

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 28 March 2013.

PRESENT:

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

Mrs A D Allen, Mr M J Angell, Mr R W Bayford, Mr R H Bird, Mr A H T Bowles, Mr D L Brazier, Mr R E Brookbank, Mr R B Burgess, Ms S J Carey, Mr P B Carter, Mr N J D Chard, Mr A R Chell, Mr L Christie, Mrs P T Cole, Mr N J Collor, 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 Davies, Mr R W Gough, 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 S J G Koowaree, Mr P W A Lake, 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 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, MBE, Mrs J A Rook, Mr A Sandhu, MBE, Mr J E Scholes, Mr J D Simmonds, Mr C P Smith, Mr K Smith, Mrs P A V Stockell, Mr B J Sweetland, Mr R Tolputt, Mrs E M Tweed, Mr M J Vye, Mrs C J Waters, Mr J N Wedgbury, 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

7. Apologies for Absence

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

Roy Bullock
Chris Capon
Ian Chittenden
Trudy Dean
Keith Ferrin
Graham Gibbens
Jeremy Kite
James Tansley

8. Declarations of Disclosable Pecuniary Interest or Other Significant Interest

(1) Mr Angell declared an interest in Item 7 Delivering Better Healthcare for Kent as his partner was a member of the Shadow Healthwatch Board.

(2) Mr Wedgbury declared an interest in Item 12 (Motion for Time Limited Debate) as a serving firefighter and a branch official for the Fire Brigade Union.

(3) Mr Cowan declared an interest as a foster carer with his wife in any item on the agenda that this might relate to.

(4) Mr Daley declared an interest in Item 12 (Motion for Time Limited Debate) as a Member of the Kent Fire and Rescue Authority.

(5) Mr Koowaree declared an interest in Item 12 (Motion for Time Limited Debate) as a Member of the Kent and Medway Fire Authority. He also declared an interest as he had a great grandchild in care in any item on the agenda that this might relate to.

(6) Mrs Stockell declared an interest in Item 12 (Motion for Time Limited Debate) as a Member of the Kent Fire and Rescue Authority.

9. Minutes of the meeting held on 14 February 2013 and, if in order, to be approved as a correct record

RESOLVED that the minutes of the meeting held on Thursday 14 February 2013 be approved as a correct record and signed by the Chairman.

10. Chairman's Announcements

(1) The Chairman started his announcements by thanking those Members who had attended his charity film evening on Tuesday 26 March 2013. He was pleased to be able to announce that over £600 had been raised for the two charities he supported.

(a) Mundanya Regional Council delegation

(2) The Chairman informed Members that a group of teachers and education officials from Mundanya in the Bursa district of the Marmaris region of Turkey would be joining them at lunch. The delegation would be meeting during the morning with KCC officers who specialised in the reduction of absenteeism and truancy in school.

(b) Death of Peter Wood

(3) The Chairman announced that it was with regret that he had to inform Members of the death of Peter Wood, former Leader of Ashford Borough Council, who died on Friday 1 March 2013.

(4) The Chairman stated that Mr Wood had only recently temporarily stepped down from his position as Leader of the Council after undergoing a serious operation. He had only been ill for a short time and his death had come as a shock to many. He stated that he had attended the funeral representing the County Council and that the church had been packed.

(5) The Chairman proposed to send a letter recording the Council's sympathy and condolences to Mr Wood's family in their sad bereavement.

(6) RESOLVED unanimously that this Council desires to record the sense of loss it feels on the sad passing of Mr Wood and extends to his family and friends our heartfelt sympathy to them in their sad bereavement.

(c) Kent Invicta Award

(7) The Chairman announced that, later in the morning, it would give him great pleasure to present the 2013 Kent Invicta Award to John Surtees, former double world champion in Formula One Motorcars and 500cc Motorcycles and founder of the Henry Surtees Foundation.

(d) Receipt of a Petition from Mr Peter Lake

(8) The Chairman stated that he had agreed to accept a petition during the meeting from Mr Lake. The petition related to road safety issues in the Four Elms part of Mr Lake's division. The Chairman asked Mr Lake to present the petition which he then in turn presented to Mr Sweetland as the relevant Cabinet Member and asked him to ensure that it was investigated and responded to in accordance with the Council's petition scheme.

