

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 25 June 2009.

PRESENT:

Mr J A Davies (Chairman)
Mr W A Hayton (Vice-Chairman)

Mrs A D Allen, Mr M J Angell, Mr A H T Bowles, Mr R W Bayford, Mr D L Brazier, Mr R Brookbank, Mr J R Bullock, MBE, Mr R B Burgess, Mr C J Capon, Ms S J Carey, Mr P B Carter, Mr N J D Chard, Mr A R Chell, Mr I S Chittenden, Mr L Christie, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B R Cope, Mr H Craske, Mr A D Crowther, Mr J Cubitt, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mrs T Dean, Mr K A Ferrin, MBE, Mr R Frayne, Mr M J Harrison, Mr P M Hill, OBE, Mr G K Gibbens, Mr R W Gough, Mrs E Green, Mr C Hibberd, Mr D A Hirst, Mrs S V Hohler, Mr P J Homewood, Mr G A Horne MBE, Mr E E C Hotson, Mr M J Jarvis, Mr A J King, MBE, Mr R E King, Mr J D Kirby, Mr J A Kite, Mr P W A Lake, Mrs J Law, Mr R J Lees, Mr J F London, Mr K G Lynes, Mr S Manion, Mr R F Manning, Mr R A Marsh, Mr M J Northey, Mr J Ozog, Mr R A Pascoe, Mr T Prater, Mr K Pugh, Mr W Richardson, Mr L B Ridings, Mr M Robertson, Mrs J A Rook, Mr A Sandhu, MBE, Mr J E Scholes, Mr J D Simmonds, Mr K Smith, Mr M V Snelling, Mrs P A V Stockell, Mr B J Sweetland, Mr R Tolputt, Mrs E M Tweed, Mr M J Vye, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle and Mr A Wickham

IN ATTENDANCE: Peter Gilroy (Chief Executive), Geoff Wild (Director of Law and Governance) and Peter Sass (Head of Democratic Services and Local Leadership)

UNRESTRICTED ITEMS

1. Election of Chairman

(Mr P Lake, the present Chairman, presided for this item)

- (1) Mr P Carter moved, Mr J Scholes seconded:

That Mr J A Davies be elected Chairman of the Council

Carried without a vote

- (2) Mr Davies thereupon took the Chair, made his Declaration of Acceptance of Office and returned thanks for his election.
- (3) Mr Davies then paid tribute to Mr Lake and thanked him for the manner in which he had carried out his duties as Chairman of the Council from May 2008 to the present day.
- (4) Mr Lake responded in suitable terms.

2. Election of Vice Chairman

- (1) Mr M Angell moved, Mr R Burgess seconded:-

That Mr W A Hayton be appointed Vice Chairman of the Council.

Carried without a vote

- (2) Mr Hayton thereupon made his Declaration of Acceptance of Office and returned thanks for his appointment.

3. Apologies for Absence

The Chief Executive reported apologies from Mr Koowaree, Mr Long, Mr Parry and Mr C Smith.

4. Declarations of Interest

Mr Sweetland declared a personal interest in item 15 on the agenda (report on the senior management structure of the Children, Families and Education Directorate, as a non-executive director of the West Kent Primary Care Trust.

Mr Daley, Mr London and Mr Christie all declared personal interests in items 12 and 13 (Terms of Reference and Annual Report of the Standards Committee) as having served as Members of the Standards Committee in 2008/09.

5. The Returning Officer to submit the returns of persons elected to be County Councillors until 2013

The County Returning Officer for the County of Kent submitted the Return, dated 5th June 2009, of persons elected to be County Councillors for the Electoral Divisions of the said County as reproduced in the papers for this meeting.

The Return was submitted for information.

6. Minutes of the meeting held on 30 April 2009, if in order, to be approved as a correct record

RESOLVED: that the Minutes of the meeting held on 30 April 2009 are correctly recorded and that they be signed by the Chairman.

7. Chairman's Announcements

- (1) The Chairman welcomed all newly elected and returning Members to KCC.

- (2) The Chairman welcomed the Vice Chairman of Essex County Council, Mr Rodney Bass, as his guest for the day.

