

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 16 July 2015.

PRESENT:

Mr M J Harrison (Chairman)
Mr T Gates (Vice-Chairman)

Mrs A D Allen, MBE, Mr M J Angell, Mr M Baldock, Mr M A C Balfour, Mr H Birkby, Mr N J Bond, Mr A H T Bowles, Mr D L Brazier, Mrs P Brivio, Mr R E Brookbank, Mr L Burgess, Mr C W Caller, Miss S J Carey, Mr P B Carter, CBE, Mr N J D Chard, Mr I S Chittenden, 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, MBE, Dr M R Eddy, Mr J Elenor, Mrs M Elenor, Mr G K Gibbens, Mr R W Gough, Ms A Harrison, Mr M Heale, Mr P M Hill, OBE, Mr C P D Hoare, Mrs S V Hohler, Mr S Holden, Mr P J Homewood, Mr E E C Hotson, 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 T A Maddison, Mr S C Manion, Mr R A Marsh, Mr B Neaves, Mr M J Northey, Mr P J Oakford, Mr J M Ozog, Mr R J Parry, Mr C R Pearman, Mr L B Ridings, MBE, Mr W Scobie, Mr T L Shonk, Mr C Simkins, Mr J D Simmonds, MBE, 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, Mrs C J Waters, Mr J N Wedgbury, Mrs J Whittle, Mr M E Whybrow, Mr M A Wickham and Mrs Z Wiltshire

IN ATTENDANCE: David Cockburn (Corporate Director Strategic & Corporate Services), Geoff Wild (Director of Governance and Law) and Peter Sass (Head of Democratic Services)

UNRESTRICTED ITEMS

14. Apologies for Absence

The Director of Governance and Law reported apologies from Mr R Bird, Mr P Harman, Mr B MacDowall, Mr F McKenna and Mrs E Rowbotham.

15. Minutes of the meeting held on 21 May 2015 and, if in order, to be approved as a correct record

(1) Following concerns expressed about the accuracy of minute no 8 paragraph (23) second sentence "At the last Kent Leaders' Group it was agreed that KCC would work with District Councils on a proposal for a combined local authority for Kent.", the Chairman undertook to ensure that the webcast of the meeting was checked and if necessary an amendment made to the minutes to more accurately reflect the statement made by the Leader.

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(2) In relation to minute no 13 resolution (a) it was clarified that the report to County Council from the Independent Member Remuneration Panel would now be submitted to the September meeting as it had not been possible for the Remuneration Panel to meet in time to report to the July meeting of the County Council.

(3) Subject to the action proposed in paragraph (1) the Chairman put the accuracy of the minutes to the vote and the voting was as follow:

For (48)

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 D Daley, Mr M Dance, Mr J Davies, Mr T Gates, Mr G Gibbens, Mr R Gough, 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 T Maddison, Mr S Manion, Mr A Marsh, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mr B Sweetland, Mrs C Waters, Mr J Wedgbury, Mrs J Whittle, Mr A Wickham, Mrs Z Wiltshire.

Against (30)

Mr M Baldock, Mr H Birkby, Mrs P Brivio, Mr N Bond, Mr L Burgess, Mr C Caller, Mr I Chittenden, Mr B Clark, Mr G Cowan, Ms J Cribbon, Mr A Crowther, Mrs T Dean, Dr M Eddy, Mr J Elenor, Mrs M Elenor, Ms A Harrison, Mr M Heale, Mr C Hoare, Ms S Howes, Mr G Koowaree, Mr R Latchford, Mr B Neaves, Mr W Scobie, Mr T Shonk, Mr D Smyth, Mr A Terry, Mr N Thandi, Mr R Truelove, Mr M Vye, Mr M Whybrow.

Abstain (0)

(4) RESOLVED that the minutes of the meeting held on 21 May 2015 be approved as a correct record, subject to any amendment required following the action proposed in paragraph (1) above.

Carried

(Post meeting note: After checking the webcast it was agreed that the following sentence was an accurate reflection of the Leader's statement at Minute no 8 (23) second sentence - "At the last Kent Leaders' Group KCC did agree to work with the District Councils on what a combined local authority could look like for Kent." and therefore the signed minutes were amended accordingly)

16. Declarations of Disclosable Pecuniary Interests or Other Significant Interests in items on the agenda

None

17. Chairman's Announcements

(a) The Queen's Birthday Honours 2015

The Chairman announced that he was pleased to refer Members to the tabled list of Honours recipients from Kent following the recent announcement in The Queen's Birthday Honours List. This list included Kent's Chief Constable, Mr Alan Pughsley, who had been awarded The Queen's Police Medal.

