedure Rules set out in Appendix 3 be adopted with effect from 1 July 2012 and incorporated in the County Council Constitution.
- (xii) That the Monitoring Officer be requested to keep the Code and Arrangements under review and to report further to the Council or Standards Committee as necessary.

(2) Following a debate, the Chairman put to the vote the recommendation as set out above, when the voting was as follows:

For (63)

Mrs A Allen, Mr M Angell, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Mr P Carter, Mr N Chard, Mr I Chittenden, Mrs P Cole, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr D Daley, Mr M Dance, Mr J Davies, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr E Hotson, Mr A King, Mr J Kirby, Mr J Kite, Mr G Koowaree, Mrs J Law, Mr R Lees, Mr J London, Mr R Long, Mr S Manion, Mr R Manning, Mr J Ozog, Mr R Parry, Mr T Prater, Mr K Pugh, Mr L Ridings, Mr M Robertson, Mr A Sandhu, Mr J Scholes, Mr J Simmonds, Mr C Smith, Mr M Snelling, Mrs P Stockell, Mr B Sweetland, Mr J Tansley, Mr R Tolputt, Mrs E Tweed, Mr M Vye, Mrs C Waters, Mr J Wedgbury, Mr C Wells, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Against (2)

Mr L Christie, Mr G Cowan

Carried

144. Select Committee: Kent Children's Future at Key Stage 2

(1) Mr Whiting proposed, Mr Cooke seconded, the following recommendations, that:

- (a) the Select Committee report be endorsed by the County Council;
- (b) the Select Committee be thanked for a useful, relevant and balanced report on a complex and challenging issue; and
- (c) the witnesses and others who provided evidence and made valuable contributions to the work of the Select Committee be thanked.

(2) RESOLVED: that the above recommendations be agreed.

145. Petition Scheme Debate: SAT Campaign - School Allocation Trouble

(1) The Chairman invited Ms Smith, the lead petitioner, to address the Council on the above petition. Ms Smith spoke to the petition.

(2) Mr Carter as the local Member reserved his right to speak until the end of the debate and the Chairman then opened up the debate to the floor and a number of other Members spoke on the petition.

(3) The Chairman then invited the Cabinet Member for Education, Learning and Skills, Mr Whiting, to respond to the debate and describe how he intended to take the petitioner's concerns forward.

(4) Mr Whiting congratulated the organisers of the SAT campaign for successfully triggering the debate and for ably conveying the views of the local community.

(5) He explained that the Council had recently consulted on a draft Commissioning Plan for Education Provision 2012-17 that sets out how the Council interpreted and

proposed to fulfil its duties as a strategic commissioner of education provision. There were three central threads:

- ensuring sufficient high quality places exist,
- raising school standards, and
- responding to parental demand.

(6) Mr Whiting said that the debate demonstrated that this was an ongoing task, as the shape of the county's communities changed. He said that throughout the consultation process it had been clear that the Plan would evolve, as it captured more information about the wishes of communities. The SAT campaign clearly demonstrated the views of this community and the Council needed to ensure that the Commissioning Plan reflected this clear view.

(7) Mr Whiting explained that to this end, the County Council had been working with the Governing Body of St John's to commission additional school places. He said he was pleased that the Governing Body had agreed in principle to the expansion of the school from 1 to 2 forms of entry and this proposal would be subject to public consultation at the beginning of the academic year. He said that the Council would seek to ensure that an additional reception class and year 1 class would open in September 2013. He said that he recognised this would not help those families who had not secured a place at a local school in the Grove Green/Bearsted area this year, and he was sorry for this. However, it would afford parents the opportunity to consider moving their child at the end of year R if they believed that was the right thing for their child and family.

(8) Mr Whiting stated that the consultation outcome would be considered by the Governing Body, which would then determine if it wished for the school to expand. A business case would then be presented to the Education Funding Agency, which would make a recommendation to the Secretary of State for decision. Mr Whiting hoped a decision on expansion would be made by Christmas. In the meantime, the Council was proceeding with building feasibility work, with a view to developing a scheme which would enable at least two class bases to be provided for September 2013.

(9) Mr Whiting stated that the Council was committed to ensuring that if St John's expanded, it did so in quality, permanent accommodation with the central infrastructure to enable the school to continue to provide the high quality provision of which everyone was so proud.

(10) The County Council noted the Cabinet Member's response and the Chairman thanked the petitioners for attending the meeting.

146. Quarterly Report of Urgent Key Decisions - The Granting of an Agreement for Lease & 125 Year Lease to Marsh Academy, Station Rd, New Romney, Kent TN28 8BB

(1) Mr Ridings declared an interest at this point as a governor and trustee of the Marsh Academy.

(2) Mr Carter proposed, Mrs Waters seconded, that the County Council note this report.

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(3) RESOLVED: that the above recommendation be agreed.

147. Minutes for Information

Pursuant to Procedure Rule 1.10(8) and 1.23(4), the minutes of the Planning Applications Committee meetings held on 8 May and 12 June 2012, the Regulation Committee meeting held on 15 May 2012 and the Superannuation Fund Committee meeting held on 18 May 2012 were noted.