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(3) The Chairman formally announced the sad passing away of former Members:

Mrs Jean Newman

Mrs Jean Newman, who passed away on 7 June 2009; a former Conservative County Councillor for Swale East. Mrs Newman was elected to the County Council in May 1995 and served until 2005. Mrs Newman was a long standing Swale Borough Councillor and was also Mayor of Swale for two years, 1989 and 1991.

Mr Bowles, Mr Ferrin, Mr Dance and Mrs Dean paid tribute to Mrs Newman.

Mr Wilf Shilling

Mr Wilf Shilling, who passed away on 15 May 2009. Mr Shilling served as a Liberal Democrat Councillor for the Maidstone Rural West Electoral Division. He was elected in 1989 at the age of 76 and served until 1997. He was also Vice Chairman of the County Council 1996/7.

Mrs Dean paid tribute to Mr Shilling.

Mr Tony Hart CBE

Mr Tony Hart, who passed away on 13 June 2009. Mr Hart served as the Conservative County Councillor for the Malling Rural West Electoral Division (1975 – 1992) and was Leader of the County Council from 1984 until 1992.

The Chairman advised Members that Mr Hart's funeral would be held at Shipbourne Church, Shipbourne Road, Tonbridge Kent at 12.30 on Tuesday 30 June 2009. There is limited capacity at the church but the family would be delighted if those Members and officers who knew and worked closely with Mr Hart during his time at County Hall were able to attend.

Mr Hart's widow, Mrs Wendy Hart and his daughter Sally-Ann were present at the meeting. Mr Paul Sabin, former Chief Executive of Kent County Council, was also present.

Mrs Hohler, Mr A King and Mrs Dean paid tribute to Mr Hart.

The Council stood in silence as a mark of respect to the three former Members.

RESOLVED: that this Council desires to record the sense of loss it feels on the deaths of Mrs Newman, Mr Shilling and Mr Hart and extends to their families its deepest sympathy on their sad bereavements.

(4) Mr George Koowaree and Mr Christopher Smith

The Chairman advised the County Council that Mr Koowaree and Mr C Smith were both recuperating well from recent operations and the Council wished both Members a speedy recovery.

(5) Queen's Birthday Honours

The Chairman was pleased to announce that Mr Avtar Singh Sandhu (Member for the Dartford North East Electoral Division) had been awarded the Member of the Order of the British Empire for Services to the Community in North Kent

(6) New senior officers

The Chairman welcomed Rosalind Turner, Managing Director of Children, Families and Education and Mike Austerberry, Executive Director of Environment, Highways and Waste, to their first meeting of the County Council since their appointments

(7) Environmental Management Award

The Chairman announced that Kent County Council had achieved the ISO 14001 international standard for environmental management across all its services. This was confirmed following a 6 day assessment by Bureau Veritas at the end of April. KCC's first accreditation was achieved by Commercial Services in 2003 and the stepwise accreditation programme culminated in April this year when Adult Social Services, Children, Families and Education and Kent Highways Services were all assessed for the first time.

ISO 14001 is the international standard for environmental management and organisations achieving this standard have demonstrated they are taking positive and continuous steps to reduce their environmental impact, become more resource efficient and prevent pollution. The Council was aware of only two other County Councils who had achieved this standard across all its services – Suffolk and Warwickshire.

(8) The Lawyer Awards 2009

The Chairman announced that KCC Legal Services had won the Public Sector Legal Team of the Year Award in The Lawyer Awards at a ceremony in London this week.

The Lawyer Awards was about the celebration of excellence in the legal profession across private practice, the public sector, commerce and industry and the Bar and is the biggest awards ceremony for the legal profession.

The Chairman stated that this was a fantastic achievement and the culmination of many years of hard work from all the staff in Legal Services, which now sat alongside their success earlier this year in the LGC Awards. Kent Legal Services was also short-listed for the Legal Achievement of the Year Award in the MJ Awards, taking place that evening. As no authority had ever won these three awards in the same year, the Chairman wished the Director of Law and Governance the best of luck for the MJ Awards ceremony that evening.

8. Election of Leader

Mr A King moved, Mr K Lynes seconded that Mr P B Carter be elected Leader of the Council until the Annual Meeting of the Council in 2013.