On behalf of the County Council, he had offered sincere congratulations to all of those Honours recipients.

(b) The Queen's Award for Voluntary Service

The Chairman stated that he was delighted to announce that Kent had six winners of The Queen's Award for Voluntary Service this year (one being from Medway). They were:

- Bubbles Disabled Swimming Club, Maidstone
- Good Neighbour Project, Tunbridge Wells
- Rainham Bereavement Friendship Group, Gillingham
- The Appropriate Adult Service, Maidstone
- The League of Friends of the Kent and Canterbury Hospital, Canterbury
- Wealden Sailability, Sevenoaks

He was delighted to note that Kent had submitted eleven nominations in total, so achieving six awards had been an excellent result.

(c) Regulation Committee

The Chairman reminded Members that on the rising of this County Council meeting there would be a formal meeting of the Regulation Committee for the purposes of electing a Chairman. He asked that Members of that Committee remain in the Chamber at the conclusion of the County Council meeting.

18. Questions

In accordance with Procedure Rule 1.17(4), six questions were asked and replies given. A record of all questions put and answers given at the meeting are available with the papers for this meeting via the following link:

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=113&MId=5816&Ver=4>

19. Report by Leader of the Council (Oral)

(1) The Leader updated the Council on events since the previous meeting.

(2) Mr Carter referred to Operation Stack, which had been causing misery for residents, business' and commercial travellers trying to go about their daily business. He stated that Mr Balfour, Cabinet Member for Environment and Transport, was chairing a working group comprising of representatives from Highways England, Shepway District Council, Ashford Borough Council, Eurotunnel, Dover Harbour

Board and others. It was intended that the working group would be ready to submit to Patrick McLoughlin, MP, Secretary of State for Transport, in early September, a five point plan to keep the M20 open at all times. In the meantime while waiting for the Government to identify the money to deliver the five point plan, which he anticipated would be in the region of £40m to £50m, consideration was being given to temporary measures that could be implemented immediately.

(3) Mr Carter reminded Members that the Britdisc for lorries entering the UK was now raising in excess of £44m from foreign lorries, as Kent bore the brunt of Operation Stack he expressed the view that much of that money should be repatriated into Kent.

(4) Mr Carter referred to a meeting of the County Councils' Network (CCN) which he had attended the previous day. The President of the Association of County Treasures had stated that the Treasury probably had not picked up on the link between the living wage being introduced from April 2016 and the impact that it would have financially on many of County Council's commissioning providers, particularly in the area of social care. Whilst personally welcoming the introduction of the living wage, Mr Carter emphasised the importance of the Treasury being aware of the consequences and to make sure that this was properly funded alongside all of the other uncontrollable pressures facing local government. He also referred to the increase in the number of unaccompanied minors who were now the responsibility of the County Council and were currently costing £5m over and above the grant given by the Home office for this purpose. On a positive financial note, Mr Carter referred to the economic recovery which was proceeding faster than expected and greater than anticipated tax receipts and therefore he hoped that the pain on local government might not be as bad as expected.

(5) Mr Carter then moved on to the Devolution Bill, and stated that it was now up to all sectors of local government to come up with a devolution plan within their area for submission to the Secretary of State. He assured Members that County Leaders of all parties at the CCN meeting had been opposed to the concept in two tier areas of having another tier of government, for example elected mayors, imposed. There was time to influence thinking on local government devolution and to come to an agreement in the Counties on what a devolution deal may look like and whether or not combined local authorities would be an essential component of that deal or not. He stated that more importantly there was now a need to collectively work together with district colleagues and to an extent Medway colleagues on what a good devolution deal for Kent could look like.

(6) In relation to the opportunities presented by devolution, Mr Carter referred to the skills agenda and what was going on in Edinburgh where they had come together on the basis that every young person leaving education should be supported with a job, an apprenticeship or full time training. He mentioned the current barriers for young people leaving school and not being able to enter either employment or an apprenticeship because they were not already qualified to level 2, which was something that the devolution of skills training freedoms to local government could seek to address. Another important aspect of devolution was the opportunity to ensure through health and social care integration the delivery of good accessible community and primary service, with a role for local government to exert influence to ensure that this was achieved.

(7) In conclusion Mr Carter referred to the agreement in the Budget that from April 2016, Members' travel from home to County Hall would no longer be tax deductible.

(8) In summary Mr Carter referred to what Greg Clark had said at the Local Government Association Conference – “Central Government has much more to learn from local government than vice versa; that view will characterise my approach to working with you on devolution deals”.