11. Questions

Under Procedure Rule 1.17 (4), 7 questions were asked and replies given.

12. Report by Leader of the Council (Oral)

(1) The Leader stated that, as the 'big event' approached in five weeks, he was sure no one would be surprised if he reflected on four highly successful years for Kent County Council led by the Conservative team at County Hall.

(2) He said that they had been four challenging years that had necessitated enormous change but that the Council had taken on the challenge doing what they did best - innovating and modernising in the pursuit of continuously improved customer focused services for the residents of Kent. These changes had been undertaken while still maintaining highly valued non-statutory services such as the Freedom Pass, concessionary travel, Community wardens and the Kent School Games. Also of significant importance in these difficult economic times was supporting the Kent economy and Kent jobs through the very able Economic Development team.

(3) He stated that the Corporate team has supported the organisation to deliver better quality for less through excellent financial controls and budget management; Personnel had managed sensitively substantial staff reductions; Procurement had delivered many millions of pounds of savings and the Property function had maintained and supported a complex array of property assets as well as a complex capital programme and delivered substantial capital receipts.

(4) The Leader stated that in Education, the Council had taken on the Coalition Government's change agenda and, in some cases, taken on the Government. He stated that a mixed economy of different shades of schools had been achieved whilst thankfully, keeping a community of schools working together to drive up standards and improve life outcomes for all the young people of the county. Allied to this the

Leader emphasised the phenomenal success of the apprenticeship programme 'Kent Jobs for Kent Young People'.

(5) In Adult Social Care, against rising demand, prevention and personalisation had been at the fore and the Leader stated that the future is bright as the Council worked with CCGs and GPs to deliver integrated community health. He stated that he would touch on this more later on in the morning.

(6) The Leader said that one could not and should not brush over the devastating shock of the critical OFSTED report on Children's Services. He stated that big lessons had been learnt, the Council had turned it around and were back on track - strong organisations recovered quickly and this is what had happened in this situation.

(7) Moving onto Communities the Leader stated that here again the pace of change had been rapid. He then turned to Highways and Waste, stating that they had a first class track record, literally reducing waste and minimising cost of disposal. On roads maintenance he stated that he had no doubt that the 'find and fix' teams would steam through the major challenge that the harsh winter had delivered.

(8) He said that the Council's record on economic development was the envy of the South East of England, the Council had supported Kent business and its component sectors to grow in difficult economic times including tourism, construction and emerging technologies such as the creative industries and green technology as well as bio science and pharmaceutical.

(9) The Leader gave a role call of things the administration had helped to bring into the county including £50m of Regional Growth Fund for East Kent and the Thames gateway; Enterprise Zone status; £20m for the flood defences at Discovery Park and Sandwich town; Growing Places £20m coming in to Kent (£6.5 already secured and additional £13.5m agreed in principle); 'pinch point' funding for North Farm in Tunbridge Wells £4.5m as well as significant capital receipts from joint ventures at Kings Hill. He also mentioned broadband investment; the A21; Retrofit - £12m of energy saving measures for 1,400 homes in Kent and finally the recently announced 'Marsh Million' in partner.

(10) Looking forward to the future the Leader stated that all the indications were that the financial 'pain' would continue and the belt would need to be tightened still further. He said that he could only hope that the electorate would clearly recognise that a competent, experienced Conservative team that believed in core Conservative values and had a strong track record was needed if the authority was to continue to maintain low levels of council tax and highly valued services that support Kent families and the Kent economy, namely providing Kent jobs for Kent people.

(11) In Mrs Dean's absence Mr Vye stood to respond to the Leader's report. Mr Vye stated that, looking back over the past four years, he remembered great aspirations being voiced by the leadership to be a big council for a big Kent. He recalled talk of a unitary authority uniting all the local government services across the county and branching out into various commercial enterprises and very much operating as a business orientated authority. He suspected the recent pay offs to senior officers would not have been tolerated in the boardroom of a private company but he did not

plan to criticise the present administration for everything they had done as many things had been done very well.

(12) He stated that sadly the focus had been lost from those major services that did not make the headlines unless things went wrong. Because the focus had been lost he said, we were all aware of the painful results. The Leader had already referred to the inadequate judgements by Ofsted on the safeguarding and adoption services, the youth offending services; education was near the bottom of national league tables in certain key aspects and the numbers had been seriously wrong in terms of the number of school places required. He stated that this was in no way a criticism of those who had been brought in to address these situations, he did indeed applaud their efforts.

