

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 September 2013.

PRESENT:

Mr E E C Hotson (Chairman)
Mr P J Homewood (Vice-Chairman)

Mrs A D Allen, Mr M J Angell, Mr M Baldock, Mr M A C Balfour, Mr R H Bird, Mr H Birkby, Mr A H T Bowles, Mr D L Brazier, Mr R E Brookbank, Mr C W Caller, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mr B E Clark, Mrs P T Cole, Mr G Cooke, Mr G Cowan, Mrs M E Crabtree, Ms C J Cribbon, Mr A D Crowther, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mr J A Davies, Mrs T Dean, Dr M R Eddy, Mr J Elenor, Mrs M Elenor, Mr T Gates, Mr G K Gibbens, Mr R W Gough, Mr P M Harman, Ms A Harrison, Mr M J Harrison, Mr M Heale, Mr P M Hill, OBE, Mr C P D Hoare, Mrs S V Hohler, Mr S Holden, Mrs S Howes, Mr A J King, MBE, Mr J A Kite, MBE, Mr S J G Koowaree, Mr R A Latchford, OBE, Mr R L H Long, TD, Mr G Lymer, Mr B E MacDowall, Mr T A Maddison, Mr R A Marsh, Mr F McKenna, Mr B Neaves, Mr M J Northey, Mr P J Oakford, Mr J M Ozog, Mr R J Parry, Mr L B Ridings, MBE, Mr J E Scholes, Mr W Scobie, Mr T L Shonk, Mr C Simkins, Mr J D Simmonds, Mr C P Smith, Mr D Smyth, Mrs P A V Stockell, Mr B J Sweetland, Mr A Terry, Mr N S Thandi, Mr R Truelove, Mr M J Vye, Mr J N Wedgbury, Mrs J Whittle, Mr M E Whybrow, Mr M A Wickham and Mrs Z Wiltshire

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

UNRESTRICTED ITEMS

32. Apologies for Absence

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

Mr Nicholas Bond
Mrs Pam Brivio
Mr Lee Burgess
Mr Ian Chittenden
Mr Steve Manion
Mr Clive Pearman
Mrs Eileen Rowbotham

33. Declarations of Disclosable Pecuniary Interests or Other Significant Interests

(1) Mr Cowan declared an interest as both he and his wife were foster carers for Kent County Council.

(2) Mr Gibbens declared an interest in relation to Question 10 in that his wife was an employee of the Canterbury & Herne Bay Volunteer Bureau.

(3) Mr Caller declared an interest in Item 10 Pay Policy Statement 2013-14 as his wife and another member of his family were employed by KCC.

(4) Mr Hoare declared an interest in Item 8 Kent Troubled Families Programme as a director of a community interest company that gets young people into work in the construction industry.

(5) Mr Koowaree declared an interest as he has a daughter who worked in a Children's Centre.

(6) Mr Maddison also declared an interest in Item 10 Pay Policy Statement 2013-14 as his son was employed by KCC.

34. Minutes of the meeting held on 18 July 2013 and, if in order, to be approved as a correct record

RESOLVED: that the Minutes of the meeting held on 18 July 2013 are correctly recorded and that they be signed by the Chairman.

35. Chairman's Announcements

a) Adrian Crowther

(1) The Chairman informed Members that he understood Mr Crowther had had to have a blood test first thing but he was expected to attend the meeting. The Chairman had, following Mr Crowther's recent illness, written to extend his and the Council's best wishes for a speedy recovery and his attendance at the meeting appeared to indicate that he was well on the road to recovery.

b) Lunch

(2) The Chairman reminded Members that there would be no Chairman's lunch provided as there was a substantial and sensitive inquest being held in the building. He asked that when Members left the meeting that they endeavour to do so as quietly as possible.

c) English Counties 101 Swim

(3) The Chairman stated that he was delighted to be joined at the meeting by writer, broadcaster, social enterprise guru and past Government adviser – both to the Coalition and the last Government - Francis Davis. Mr Davis' aim was to swim 101 miles across every county in the country aiming to finish at the County Councils' Network Annual Conference on 17th November.

(3) The Chairman explained to Members that Mr Davis was raising funds for Combat Stress, a great charity supporting army, air force or naval veterans who had suffered mental health difficulties because of their service and to raise awareness of mental ill health and how swimming could contribute to defeating depression and

aimed to raise at least £500 in every county. The Chairman and Leader had had photos taken with Mr Davis and were delighted to send him on his way.