(9) Mr Latchford, the Leader of the Opposition, started by congratulating all agencies who had worked so hard during Operation Stack. He emphasised the importance of finding a solution to Operation Stack, which had been used since 1988 and that it was vital to both residents and the Kent economy that the County's roads were not used as vehicle parks. He called for action from the government to resolve the issue especially in view of the amount of revenue that was coming into the Country from the Brit Disc.

(10) In relation to the Cities and Local Government Devolution Bill, Mr Latchford referred to its progress through Parliament and a number of contentious issues which had already been identified during its passage through the Lords. He expressed the hope that the Leader would continue to ensure that any opportunity that was to Kent's advantage was pursued with vigour and was pleased to note the work towards the development of a devolution plan for Kent.

(11) Mr Latchford welcomed any support for young people to ensure their employment opportunities and also welcomed the introduction of the living wage.

(12) Mr Latchford referred to KCC's budget for the coming year, and the awaited autumn budget statement in order to know exactly when cuts were to be made and their impact. Advice was also awaited in relation to the 1.99% cap on Council tax.

(13) In conclusion Mr Latchford noted the Leader's comment that tax on travel allowances would no longer be payable from April 2016.

(14) Mr Cowan, Leader of the Labour Group, referred to the Local Government Association Conference and the amount of cross party support for devolving central government powers to local government. His group supported the general principle of devolution but believed that there needed to be a much clearer idea of what it meant and that to be assured that local government had the capacity to fulfil its new roles.

(15) In relation to Operation Stack, Mr Cowan also congratulated the emergency services who had done an exceptional job throughout to ensure that those parked in Stack had essential supplies during the hot weather.

(16) Regarding possible solutions to Operation Stack, Mr Cowan stated that firstly, he did not consider the suggestion to use the former Manston Airport site as an emergency lorry park to be sensible. He did, however, consider lorry parks to be part of the solution, but it would be necessary to include the cost of using a lorry park in the channel tunnel or ferry ticket in order to ensure lorries actually used them and that drivers did not park in laybys etc and keep the parking fee provided by their companies.

(17) Mr Cowan expressed the view that another problem with the volume of freight traffic using the M20, and then becoming part of Operation Stack, was the signage at the Dartford Crossing which strongly encouraged HGV traffic to use the M20 to access Dover rather than the M2/A2, which would alleviate the traffic problem in Dover Town.

(18) Mr Cowan then referred to the revenue generated by the Britdisc which had raised in the 15 months that it had been in operation £192.5m in revenue ahead of the projected £21m and he expressed the view that some of this revenue should be used for Operation Stack and Kent roads.

(19) Mrs Dean, Leader of the Liberal Democrat Group, supported the suggestion to use Britdisc revenue in Kent. She referred to the views of the road haulage organisations, that the major issue for them was the safety of the lorry drivers. The government had paid for a secure lorry park on the French side of the Tunnel and she wondered why this had not been implemented on the English side so that there was a place of safety here. Lorry drivers would then be able to open up their lorries as soon as possible after coming through the Tunnel to make sure that they were not carrying any illegal immigrants.

(20) Mrs Dean also raised the question of why the government did not try to divert more lorries to other regions in the UK, all the time that 80% of freight travelled via Kent there would always be a problem. It was also important to provide lorry parks in Kent to alleviate the environmental damage caused to local people by the use of laybys with no suitable services for drivers.

(21) In relation to Mr Carter's comments on the living wage, Mrs Dean stated that she did not believe that the government were unaware of the impact that its introduction would have on local authority budgets. Also she stated that the terms living wage and minimum wage were not the same thing, the living wage was nearly £2 an hour above the minimum wage.

(22) In relation to the Cities and Local Government Devolution Bill, she stated that she had been pleased by the conciliatory and constructive attitude of Greg Clark at the Local Government Association Conference but there was still a huge amount of confusion about what was being offered and what was being imposed. She mentioned that she would like to have powers returned to local authorities but it did not appear that they would be getting any fiscal powers. She suggested that housing powers should be returned to local government in any new combined authority and that the role of scrutiny should be strengthened.

(23) Mr Whybrow, Leader of the Independents Group, stated that, as a Member from the Shepway area, he would be speaking in response to the comments on Operation Stack. He welcomed the idea of a working group which would have a sustained look at the issue. He hoped that its remit would be broad in order to look at the wider issues about the volume of HGVs across the County.

(24) Mr Whybrow expressed the personal view that lorry parks were not the solution to Operation Stack and that the working group should be looking at where the freight was coming from, where it was going to, and whether there were alternatives to it being transported by road. He referred to the amount of available capacity on the rail network, but stated that a lot of freight was not moved by rail

because of the bureaucracy. He would also like the working group to look at why so much freight was moving around and whether there were weaknesses in the supply chain that could be filled by the local economy.