Carried without a vote

9. Appointment of the Leader of the Opposition

Mr M Vye moved, Mr L Christie seconded that Mrs T Dean be elected Leader of the Opposition.

Carried without a vote

10. Report by Leader of the Council (Oral)

- (1) The Leader returned thanks to the County Council for his election as Leader.
- (2) The Leader spoke about the need to review the Council's approach to Overview and Scrutiny, bearing in mind the significant majority for the Conservative Group. He added that he was keen to learn from others and innovate, which included a greater involvement for the public in holding the Administration to account. He also stated that he wanted to examine proposals to review how County Council meetings operated, by holding debates about the major policy issues affecting Kent residents.
- (3) The Leader commented on the major challenges ahead in the next four years, which would be made even more difficult to achieve given the huge cost reductions expected across the public sector. He stated that the key aims of the new Administration were to improve the quality of core services and increase customer satisfaction in all areas and he outlined the major challenges in each of the main policy areas.

11. Report of the Selection and Member Services Committee

The Chairman stated that he had agreed to accept this report as an urgent item because of the need to approve the proportionality statement and allow appointments to be made to the various Committees and Outside Bodies.

Mrs P Stockell moved, Mr A King seconded the recommendations contained on page four of the tabled report.

RESOLVED: that the County Council agree:

- (a) the size of each main Committee and certain other Sub-Committees and Panels, and the allocation between the political groups of places on them and various other bodies as set out in paragraphs 2 and 3 of the report;
- (b) to delegate appointments to the various other authorities, joint committees and partnership bodies set out in paragraph 4 of the report to the Selection and Member Services Committee;
- (c) to amend the Constitution to reflect the change in title from "Lead Member" to "Deputy Cabinet Member";
- (d) to note that the revised Terms of Reference for the Policy Overview Committees will need to be considered by the next meeting of the County Council.

12. Report of the Independent Remuneration Panel

(1) The Chairman stated that he had agreed to accept this report as an urgent item because of the need to have a Members' Allowances Scheme in place for the new Council.

(2) The Chairman welcomed Mrs Fiona Leathers, Chairman of the Independent Remuneration Panel to the meeting and invited her to sit at the table to answer Members' questions on the report.

(3) Mr J A Davies moved, Mr W A Hayton seconded that the County Council approve the recommendations of the Independent Remuneration Panel with regard to proposed changes to the Members' Allowances Scheme for the four year period from 2009 to 2013, as detailed in Appendix 1 of the report.

(4) Mrs Dean moved, Mr T Prater seconded as an amendment:

“that implementation of the Remuneration Panel's recommendations be deferred until the next County Council meeting to allow public consultation to take place on the proposed changes.”

(5) Following debate, Mrs Dean stated that she wished to alter her amendment, with the consent of her seconder, as follows:

“that consideration of the recommendations of the Independent Remuneration Panel be deferred until the next County Council meeting to allow public consultation to take place on the proposed changes.”

(6) As the electronic voting system was not working at this time, the Chairman put the amendment to the vote by a show of hands and declared that 8 Members supported the amendment and a substantial number of Members did not support the amendment; therefore the amendment was not carried.

(7) Following further debate, the Chairman put to the vote the motion set out in (3) above when the voting was as follows:-

For – 64

Mr M Angell, Mr R Bayford, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Bullock, Mr R Burgess, Miss S Carey, Mr C Capon, Mr P B Carter, Mr N Chard, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr M Dance, Mr K Ferrin, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr C Hibberd, Mr M Hill, Mr D Hirst, Mrs S Hohler, Mr P Homewood, Mr C Horne, Mr E Hotson, Mr M Jarvis, Mr A King, Mr R King, Mr J Kirby, Mr J Kite, Mr P Lake, Mrs J Law, Mr J London, Mr K Lynes, Mr S Manion, Mr R Manning, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr R Pascoe, Mr K Pugh, Mr W Richardson, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Scholes, Mr J Simmonds, Mr K Smith, Mr M Snelling, Mrs P Stockell, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle, and Mr A Wickham.

Abstain – 1

Mr R Lees.

Against – 8

Mr I Chittenden, Mr L Christie, Mr D Daley, Mrs T Dean, Mrs E Green, Mr T Prater, Mr M Robertson and Mr M Vye.