(4) Mr Davis spoke briefly to the Council and thanked them for the warm welcome. He explained that Combat Stress took their learning and shared it with Rethink, Mind and the rest of the mental health community so that what they learnt in the forces could be shared with a much wider audience. He said he had started in Hampshire and arrived in Kent via the Isle of Wight and that his swim in Kent was his first outdoor swim and would be taking place at the Tonbridge Swimming Pool.

October County Council meeting

(5) The Chairman stated that he had met with the Leader earlier in the week to discuss the draft agenda for the October meeting of the County Council and he advised Members that there are no items scheduled for that meeting that required a County Council decision. Accordingly, through Democratic Services he had consulted Group Leaders, all of whom agreed that the 24 October meeting could be cancelled. He asked Members to adjust their diaries accordingly.

36. Questions

Under Procedure Rule 1.17 (4) 10 questions were asked and replies given. 1 question fell as the Member who submitted the question was absent and 2 questions remained unanswered at the end of the thirty minutes and written answers were given.

37. Report by Leader of the Council (Oral)

(1) The Leader opened his speech by stating that there had been much frenetic activity in the corridors of power since the July Council meeting in facing up to the challenges ahead through the Transformation Plan but that he would speak on this more later in the morning. He wanted to use his time to dwell on the good news that arrived to County Council during the course of August, and at the top of the list must be the education results from Kent schools at all key stages.

(2) He stated that he was delighted with the improvement in Kent's primary school results at key stages 1 and 2 and the phenomenal outcome and results at key stage 4 by our year 11 pupils – with improvements on the gold standard of 5 A-Cs including English and Maths by some 4% when nationally the country had returned results of -1%. This was, the Leader stated, an extraordinary differential in key stage 4 performances. There had also been an increase in the performance of A Level students in Kent school sixth forms and the Leader stated that he was sure everybody in the Council Chamber would like to join in congratulating all of the young people who contributed towards these outstanding results, as well as teachers, school staff and the Council's School Improvement team.

(3) The improvement in exam results was coupled with more apprenticeships growing rapidly across the county of Kent and over the last year a reduction in the number of young people aged 16-18 who were not in education, employment or training which again was bucking the national trend.

(4) With the third report from Ofsted on the re-inspection of Children's Services the Leader stated that there was definitely something to celebrate in the fact that Kent had been removed from the 'inadequate' category in all three inspections. He stated that there was still a big job to do, but all credit to front line staff and the Cabinet Member who had driven forward, with the senior management team, the substantive turnaround in two and a half years to pull the Council out of 'inadequate' in all three areas.

(5) The Leader stated that he was pleased to report the outcome from central government on the targeted capital bid; Kent would be the recipients of £32m of grant against their submission to expand and grow 19 specified schools with that allocation. This should not mask the fact that the schools expansion programme would cost well in excess of £100m with a potential shortfall in the order of some £10-£12m.

(6) This brought him on to the Children's Centre review and the consultation which was now underway. Feedback was expected in October with decisions being reached towards the end of that month which he was sure would be reported in some shape or form to the December County Council meeting. The Leader stated that it was a genuine consultation, the Council was genuinely in listening mode, and it was clear that there would be some changes in the roll out of the Children's Centre review when those decisions were made. The Council may not have got the first cut right, and they would be reporting back as soon as possible, but the Leader reminded everybody that the early intervention grant and support to Children's Centres in the county of Kent would reduce by some 40% from where it was in the Sure Start days and cuts in grants of that magnitude could only result in significant change.

(7) The Leader stated that he had sat in on the Health and Wellbeing Board meeting the previous evening and had been encouraged by the ambition shown by CCG (Clinical Commissioning Group) colleagues. One of the substantive items on the agenda had been responding to the Government's recently announced significant changes in health and social care funding from 2014/15 onwards. He stated that the changes would make CCGs, alongside Kent County Council social care services, invest in those integrated care community health services to avoid wasting resources in unnecessary hospitalisation. The conditions attached were quite draconian, but what was encouraging was the innovation and creative energy from the clinicians and lead accountable officers from the CCGs. He had left the meeting really buoyed up that everybody was 'getting it' –substantive change was needed in how to integrate and commission health and social care provision together collectively, moving to total integration by 2018.