(25) Mr Whybrow hoped that the working group would look at the strategic issues and that its work would be evidence based.

(26) In replying to the other Leaders' comments, Mr Carter referred to Operation Stack and included his thanks to the emergency services and KCC staff who had been involved to date. In clarification Mr Carter stated that the suggestion to use the Manston Airport site as a temporary lorry park had come from many members of the public and there was an option to be investigated. He was sure that the working group would look at this along with other possible options such as Folkestone racecourse and the County show ground at Detling. He agreed with comments made about a network of lorry parks being needed across the Country to provide the opportunity for drivers to park up when their tachometer ran out and to have a rest where there were facilities for them.

(27) In relation to devolution, he stated that Greg Clark had made it quite clear that there would be no transfer of fiscal powers to local government and Mr Carter expressed his disappointment at this. In relation to the government's understanding of the implications for local government of the living wage, he stated that he was merely re-iterating the opinion of the President of the Association of County Treasurers. He agreed that there was a need to work with Districts on obtaining housing powers under devolution. He stated that he had had informal positive conversations with district council leaders at the Local Government Association Conference around the art of the possible and how we could influence the expenditure of in excess of £6 billion of public money in Kent every year. However, he stated that the big question was whether Whitehall would let go and what would the attached conditions be, it was therefore essential that a compelling devolution case was made for Kent.

20. Kent and Medway Local Enterprise Partnership

(1) Mr Carter moved and Mr Dance seconded the following motion:

"The County Council is recommended to endorse the business case for the establishment of a Kent and Medway LEP, for submission to the Secretary of State; and note the implications for Kent County Council arising from the establishment of the Kent and Medway LEP."

(2) The motion was agreed without a formal vote.

(3) RESOLVED that the business case for the establishment of a Kent and Medway LEP, for submission to the Secretary of State be endorsed; and the implications for Kent County Council arising from the establishment of the Kent and Medway LEP be noted.

21. Kent and Medway Growth and Infrastructure Framework

(1) The Chairman reminded Members that, despite what was stated on the report, this item was not a matter for decision at this meeting.

(2) Mr Carter moved and Mr Balfour seconded the following motion:

“It is recommended that Council debates and provides comment on the emerging conclusions set out in Section 5 of this report.”

(3) The motion was agreed without a formal vote.

(4) RESOLVED that the comments made by Members on the emerging conclusions set out in Section 5 of this report be noted.

22. Monitoring and Outcomes from the Select Committee topic review programme - May 2013 to June 2015

(1) Mr Cooke proposed and Mr Parry seconded the following motion:

“The County Council is asked to note the report, celebrate the impact and added value that the outcomes of the Select Committee reports provide for Kent residents and agree that further monitoring of the recommendations from these two Select Committees be carried out either on a six monthly or annual basis, as considered appropriate by the Select Committee.”

(2) The motion was agreed without a formal vote.

(3) RESOLVED that the report be noted, the impact and added value that the outcomes of the Select Committee reports provide for Kent residents be celebrated and further monitoring of the recommendations from these two Select Committees be carried out either on a six monthly or annual basis, as considered appropriate by the Select Committee.

23. Presentation of the Kent Invicta Award to Sir Robert Worcester KBE DL

(1) The Chairman invited Mr Homewood, immediate past Chairman of the County Council, to present the Kent Invicta Award for 2015. The Kent Invicta Award recognised residents of Kent who have achieved excellence in their chosen field or who have provided an exceptional service to the county.

(2) Mr Homewood welcomed Sir Robert Worcester, accompanied by Lady Worcester, to the meeting to receive the Kent Invicta Award for 2015. Mr Homewood outlined the many contributions made to Kent and its residents by Sir Robert Worcester.

(3) Mr Homewood stated that he was delighted that the Group Leaders agreed that the Kent Invicta Award for 2015 should be presented to Sir Robert Worcester

and it gave him great pleasure, on behalf of all KCC Members, to present him with the award and two cheques totalling £5,000 for his chosen charities.

(4) In accepting this award, Sir Robert Worcester responded by expressing his pride in his adopted Country and thanked Members for this award.

(5) Miss Carey, Mr King, Mr Simmonds and the Chairman spoke to congratulate Sir Robert Worcester on this award.

24. Motion for Time Limited Debate

(1) Mr Latchford moved and Mrs Wiltshire seconded the following motion:

“In the light of the progress and determination of Government in support of Manston, it is imperative that this council show absolute support to both reinstate and operate Manston as an Airport, not only to regenerate East Kent but to provide the extra capacity required by the aviation industry not withstanding any extra capacity for an expansion of Gatwick.

