

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 24 March 2016.

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 R H Bird, 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, Mr A D Crowther, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mr J A Davies, Dr M R Eddy, Mr J Elenor, Mrs M Elenor, Mr G K Gibbens, Mr R W Gough, Mr P M Harman, 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 B E MacDowall, Mr T A Maddison, Mr S C Manion, Mr R A Marsh, Mr F McKenna, Mr B Neaves, Mr M J Northey, Mr J M Ozog, Mr R J Parry, Mr C R Pearman, Mr L B Ridings, MBE, Mr J E Scholes, Mr W Scobie, 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, Mr M E Whybrow, Mr M A Wickham and Mrs Z Wiltshire

IN ATTENDANCE: Mr D Cockburn (Corporate Director Strategic & Corporate Services), Mr G Wild (Director of Governance and Law) and Mr P Sass (Head of Democratic Services)

UNRESTRICTED ITEMS

62. Apologies for Absence

The Director of Governance and Law reported apologies from Ms Cribbon, Mrs Dean, Mr Oakford, Mrs Rowbotham, Mr Shonk and Mrs Whittle.

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

None.

64. Minutes of the meeting held on 11 February 2016 and, if in order, to be approved as a correct record

RESOLVED that the minutes of the meeting held on 11 February 2016 be approved as a correct record subject to:

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(a) The addition of reference under the Chairman's announcements of the agreement of the County Council not to show the PowerPoint presentation on "The Year so Far", and

(b) The addition at the end of paragraph (5) of the following:-

"(o) To note the financial outlook for 2017-18 and 2018-19 with further anticipated funding reductions and spending demands necessitating additional savings the vast majority of which are yet to be identified"

65. Visit by 36 Regiment Royal Engineers - Major George Drysdale

(1) The Chairman welcomed Major Drysdale, 2nd in command of 36 Regiment Royal Engineers, and invited him to address the County Council.

(2) Major Drysdale outlined the work of the Regiment which included radar repairs in the Falklands, building a training area in Kenya, and UN peacekeeping work in Cyprus. This was in addition to ongoing work in Nepal following the earthquake in 2015.

(3) The Chairman thanked Major Drysdale for attending the meeting.

66. Chairman's Announcements

(a) Mr Chris Capon, MBE

(1) The Chairman stated that it was with regret that he had to inform Members of the sad death of Mr Chris Capon, MBE, on 18 February 2016. Mr Capon had served on Kent County Council as the Conservative Member for Hythe from 1977 to 2013. During his time with KCC Mr Capon served on a number of Committees including Children, Families & Education – Resources & Operations (Chairman); Policy Overview Co-ordinating Committee, Regulation Committee, School Organisation Advisory Board. He had also served as Chairman of the Hythe Neighbourhood Forum and the Shepway Local Board. Mr Capon had been Chairman of the County Council in 2002-03 and awarded Honorary Alderman of the Council in 2013.

(2) Mr Capon's funeral had taken place on Friday 11 March 2016

(3) Mr Carter, Dr Eddy, Mr Vye and Mr Whybrow paid tribute to Mr Capon

(b) Mrs Caroline Mullins

(4) The Chairman stated that it was with regret that he had to inform Members of the sad death of Mrs Caroline Mullins, on 2 March 2016. Mrs Mullins had served on Kent County Council as the Conservative Member for Ashford North from 1993 - 1997. During her time with KCC Mrs Mullins had served on the Education Committee, the Special Educational Needs Sub-Committee and the Social Services Committee.

(5) A Celebration of Life Service had been held for Mrs Mullins on Wednesday, 16 March 2016.

(6) Mr Angell paid tribute to Mrs Mullins.

(c) Mr Kevin O'Daly

(7) The Chairman stated that it was with regret that he had to inform Members of the sad death of Mr Kevin O'Daly on 10 March 2016. Mr O'Daly was the former Liberal Democrat Member for Swale West from 1993 to 1997. During his time with KCC Mr O'Daly had served on the Environment Committee, the Social Services Committee, the Planning Sub-Committee and the Safety Panel. Mr O'Daly had also served on the Fire and Public Protection Committee and the Children and Adult Social Services Sub-Committee.

(8) A private Service of Remembrance for Mr O'Daly would take place in Boston, Lincolnshire on Tuesday 29 March 2016.