(8) Mr Latchford stated that in the military world you were taught something called 'an appreciation of a situation' which involved defining a name, considering the pros and cons and then coming up with a plan. He stated that the Leader had given his appreciation of the situation and in the blue book before each Member was the start of a plan, clearly shown in three phases ending in April 2016. It was obvious that the transformation was driven by the need to improve the lives of Kent residents despite the economic pressures inflicted by central government and the cultural drivers. Opposition leaders and spokesmen had agreed to work with the Leader on the Transformation Board as there were clearly areas of the proposal with which they were unhappy.

(9) Turning to the Ofsted report on Children's Services Mr Latchford stated that this was truly good news and that everyone involved should be congratulated. He was sure too that everyone in the Chamber was delighted with the GCSE results and that congratulations should be extended to all those responsible. He expressed concern over school placement handling for both primary and secondary schools across the county emphasising that the biggest number of complaints received by his Members since election had not surprisingly been about potholes but educational issues. He stated that news of the £32million investment in new school places was welcome but it was apparent that placement and school place issues needed urgent attention and he asked that a review of the current allocation system be carried out in planning for the next admissions round.

(10) Moving on he stated that he currently firmly opposed central government's plans to privatise post offices as it would inevitably, like all privatised services, fall into foreign ownership. He asked the Leader where he and his group stood on this issue.

(11) Finally Mr Latchford spoke of news that a London Borough wished to purchase land in Thanet for housing their residents and asked if this was in EuroKent or elsewhere in Thanet. He asked if this rumour was correct.

(12) In relation to the Ofsted report for Kent's Looked After Children Mr Cowan said he had been amazed at the Cabinet meeting when the Leader and Cabinet Member had reported how far KCC had moved in making the service a much better service since 2010. Were they proud of results of adequate, the latest being adequate overall with good for outcomes and management? He explained that adequate stood for a service which only met the minimum standards. As the Council had invested an additional £32m in children's services since 2010 and not made any significant progress he feared that children in care were not getting the help and support they truly deserved.

(13) Mr Cowan stated that he had visited many of the Children's Centres since the announcement to either close or merge a number of centres had been made and had not been surprised at the outcry across the county from parents who saw the centres as the foundation of getting their children off to the best start in life. He had been delighted to be joined by Shadow Minister of State for Children and Families, Sharon Hodgson, when she visited the county and that many parents had welcomed her and given a clear message that at no cost could they afford to lose their children's centres.

(14) Touching on the Whole-Council Transformation plan but Mr Cowan stated that KCC's Labour group would not agree to outsourcing or privatisation of frontline services and they would do their best to protect those on lower and middle wages. The Council should also limit the use of zero hours contracts, giving zero hours workers the right to a proper job after 12 weeks on such a contract.

(15) He agreed that congratulations should be extended to all those involved with exam results but added that there were still concerns around some areas of education including school appeals, primary school places and that sadly £32m would not go far on new schools.

(16) Mrs Dean joined in congratulating all concerned in delivering the best exam results ever. She stated that the Liberal Democrat policy for premium payments for children from deprived backgrounds had this year been over £1,000 per pupil and that this would have had a considerable effect on narrowing the gap. That the gap still remained was a matter of great concern as was the fact that pupils receiving free school meals and in the Pupil Referral Units (PRUs) were still not achieving at the level that they should.

(17) She spoke of the poor Ofsted judgement on Chatham Grammar School for Boys, the first grammar school in the country to receive such a judgement and expected it would be the first of many as she felt that grammar schools in many parts of the county were coasting and not producing the results that they should be given that Kent had a selective system. She would, she said, be watching to see if this was an indication of things to come.

(18) Mrs Dean stated that Mr Cowan had made many of her points about Looked After Children, especially that KCC met minimum acceptable standards. She paid tribute to those people who had done huge amounts of work but there was still much to be done. She had been promised the inclusion in officer contracts of a condition that would make disclosure of such information without question but had not received any information on the progress of this. Were we, she asked, still in danger of repeating the mistakes of the past?

(19) Mrs Dean stated she had been fairly pragmatic about Children's Centres, she had two centres in her own division and was looking carefully at them both. It was extremely difficult as a Member to get information about where parents came from to access the Children's Centre services and officers needed to share information with Members on the way Children's Centres operated on a much more detailed basis than they currently did.

(20) Mrs Dean welcomed the information that Health and Wellbeing Boards were pushing people in the direction of integrated services. She stated that in the next few years there would be very little that was not being integrated, transformed, traded or outsourced and she wondered if the timescales being set were realistic.