The current opportunity clearly demonstrates that no subsidy is required from KCC and it is important that KCC reflect the aspirations and the will of the people we represent.

We the elected members of KCC wish it to be known that we fully support the restitution of Manston as a Regional/International Airport in line with Government Policy.”

(2) Mr Dance moved and Mr Holden seconded the following amendment :

“Delete *“In the light of”* in the first paragraph to *“people we represent”* in the second paragraph.

Delete *“restitution of Manston as a Regional/International Airport in line with Government Policy”* in the third paragraph and replace with: *“continued regeneration of Manston and East Kent and will keep an open mind on whether that should be a business park or an airport, depending upon the viability of such plans and their ability to deliver significant economic growth and job opportunity.”*

Therefore the amendment proposed read as follows:

“We the elected members of KCC wish it to be known that we fully support the continued regeneration of Manston and East Kent and will keep an open mind on whether that should be a business park or an airport, depending upon the viability of such plans and their ability to deliver significant economic growth and job opportunity.”

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

For (64)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr A Bowles, Mr D Brazier, Mrs P Brivio, Mr R Brookbank, Mr C Caller, Miss S Carey, Mr P Carter, Mr N Chard, Mr I Chittenden, Mrs P Cole, Mr G Cooke, Mr G Cowan, Mrs M Crabtree, Ms J Cribbon, Mr A Crowther, Mrs V Dagger, Mr D Daley, Mr M Dance, Mr J Davies, Mrs T Dean, Dr M Eddy, Mr J Elenor, Mrs M Elenor, Mr T Gates, Mr G Gibbens, Mr R Gough, Ms A Harrison, Mr M Harrison, Mr M Hill, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Ms S Howes, Mr A King, Mr J Kite, Mr G Koowaree, Mr R Long, Mr G Lymer, Mr T Maddison, Mr S Manion, Mr A Marsh, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr L Ridings, Mr W Scobie, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mr D Smyth, Mrs P Stockell, Mr B Sweetland, Mr N Thandi, Mr R Truelove, Mr M Vye, Mrs C Waters, Mr J Wedgbury, Mrs J Whittle, Mr A Wickham, Mrs Z Wiltshire

Against (7)

Mr M Baldock, Mr N Bond, Mr L Burgess, Mr B Neaves, Mr T Shonk, Mr A Terry, Mr M Whybrow,

Abstain (0)

Amendment carried

(4) Following a debate, the Chairman put the following substantive motion to the vote:

“We the elected members of KCC wish it to be known that we fully support the continued regeneration of Manston and East Kent and will keep an open mind on whether that should be a business park or an airport, depending upon the viability of such plans and their ability to deliver significant economic growth and job opportunity.”

(5) The voting on the substantive motion was as follows:

For (60)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr A Bowles, Mr D Brazier, Mrs P Brivio, Mr R Brookbank, Mr C Caller, Miss S Carey, Mr P Carter, Mr N Chard, Mr I Chittenden, Mrs P Cole, Mr G Cooke, Mr G Cowan, Mrs M Crabtree, Ms J Cribbon, Mrs V Dagger, Mr D Daley, Mr M Dance, Mr J Davies, Mrs T Dean, Dr M Eddy, Mr T Gates, Mr G Gibbens, Mr R Gough, Ms A Harrison, Mr M Harrison, Mr M Hill, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Ms S Howes, Mr A King, Mr J Kite, Mr G Koowaree, Mr R Long, Mr G Lymer, Mr T Maddison, Mr S Manion, Mr A Marsh, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr L Ridings, Mr W Scobie, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mr D Smyth, Mrs P Stockell, Mr B Sweetland, Mr N Thandi, Mr R Truelove, Mr M Vye, Mrs C Waters, Mr J Wedgbury, Mrs J Whittle, Mr A Wickham.

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Against (13)

Mr M Baldock, Mr H Birkby, Mr N Bond, Mr L Burgess, Mr A Crowther, Mr J Elenor, Mrs M Elenor, Mr R Latchford, Mr B Neaves, Mr T Shonk, Mr A Terry, Mr M Whybrow, Mrs Z Wiltshire.

Abstain (0)

Substantive motion carried

(6) RESOLVED that we the elected members of KCC wish it to be known that we fully support the continued regeneration of Manston and East Kent and will keep an open mind on whether that should be a business park or an airport, depending upon the viability of such plans and their ability to deliver significant economic growth and job opportunity.