(9) Mr Truelove, Mr Vye and Mr Baldock paid tribute to Mr O'Daly

(10) At the end of the tributes all Members stood in silence in memory of Mr Capon, Mrs Mullins and Mr O'Daly.

(11) After the one minute silence the Chairman moved, the Vice-Chairman seconded and it was resolved that:

(12) This Council records the sense of loss it feels on the sad passing of Mr Capon, Mrs Mullins and Mr O'Daly and extends to their families and friends our heartfelt sympathy to them in their sad bereavements.

(e) The Year so Far

(13) The Chairman introduced a PowerPoint slide show which illustrated some of the events which he and the Vice-Chairman had attended since the December meeting of the County Council.

67. Questions

In accordance with Procedure Rule 1.17(4), 10 questions were asked and replies given. A record of all questions put and answers given at the meeting are available [online](#) with the papers for this meeting. Questions 10 to 13 were not put in the time available but written answers were provided.

68. Report by Leader of the Council (Oral)

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

(2) Mr Carter referred to developments around the devolution agenda and in particular focused on health and social care integration, education and governance arrangements.

(3) Mr Carter stated that following the first of the city devolution deals being signed off, it was important that the counties did not get left behind. He was hopeful that, with partners, an exciting devolution bid could be put together. This would

include health and social care integration, education, the skills agenda and infrastructure delivery to accelerate economic growth and housing growth in the county.

(4) In relation to health and social care integration, Mr Carter stated that KCC had been tasked, in the NHS Five Year Forward View, to set out the terms of sustainable transformation plans for health and social care integration. If Kent delivered ambitious, well-constructed sustainable transformation plans which brought together the health budget of the county of Kent with Medway and supported improvement in the delivery of services, it was possible that Kent would get additional funding for the delivery of those plans. Through the Kent Health and Wellbeing Board, working with health partners, there was a real willingness, to deliver those plans by June 2016. The aim of the plans was the transformation in the delivery of primary and community care integration with social care to reduce the need to hospitalise residents. This would build on the innovation within the delivery programme for the Canterbury CCG. He referred to new Greater Manchester Combined Authority and the many additional powers being devolved to it in relation to health and social care integration.

(5) Mr Carter referred to the recently published government white paper, *Education Excellence for Everyone*. He stated that Kent had a record of supporting school improvement in a mixed economy of schools. Kent had helped schools to expand, transformed school buildings, ensured sufficiency of school places, arranged school transport, including introducing the Kent Freedom Pass, and ran complex admissions arrangements for 220,000 pupils.

(6) Mr Carter expressed disappointment that under *Education Excellence for Everyone* the County Council's role in school improvement would be removed in the next few years. Although the County Council would retain duties regarding school admissions and the planning of place provision, as all schools were forced to become academies, the delivery of the expansion of schools and the maintenance programme would be delivered by others. Mr Carter stated that Kent had a proud record of delivering good quality schools and school expansions at very competitive costs compared to the rest of the country, both nationally and in the South East. Central Government seemed to dismiss the significant importance of the added value that good local authorities made in the world of education. Mr Carter expressed the view that this was centralisation rather than devolution.

(7) Mr Carter emphasised that the County Council had exercised its statutory educational duties intelligently and sensibly and that this would be missed by schools across the county. Kent's success was based on a community of schools of all different types working together to serve the educational needs of all the young people in an area. He stated that irrespective of the future of local government in education, that collegiate working must be retained and built upon in the coming years.

(8) In relation to any devolution bid submitted for Kent, Mr Carter stated that the governance arrangements would have to improve accountability which was a challenge that KCC would be working on with district colleagues and other public sector partners. He emphasised that the proposal must be more efficient in the use of public resource, lead to improve public services and help to support and accelerate growth. In addition the proposal must be in tune with the wishes of both the business community and residents of the area that covers the combined authority or the

devolution bid. Regarding the issue of directly elected mayors, the recent referendum results clearly showed the general public's opposition to their introduction. There was a need to negotiate with government about how devolution could work, particularly in two-tier areas. However, the governance arrangements for devolution must support the opportunity provided by devolution to shape and deliver improved public services for residents and business at less cost.