(21) Mr Carter responded that last year more parents, over 90%, got their preferences allocated in the schools admission round, the highest figure that Kent had ever had. He admitted that although there had been a slow start massive progress had been made over the past few years not only with the planning provision and accessing school places. The Leader hoped that analysis of KS4 results would show that the gap had been narrowed, particularly for the educational attainment of the county's Looked After Children.

(22) In response to Mr Latchford's concerns about London housing associations buying land in Thanet Mr Carter stated that he too had heard the rumour but had been unable to substantiate any of it to date. Land investments that KCC had in partnership with Thanet District Council (TDC) were progressing very well and that one significant parcel of land would be going through the development control of the Planning Committee of TDC shortly.

(23) As far as the Children's Centre review went the Leader stood by what he had said before. There would undoubtedly be some changes to the programme but that

Mrs Whittle was endeavouring to visit all Children's Centres potentially under threat of merger or closure prior to any decision being made.

38. 'Facing the Challenge: Delivering Better Outcomes' – Whole-Council Transformation Plan – Phase 1

(1) Mr Carter moved, Mr Simmonds seconded that the County Council agreed the following recommendations:

- a) endorse the Whole-Council Transformation Plan: Phase 1;
- b) note the detail of staff and team alignment to new integrated service teams which will be considered by the Council in December 2013;
- c) note the Programme Roadmap timescales and milestones for delivery of Phase 1, as set out in section 4 of the report.

(2) Following the debate the Chairman put to the vote Recommendation (a) as set out in para (1) (a) above when the voting was as follows:

For (46)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr N Chard, Mrs P Cole, Mr G Cooke, Mrs M Crabtree, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr P Harman, Mr M Harrison, Mr M Hill, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Mr A King, Mr J Kite, Mr R Long, Mr G Lymer, Mr A Marsh, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr L Ridings, Mr J Scholes, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mr B Sweetland, Mr A Terry, Mr J Wedgbury, Mrs J Whittle, Mr A Wickham, Mrs Z Wiltshire

Abstain (4)

Mr H Birkby, Mr J Elenor, Mr C Hoare, Mr R Latchford

Against (26)

Mr M Baldock, Mr R Bird, Mr C Caller, Mr B Clark, Mr G Cowan, Ms J Cribbon, Mr A Crowther, Mr D Daley, Mrs T Dean, Dr M Eddy, Mrs M Elenor, Ms A Harrison, Mr M Heale, Ms S Howes, Mr G Koowaree, Mr B MacDowall, Mr T Maddison, Mr F McKenna, Mr B Neaves, Mr W Scobie, Mr T Shonk, Mr D Smyth, Mr N Thandi, Mr R Truelove, Mr M Vye, Mr M Whybrow

Carried

(3) The other two recommendations within the report were carried without a vote.

(4) RESOLVED that the County Council:

- a) endorse the Whole-Council Transformation Plan: Phase 1;
- b) note the detail of staff and team alignment to new integrated service teams which will be considered by the Council in December 2013;

- c) note the Programme Roadmap timescales and milestones for delivery of Phase 1, as set out in section 4 of the report.

39. Kent Troubled Families Programme

(1) Mr Hill moved, Mr Wickham seconded that the County Council note the progress of the Kent Troubled Families Programme.

Carried without a vote

(2) RESOLVED that the County Council note the progress of the Kent Troubled Families Programme.

40. Treasury Management Annual Review 2012-13

(1) Mr Simmonds moved, Miss Carey seconded that the Council note the report.

(2) RESOLVED that the report be noted.

41. Pay Policy Statement 2013-14

(1) Mr Cooke moved, Mr Carter seconded that the Council agree the pay statement for 2013/14 based upon last year's statement as set out in Appendix 1 and approved at Personnel Committee on 10 September 2013 and that compliance with the principles of transparency of senior salaries and severance packages are discharged via the Council's agreement to the senior structure and pay ranges and the compromise protocol as outlined in the report.

(2) RESOLVED that the pay statement for 2013 be agreed and compliance with the principles of transparency of senior salaries and severance packages be discharged.

42. Constitutional Amendments to Reflect the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

(1) Mr Cooke moved, Mrs Allen seconded the Council agreed the following recommendations:

- (a) To delay the implementation of the requirement to record officer decisions until such time as a viable and pragmatic solution can be found and adopted by the Selection & Member Services Committee.
- (b) To amend the Key Decision criteria to reflect current legislative requirements
- (c) To amend the Urgency procedures to reflect current legislative requirements and good practice, as detailed in the report.
- (d) To amend the rules relating to exempt information and private meetings to reflect current legislation.