(13) He spoke about a conference he had attended recently where best practice in local government services for children and young people, family services had been showcased. He stated that he had been filled with envy and regret that the services in places such as Walsall and Southend which were receiving glowing responses from Ofsted could not be showcased in Kent – yet. The Leader had said things were back on track and Mr Vye stated that the Council had the responsibility and the capacity to make a huge difference to the lives of the people of Kent but that for this to happen the next administration – whatever it may be – had to do a whole lot better.

(14) Mr Cowan started his response to the Leader's speech by bringing up what he termed the chaos during the recent snow, the 'wrong kind of snow'. He said that the Highways department should be praised when they do a good job, as they had on previous occasions, but that in this instance heads should roll.

(15) The Chairman stated that he was not convinced Mr Cowan was responding to the Leader's speech but Mr Cowan assured him that he was talking about services.

(16) He continued by saying to those Members who were not standing again well done for all their hard work and commitment to the people of Kent. Mr Cowan stated that he was deeply sorry at losing a man who had brought great political knowledge and humour to life at County Hall in Mr Christie and he was sure other Members would agree that Council meetings would not be the same in the future without him. Mr Cowan stated that, whatever happened on 2 May, he was sure that the numbers on his side of the Chamber would rise significantly.

(17) Mr Cowan then moved on to what he called the end of term report, the past four years. He spoke about the reorganisation of the Council and the removal of the Chief Executive and the subsequent installation of a Managing Director at a cost over some 17 months in the region of £800k in pay-offs and salaries. He said that it was an absolute disgrace the way the Council were spending millions of tax payers money and the public did not like or understand what was happening.

(18) Next Mr Cowan turned to the transformation of youth services and what Mr Carter had said were better quality services. These transformations had included the withdrawal of £1.094million over the last three years.

(19) Mr Hill had stated that the County Council would have a first class youth service with the new transformation of the youth services. Mr Cowan said that there were areas across the county of Kent that had proposed that their purpose built youth

centres used seven days a week and now these same services were run once a week from the back of a van. He stated that this was a disgrace and a kick in the teeth to Kent's youth and asked how this could be a better service.

(20) Mr Cowan spoke of the proposed switching off of street lights, £150k, due to begin this summer and plans for part night lighting. He listed several other cuts to budgets including cuts to Kent and Medway Safety Camera Partnership, cancellation of transport schemes, cuts to discretionary school transport costs for pupils choosing to attend selective or church schools which were not their nearest school.

(21) He stated that the administration claimed to speak for the people of Kent but had shown nothing but contempt for their views over the past few years. The first example of this, Mr Cowan stated, was the closure of the last nine remaining KCC residential care homes despite the fact that the response to the consultation was over 20,000 opposing and less than 500 supporting the closures. Mr Cowan stated that the end result was that not one recommendation had been altered. So much he said for of consultations: youth centres, same proposals, same outcome; Walmer Science College, same proposals, same outcome. He stated that the administration may claim to listen but they certainly did not hear.

(22) The Leader in his response to Mr Vye and Mr Cowan said that he was not aware that he had ever been engaged in any conversations about unitary status for the county. He stated that with twelve very strong district leaders in Kent he felt it would be a very unwise thing to start to talk about or talk up. He stated that he had, in his leadership, done all that he could to work closely with all the borough and district leaders and that he was of the strong belief that Kent should retain its current boundaries and to avoid any division in the county to work in partnership for the benefit of the people of Kent.

(23) He accepted that in Education progress had slowed down for a short period of time but had very quickly got back on track again and if you read some of the recent Ofsted inspection reports over the last six to nine months they were showing a trajectory of improvement. He also reminded people that the Council had achieved its goal of not having any schools categorised as a failing school at one point. Everybody had said it could not be done but they had been proved wrong.

(24) The Leader stated that Mr Cowan had got his dates mixed up about the snowfall. The Leader said that generally the Council's snow clearance team did a stunning job all the way through the winter. He stated that the Council could not be blamed for any deficiencies in the Highways Agency's network.