(9) Mr Latchford, the Leader of the Opposition, asked the Leader if Kent had been involved in any way in the further three devolution deals that were emerging. He referred to the lengthy County Council Network (CCN) document, based on a 6 month research project and detailed engagement with member councils, which put forward the first blueprint for county devolution. He stated that if devolution enabled local authorities to have more control over how their services were delivered and to set their priorities then it would provide an opportunity to improve the lives of those in the county. However, his Group were totally opposed to any devolution bid that involved the creation of unitary councils instead of the current two-tier system of local government, as they considered that a two tier system was more democratic and better suited the county. KCC, along with along with other authorities, had had increasing responsibilities imposed on them at the same time as cuts to central government grants.

(10) Mr Latchford expressed the view that it was time for devolution for England, as enjoyed by Scotland, Northern Ireland and Wales, with more freedom from Westminster and opportunities for funding from within the county. Kent had a reputation for good fiscal management, and had through good management at all levels provided the services expected by its residents.

(11) In relation to *Education Excellence for Everyone*, Mr Latchford referred to the statement by the Secretary of State for Education and her aim for educational excellence. He agreed that there was a need to support the best teachers, not only in the classroom. However, he did not support the concept that every school should be an academy. Grammar schools had been a major success in helping social mobility for a long time and Kent was a leading county in the provision of grammar schools.

(12) Mr Cowan, Leader of the Labour Group, referred to the Leader's comments on devolution. Mr Cowan stated that counties needed the opportunity to become more financially independent including raising and retaining more of the proceeds of growth regenerated by hard working residents and thriving local businesses. He expressed the view that the whole devolution agenda was driven by the Treasury in a pursuit of economic growth. He expressed concern that a large county like Kent could be left behind in terms of infrastructure investments and that its special issues such as being the gateway of Europe were only slowly being addressed.

(13) Mr Cowan referred to Mr Carter's stated first priority, as chairman of the CCN, being the continuous momentum on county devolution and that the government must deliver on its promises to be flexible on local governance and the devolution offer to all areas. Mr Cowan stated that there had been little movement on county devolution deals. He referred to Conservative local council leaders who had been discussing combined authorities, including a unitary authority for East Kent, to take advantage of devolved powers.

(14) In relation to the education white paper, Mr Cowan stated it was clear that central government did not want local government's help with education. He expressed the view that central government was trying to destroy the link between schools and local democracy, built on the myth that schools would improve if free from local education authority (LEA) control. The Labour group were opposed to the white paper.

(15) Regarding government plans to convert all schools to academies by 2020, Mr Cowan stated that there was no evidence that academies improved children's educational achievement and that the white paper was a distraction from the problems facing schools. He referred to Hextable and the cost that had been incurred due the government not listening to KCC. He acknowledged that LEAs like Kent did not control schools but they did have a strategic role to play.

(16) Mr Bird, Deputy Leader of the Liberal Democrat Group, referred to devolution and stated that there was a need to be sure of Kent's long term objectives and to ensure that the devolved governance was sustainable and in the best interests of Kent. Mr Bird mentioned the contradictory statements from national and local politicians about devolution and also the confusing scenario in Hampshire. However, he expressed the belief that devolution could enhance local government in Kent and reminded Members that the Liberal Democrats had long advocated local accountability as one the fundamental hallmarks of a fair, inclusive and successful democracy.

(17) Mr Bird stated that it appeared that many devolution proposals had been about financial considerations, which he acknowledged were important, than about creating sustainable local governance. He referred to the potential gains for Kent from devolution and the need to plan for more homes and jobs, better roads and public transport, additional schools and integrated health and social care, whilst at the same time trying to protect and enhance quality of life for residents. He expressed the view that this may be better achieved through strategic local government structures than the current fragmented two-tier system.

(18) Mr Bird asked Mr Carter when KCC Members would be able to debate in an open forum, the devolution proposals for Kent, which had the broad support of the districts. He suggested that if this did not happen soon, then the DCLG might decide Kent's political framework. He shared concerns about the government's plans for schools.

(19) Mr Whybrow, Leader of the Independents Group, stated that KCC had been asking for devolution for a long time. He referred to the KCC document *Closer to people and places*, which had been published 10 years ago, and the Leaders' *Bold Steps for radical reform* document published in 2010. Mr Whybrow made reference to the Leader's stance on devolution and the comments made by Sir Roger Gale MP and the Leader of Shepway Council. Mr Whybrow stated that there appeared to be a lot of vested interests in relation to devolution and that he would like to see more openness. He expressed some sympathy with East Kent's aspirations as he believed that there were times when the county, on some aspects, ignored East Kent. He expressed the view that there was a disconnect between what Central Government were saying and the reality of their devolution strategy.