- (e) To amend the Members rights of access to information to reflect the additional rights included in current legislation
- (f) To amend the council's filming policy to reflect current Government guidance.
- (g) To amend the Council's call-in requirements and criteria.
- (h) To note the changes to the requirements and practice of submission of minutes.
- (i) To make any non-substantive changes required to the Constitution to reflect those changes detailed above.
- (j) To include the decision making flow chart in the Constitution as a guide for officers and Members.

Carried without a vote

(2) RESOLVED that the changes to the Constitution as set out in para (1) (a)-(j) above be agreed.

43. Member Development Policy Statement

(1) Mr Cooke moved, Mrs Allen seconded that the County Council adopt the Member Development Policy Statement attached to the report.

(2) RESOLVED that the Member Development Policy Statement be adopted.

44. Motion for Time Limited Debate

(1) Mrs Dean moved, Mr Whybrow seconded that:

"This Council agrees that it is important that employees should receive a wage which reflects the cost of living in Kent. The Council therefore agrees to undertake a cross-party investigation into becoming a Living Wage Employer, the findings of which will be reported to the Personnel Committee. The aim is that, as a minimum, KCC will pay the Living Wage, as defined by the Joseph Rowntree Foundation, to all staff and that this would also become a mandatory requirement for all new commissioned service contracts and, where feasible, would be added when existing contracts are renewed. KCC would seek Living Wage Employer accreditation through the Living Wage Foundation."

(2) Mr Vye moved, Mr Bird seconded an amendment to the Motion for Time Limited Debate that all the text after the words "Personnel Committee" be deleted, as follows

"This Council agrees that it is important that employees should receive a wage which reflects the cost of living in Kent. The Council therefore agrees to undertake a cross-party investigation into becoming a Living Wage Employer, the findings of which will be reported to the Personnel Committee."

(3) The Chairman put the amendment to the vote when the voting was as follows:

For (33)

Mr M Baldock, Mr R Bird, Mr H Birkby, Mr C Caller, Mrs P Cole, Mr G Cowan, Ms J Cribbon, Mr A Crowther, Mr D Daley, Mrs T Dean, Dr M Eddy, Mrs M Elenor, Ms A Harrison, Mr P Harman, Mr M Heale, Mr C Hoare, Mr S Holden, Ms S Howes, Mr G Koowaree, Mr R Latchford, Mr R Long, Mr B MacDowall, Mr T Maddison, Mr F McKenna, Mr B Neaves, Mr J Ozog, Mr T Shonk, Mr D Smyth, Mr A Terry, Mr N Thandi, Mr R Truelove, Mr M Vye, Mr M Whybrow

Abstain (3)

Mr J Elenor, Mr B Sweetland, Mrs Z Wiltshire

Against (36)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr N Chard, Mr G Cooke, Mrs M Crabtree, Mrs V Dagger, Mr J Davies, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mrs S Hohler, Mr P Homewood, Mr E Hotson, Mr A King, Mr J Kite, Mr G Lymer, Mr A Marsh, Mr M Northey, Mr P Oakford, Mr R Parry, Mr L Ridings, Mr J Scholes, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mr J Wedgbury, Mrs J Whittle, Mr A Wickham

Lost

(4) As the vote on the Amendment was lost the Chairman put the original Motion to the vote whereupon the voting was as follows:

For (25)

Mr M Baldock, Mr R Bird, Mr H Birkby, Mr C Caller, Mr G Cowan, Ms J Cribbon, Mr A Crowther, Mr D Daley, Mrs T Dean, Dr M Eddy, Ms A Harrison, Mr P Harman, Mr M Heale, Mr C Hoare, Ms S Howes, Mr G Koowaree, Mr R Latchford, Mr T Maddison, Mr F McKenna, Mr B Neaves, Mr D Smyth, Mr N Thandi, Mr R Truelove, Mr M Vye, Mr M Whybrow

Abstain (1)

Mr J Elenor

Against (46)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr N Chard, Mrs P Cole, Mr G Cooke, Mrs M Crabtree, Mrs V Dagger, Mr J Davies, Mrs M Elenor, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Mr A King, Mr J Kite, Mr R Long, Mr G Lymer, Mr B MacDowall, Mr A Marsh, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr L Ridings, Mr J Scholes, Mr T Shonk, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mr B Sweetland, Mr A Terry, Mr J Wedgbury, Mrs J Whittle, Mr A Wickham, Mrs Z Wiltshire

Lost