(25) He stated that the weather the county had had, especially in the east of the county, had been phenomenal. He said that when you got wind that blew snow drifts that were in many cases up to ten or twelve feet high you had to expect some disruption while the snow ploughs and gritters moved it and then some hours later moved it again when it had been blown back. He publically thanked the teams that had been out there through the winter.

(26) He stated that, as far as running the organisation without a Chief Executive, he thought it was working exceptionally well. In mid February he had celebrated the fact that the Council was now going into profit from the money that was paid to run without a Chief Executive and were now into profit making savings of some £350,000

a year with all the on costs and staff support to that post. He thanked the Senior Management Team and particularly David Cockburn as the Head of Paid Services for organising such a very good, positive Senior Management Team. The Leader stated that he had always felt passionately that the Council should have the very best people in the top of the organisation and that was the pursuit that had been ongoing. He stated that the Council could not be blamed for complex Personnel arrangements that needed changing by central government so that some of these large payments do not have to be made. He also reminded people that independent advice had been sought in relation to all the severance packages when senior people had moved on.

(27) He then turned what he termed the drivel that had been published in the press, lead by the Tax Payers Alliance, talking about the number of people in an organisation that spends over £2billion a year, KCC now had 23 people earning over £100,000, a reduction from 30. He asked what about all the secondary headteachers, the GPs and other public servants who all earned over £100,000. He thought it was incredible, he stated, that an organisation the size and scale of KCC could run its business with a Senior Management Team taking on serious responsibility, recruiting the very best into Kent and do it with a number as low as 23 having taken over the last four years £1million out of the management cost.

(28) RESOLVED that the Leader's report be noted.

13. Developing Better Healthcare for Kent

(1) The Chairman announced that he had agreed that a short DVD was shown after Mr Gough's introduction but before the debate on this item. It was a DVD on health reform that has been produced by our Communications and Engagement team and can be viewed at <http://bit.ly/10kYhF7>

(2) Following the debate the Chairman put to the vote the report's recommendations, when the voting was as follows:

For (64)

Mrs A Allen, Mr M Angell, Mr R Bayford, Mr R Bird, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Burgess, Miss S Carey, Mr P Carter, Mr N Chard, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mr D Daley, Mr M Dance, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr C Hibberd, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr E Hotson, Mr M Jarvis, Mr A King, Mr J Kirby, Mr G Koowaree, Mr P Lake, Mr R Lees, Mr S Manion, Mr R Manning, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr R Parry, Mr R Pascoe, Mr T Prater, Mr K Pugh, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Scholes, Mr J Simmonds, Mr C Smith, Mr K Smith, Mrs P Stockell, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mr M Vye, Mrs C Waters, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Against (2)

Mr L Christie, Mr G Cowan

Carried

- (3) RESOLVED that the County Council:
- (a) approve the Terms of Reference and Standing Orders to move the shadow Health and Wellbeing Board to full status in line with legislative requirements;
 - (b) adopt the Joint Health and Wellbeing Strategy for Kent 2013 – 2014; and
 - (c) consider 'Delivering Better Healthcare for Kent' a KCC discussion document outlining the opportunities the health reforms present to improving health and social care in Kent.

14. Revision of Terms of Reference and Protocols for the Health Overview and Scrutiny Committee

- (1) Mr A King proposed, Mr Gough seconded that the County Council approved the revised Terms of Reference and Protocol for Health Overview and Scrutiny in Kent and recommended that Appendix 2, Part 2, of the Constitution be amended accordingly.
- (2) RESOLVED that these recommendations be agreed.

15. Select Committee: Apprenticeships

- (1) Mr Dance proposed, Mr Cubitt seconded that the County Council endorse the Select Committee report, thank both the Select Committee for a useful report on a complex and challenging issue and the witnesses and others who provided evidence and made valuable contributions to the work of the Select Committee.
- (2) As the Chairman stated when he introduced this item the Select Committee report spanned three Directorates; Communities; Education, Learning & Skills and Regeneration & Economic Development.
- (3) Following a full debate it was RESOLVED that the recommendations be agreed.

16. Treasury Management 6 Month Review 2012/13

- (1) Mr Simmonds proposed, Miss Carey seconded that the County Council note the Treasury Management 6 Month Review 2012/13.
- (2) RESOLVED that the report be noted.