(20) Mr Whybrow stated that he agreed with everything that has been said about the education white paper, which appeared to be flowing against devolution. He expressed the view that the same had been the case with planning, with an increase in control being taken back to the centre. He referred to Councils being allowed by Government to raise council tax but only for a specific purpose. He concluded by hoping that there would be more transparency about Kent's devolution bid.

(21) In replying, Mr Carter referred to the comments on devolution and stated he had been talking to the Secretary of State, Greg Clark, MP, recently about the devolution agenda not becoming a distraction to the requirement on local government to deliver an extraordinary efficiency drive over the next few years. Kent, for a county of its size and scale, had a track record of delivering efficiency and transformation.

(22) In relation to the health economy, Mr Carter stated that he hoped that Kent, with Medway, would be able to put produce a good sustainable transformation plan, through positive relationships with health colleagues, which would deliver significant additional money.

(23) Regarding the skills agenda, Mr Carter stated that Kent, working with the Local Enterprise Partnership and the Kent and Medway Economic Partnership, had established a skills commission. The aim of the commission was to ensure that devolved powers allowed the alignment of skills funding to the needs to business, both private and public sector, and addressed the ambitions and aspirations of young people.

(24) Mr Carter mentioned the growth and infrastructure framework for Kent and Medway, which had been well received and endorsed by all the districts and Medway Council. This framework set out a template for the delivery of the infrastructure plan in Kent to support the housing growth and commercial growth agenda across the county.

(25) Mr Carter stated that although Kent had not yet submitted a devolution bid, there had been messages from government taking time in preparing bids. It was evident that Kent had some local difficulty in the delivery of the proposition with some districts not wanting to engage at this stage. It was important to work through this and to achieve a solution for Kent, otherwise the residents and business of Kent would lose out on a devolution package.

(26) Regarding directly elected mayors. Mr Carter acknowledged that this was a big problem and gave the examples of Hampshire and Cambridgeshire. Kent would play to the strengths of county governance, working with the districts and boroughs in order for Kent to transform its public services.

(27) Mr Carter stated that, as Chairman of the CCN his role was to make sure that counties were not fragmented and broken up as he believed that this would be a massive disaster for the country. Counties, working with other public sector partners, including their districts and boroughs, had the ability to deliver that transformation at pace and scale. This was in comparison to local government reorganisation which he believed would be a retrograde step in delivering that transformation due to the need to establish new authorities.

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

69. Business Rate Retention & School Funding Reform

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

“Members are asked to note this report and the presentations on the day and discuss how the Council can best influence the outcomes of what will be a hugely significant change to local government funding.”

(2) Mr Wood introduced a PowerPoint presentation by Mr Shipton on business rate retention and this was followed by an opportunity for Members to ask questions of officers. It was emphasised that there would be a Member briefing on this important subject in May 2016 .

(3) Mr Abbott gave a PowerPoint presentation on the school funding reform and answered questions from Members.

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

(5) RESOLVED that the report, the presentation and the discussion on how the Council can best influence the outcomes of what will be a hugely significant change to local government funding be noted.

70. Presentation of the Kent Invicta Award to Graham Clarke

(1) The Chairman welcomed Mr and Mrs Clarke to the meeting and invited Mr Clarke to come forward and receive the Kent Invicta Award for 2016. The Kent Invicta Award recognised residents of Kent who had achieved excellence in their chosen field or who have provided an exceptional service to the county. The chairman outlined the many contributions made to Kent by Mr Clarke.

(2) The Chairman stated that he was delighted that the Group Leaders had agreed unanimously that the Award should be presented to Mr Clarke and it gave him great pleasure, on behalf of all KCC Members, to present him with the award and a cheque in the sum of £5,000 for his chosen charity, the Canterbury Oast Trust.

(3) Mr Daley and the Chairman spoke to congratulate Mr Clarke .In accepting this award, Mr Clarke responded and expressed his thanks to Members for this award.

71. Presentation of cheques to Chairman's Charities

The Chairman stated that it was his pleasure to present cheques to his charities. He invited Mr Obee, on behalf of Demelza House to receive a cheque for £1,678.18 and Ms Murch to receive a cheque for £1,678.19 on behalf of Riding for the Disabled.

72. Adjournment and reconvening of meeting

The meeting was adjourned to enable the Special meeting to confer the award of Honorary Alderman to be held and was reconvened after the Special meeting.