RESOLVED: that the recommendations of the Independent Remuneration Panel with regard to proposed changes to the Members' Allowances Scheme for the four year period from 2009 to 2013 be approved as detailed in Appendix 1 of the report.

13. Terms of Reference of the Standards Committee

- (1) Mr J London moved, Mr A King seconded the recommendation on page 2 of the report that the Terms of Reference of the Standards Committee be amended as follows (alterations shown in bold type):
 - (a) Promoting and maintaining high standards of conduct by Members (including any co-opted Members and church and parent governor education representatives)
 - (b) Assisting Members through advice and training to observe the Members' Code of Conduct set out in Appendix 6 of the Constitution
 - (c) Monitoring the operation of the Members' Code of Conduct and advising the Council on its operation and revision
 - (d) Granting dispensations to Members from requirements relating to interests set out in the Members' Code of Conduct
 - (e) Seeking to resolve any concerns about a Member's conduct by mutual agreement to reduce the need for a complaint to be referred to the **Standards Committee**
 - (f) **Receiving complaints that a Member is alleged to have breached the Code of Conduct and deciding whether the matter merits investigation; taking appropriate action as defined in the Standards Committee (England) Regulations 2008; and, reviewing decisions to take no action on a particular complaint if so requested by the complainant**
 - (g) Dealing with any reports from a case tribunal or interim case tribunal of the Standards Board, and any report on a matter which is referred by an Ethical Standards Officer to the Monitoring Officer
 - (h) Censuring, suspending or partially suspending a Member or former Member in accordance with the provisions of the Local Government Act 2000

Carried without a vote

14. Annual Report of the Standards Committee

- (1) The Chairman welcomed Ms Nadra Ahmed OBE, DL and Mr Peter Gammon MBE, independent Members of the Standards Committee, to the County Council meeting to answer questions on the annual report of the Standards Committee

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- (2) Mr J A Davies moved, Mr W A Hayton seconded that the contents of the report be noted and Ms Ahmed and Mr Gammon be thanked for their attendance at the meeting

Carried without a vote

15. Protocol for the spending of the highways fund devolved to individual Members

- (1) Mr N J D Chard moved, Mr D L Brazier seconded the recommendations contained on page 44 of the Blue Book, as follows:
- (a) the County Council approve the introduction of the Member Highway Fund at £25,000 per Member per year; and
 - (b) the County Council approves the protocol attached to the report

Carried without a vote

16. Report on the Senior Management Structure of the Children, Families and Education Directorate

- (1) Mrs Hohler moved, Mr Ridings seconded the proposed senior management structure for the Children, Families and Education Directorate, as set out in Appendix 1 to the circulated report.

Carried without a vote

17. Minutes for Information

Pursuant to Procedure Rules 1.10 and 1.23 (4), the Minutes of the Regulation Committee (19 May 2009) and the Planning Applications Committee (26 May 2009) were noted.

18. Motion for Time Limited Debate

- (1) Mrs T Dean moved, Mr M Vye seconded:-

That this Council supports the Government's intention to engage in consultation on altering the form of Local Government elections to one which reflects residents' choice rather than the first past the post system.

- (2) Following a debate, the Chairman put to the vote the Motion when the voting was as follows:-

For – 6

Mr I Chittenden, Mr D Daley, Mrs T Dean, Mr T Prater, Mr M Robertson and Mr M Vye.

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Against – 65

Mr M Angell, Mr R Bayford, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Burgess, Miss S Carey, Mr C Capon, Mr P B Carter, Mr N Chard, Mr A Chell, Mr L Christie, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr M Dance, Mr K Ferrin, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr C Hibberd, Mr M Hill, Mr D Hirst, Mrs S Hohler, Mr P Homewood, Mr C Horne, Mr E Hotson, Mr M Jarvis, Mr A King, Mr R King, Mr J Kirby, Mr J Kite, Mr P Lake, Mrs J Law, Mr R Lees, Mr J London, Mr K Lynes, Mr S Manion, Mr R Manning, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr R Pascoe, Mr K Pugh, Mr W Richardson, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Scholes, Mr J Simmonds, Mr K Smith, Mr M Snelling, Mrs P Stockell, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle, and Mr A Wickham.

Not carried