17. Authority to participate in legal proceedings and Rights of Audience

- (1) Mr A King proposed, Mr Bowles seconded that the County Council approved the following amendment to Article 13.3, as underlined below:

"The Monitoring Officer is authorised to institute, defend or participate in and settle any legal proceedings, or authorise others to do so, in any case where such action is necessary to give effect to decisions of the Council or in any case where he considers that such action necessary to protect or pursue the

Council's interests or where he considers it expedient for the promotion or protection of the interests of the inhabitants of Kent" and

That the Monitoring Officer be authorised to hold a list of authorised officers pursuant to Article 13.3 and that the Monitoring Officer be authorised to make additions, removals or amendments to the list as appropriate in his opinion.

- (2) RESOLVED that the recommendations be agreed and the changes to the Constitution be made accordingly.

18. Minutes for Approval

- (1) Mr Long proposed, Mr Parry seconded that the Minutes of the meeting of the Governance and Audit Committee held on 19 December 2012 be approved.
- (2) RESOLVED that the Minutes be approved.

19. Minutes for Information

Pursuant to Procedure Rule 1.10(8) and 1.23(4), the minutes of the Planning Applications Committee meetings held on 11 December 2012, 16 January, 12 February and 13 March 2013; the Regulation Committee meetings held on 22 January and 14 February 2013 and the Superannuation Fund Committee meeting held on 8 February 2013, were noted.

20. Kent Invicta Award

- (1) The Chairman announced that it was his intention to present the Kent Invicta Award 2013 to John Surtees OBE.
- (2) Mr Carter gave a citation as one of the Members who proposed that John Surtees should receive the award.
- (3) Mr Dance also paid tribute to John Surtees and the work he had done since they met in the late 1990s in engaging young people.
- (4) The Chairman presented the Award and a cheque for £5,000 payable to the Henry Surtees Foundation to John Surtees. Mr Surtees then gave a very moving speech in reply to the Award and tributes.

21. Motion for Time Limited Debate

- (1) Mr L Christie will propose, Mr G Cowan will second that:

This Council makes the installation of sprinklers a specific condition of a planning application:

Following the recent LGA Fire Conference and the introduction of the LGA Sprinkler toolkit this Council agrees that, in order to ensure the safest possible design and planning of buildings and to protect the public of Kent, that this

council adopts a policy making it a compulsory planning condition that any new developments or substantially altered buildings especially schools and social care buildings including those that provide residential accommodation (paid or otherwise) must include the installation of a suitable sprinkler system for the intended use.

Where a planning applicant believes there are sound reasons for not including a sprinkler system, a written submission setting out a clear rationale, with details of the alternative measures to reduce the risk from fire for building occupants must be provided.

(2) Mr Sweetland proposed, Mr Brazier seconded the following amendment:

“Following the recent LGA Fire Conference and the introduction of the LGA Sprinkler toolkit this Council agrees that:

1. This Council has always stringently complied with building control and fire regulations. However in order to ensure the safest possible design and planning of buildings and to protect the public of Kent, this Council extends its current position of encouraging the installation of sprinklers in new school and social care premises where this is the most appropriate solution, and investigates the feasibility of adopting a policy for mandatory installation of sprinklers where the Council is the planning authority, recognising that water based sprinkler systems may not always be the best means of tackling fire. This issue should be brought forward for debate as soon as possible after the County Council elections to the relevant Cabinet Committee and the Kent Forum.
2. In order to supplement the Kent Design Guide, which provides essential information for planner and builders in relation to the standards expected of planning authorities within Kent, and to ensure that KCC provides the safest possible design guidance for planners and building occupants, this Council alongside Kent Fire & Rescue Service should ensure that the Kent Design Guide covers the installation of sprinkler systems.

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

For (48)

Mrs A Allen, Mr M Angell, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Burgess, Miss S Carey, Mr P Carter, Mr A Chell, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr E Hotson, Mr M Jarvis, Mr A King, Mr S Manion, Mr R Manning, Mr A Marsh, Mr M Northey, Mr R Pascoe, Mr K Pugh, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Scholes, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mr J Wedgbury, Mr M Whiting, Mr A Wickham, Mr A Willicombe

Against (7)

28 MARCH 2013

Mr R Bird, Mr L Christie, Mr G Cowan, Mr D Daley, Mr C Hibberd, Mr G Koowaree,
Mr M Vye

Carried

(4) RESOLVED that the amended motion be agreed.