73. Treasury Management 6 Month Review 2015/16

(1) Mr Simmonds moved and Miss Carey seconded the motion that

“Members are asked to consider and comment on the report.”

(2) In proposing the motion Mr Simmonds updated the report and informed the Council that £52m had been received from the Icelandic banks which was an additional £2m to the original £50m investment.

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

(4) RESOLVED that the comments on the report be noted

74. Pay Policy Statement 2016/17

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

“County Council approves the attached Pay Policy Statement.”

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

(3) RESOLVED that the Pay Policy Statement for 2016/17 be approved.

75. Motion for Time Limited Debate

The referendum on Britain’s membership of the European Union

(1) Miss Carey moved and Mr Brazier seconded the following motion:

“This Council congratulates the Government for honouring its manifesto commitment to hold a referendum on the United Kingdom’s membership of the European Union.

We respect that elected Members of the Council may have divergent views but we all have a common interest in ensuring a good turnout at the referendum and, therefore urge all Kent residents to make their votes count in the Referendum on 23 June and especially to encourage those who are not currently registered to vote to do so before the registration deadline of 7 June.”

(2) Mr Latchford moved and Mr Birkby seconded the following amendment;

“In paragraph 1 delete all words after “This Council” and substitute:

This Council “is pleased that the Government is committed to holding a referendum on our nation’s membership of the European union on the 23rd June 2016. This will be a once in a lifetime opportunity for all eligible residents to make a decision that has far reaching consequences for the United Kingdom and its sovereignty, and we urge and encourage all Kent residents to make their vote count”.

Delete paragraph 2”

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

For (15)

Mr M Baldock, Mr H Birkby, Mr L Burgess, Mr A Crowther, Mr J Elenor, Mrs M Elenor, Mr P Harman, Mr M Heale, Mr C Hoare, Mr R Latchford, Mr B MacDowall, Mr F McKenna, Mr B Neaves, Mr A Terry, Mrs Z Wiltshire

Against (53)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr R Bird, Mr D Brazier, Mrs P Brivio, Mr C Caller, Miss S Carey, Mr P Carter, Mr N Chard, Mr I Chittenden, Mr G Cooke, Mr G Cowan, Mrs M Crabtree, Mrs V Dagger, Mr D Daley, Mr M Dance, Mr J Davies, Dr M Eddy, Mr T Gates, Mr G Gibbens, Mr R Gough, Ms A 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 J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mr J Scholes, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mr D Smyth, Mrs P Stockell, Mr R Truelove, Mr M Vye, Mrs C Waters, Mr J Wedgbury, Mr M Whybrow.

Abstain (1)

Mr R Brookbank,

Amendment lost

(4) The Chairman then put the motion as set out in paragraph (1) to the vote and the voting was as follows:

For (47)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr D Brazier, Mr R Brookbank, Mr L Burgess, Miss S Carey, Mr P Carter, Mr N Chard, Mr G Cooke, Mrs M Crabtree, Mr A Crowther, Mrs V Dagger, Mr M Dance, Mr J Elenor, Mrs M Elenor, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr M Hill, Mr C Hoare, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Mr A King, Mr J Kite, Mr R Latchford, Mr R Long, Mr G Lymer, Mr B MacDowall, Mr S Manion, Mr F McKenna, Mr M Northey, Mr J Ozog, Mr R Parry, Mr C Pearman, Mr L Ridings, Mr J Scholes, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mrs C Waters, Mr J Wedgbury, Mrs Z Wiltshire

Against (8)

Mr R Bird, Mr I Chittenden, Mr D Daley, Mr J Davies, Mr P Harman, Mr G Koowaree, Mr M Vye, Mr M Whybrow

Abstain (13)

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Mr H Birkby, Mrs P Brivio, Mr C Caller, Mr G Cowan, Ms A Harrison, Dr M Eddy, Mr M Heale, Ms S Howes, Mr T Maddison Mr B Neaves, Mr D Smyth, Mr A Terry, Mr R Truelove

Motion carried

(4) RESOLVED that Council congratulates the Government for honouring its manifesto commitment to hold a referendum on the United Kingdom's membership of the European Union. We respect that elected Members of the Council may have divergent views but we all have a common interest in ensuring a good turnout at the referendum and, therefore urge all Kent residents to make their votes count in the Referendum on 23 June and especially to encourage those who are not currently registered to vote to do so before the registration deadline of 7 June.