

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 10 September 2020.

PRESENT

Mr G K Gibbens (Chairman)
Mr M J Northey (Vice-Chairman)

Mrs A D Allen, MBE, Mr M J Angell, Mr M A C Balfour, Mr P V Barrington-King, Mr P Bartlett, Mrs C Bell, Mrs P M Beresford, Mrs R Binks, Mr R H Bird, Mr T Bond, Mr A Booth, Mr A H T Bowles, Mr D L Brazier, Mr J Burden, Mr D Butler, Miss S J Carey, Mr P B Carter, CBE, Mrs S Chandler, Mr N J D Chard, Mr I S Chittenden, Mr J Clinch, Mrs P T Cole, Mr N J Collor, Ms K Constantine, Mr A Cook, Mr G Cooke, Mr P C Cooper, Mrs M E Crabtree, Mr D S Daley, Mr M C Dance, Miss E Dawson, Mrs T Dean, MBE, Mr D Farrell, Mrs L Game, Mr R W Gough, Ms S Hamilton, Mr P M Harman, Mr P M Hill, OBE, Mr A R Hills, Mrs S V Hohler, Mr S Holden, Mr P J Homewood, Mr A J Hook, Mr M J Horwood, Mr Eric Hotson, Mrs L Hurst, Mr J A Kite, MBE, Mr S J G Koowaree, Mr P W A Lake, Mr B H Lewis, Ida Linfield, Mr R L H Long, TD, Mr R C Love, OBE, Mr G Lymer, Mr R A Marsh, Ms D Marsh, Mr J P McInroy, Mr P J Messenger, Mr D D Monk, Mr D Murphy, Mr P J Oakford, Mr J M Ozog, Mr R A Pascoe, Mr M D Payne, Mrs S Prendergast, Mr K Pugh, Miss C Rankin, Mr H Rayner, Mr A M Ridgers, Mr C Simkins, Dr L Sullivan, Mr B J Sweetland, Mr R J Thomas, Mr M Whiting, Mr M E Whybrow and Mr J Wright

IN ATTENDANCE: Mr D Cockburn (Corporate Director Strategic & Corporate Services) and Mr B Watts (General Counsel)

UNRESTRICTED ITEMS

234 Apologies for Absence

The General Counsel reported apologies from Mr Manion.

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

Dr Sullivan declared an interest as her husband was employed by the County Council as an Early Help and Prevention officer.

236 Minutes of the meetings held on 17 June and 16 July 2020 and, if in order, to be approved as a correct record

RESOLVED that the minutes of the meetings held on 17 June and 16 July 2020 be approved as a correct record.

237 Chairman's Announcements

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a) Mr Robert Bliss

(1) The Chairman stated that it was with the greatest regret that he had to inform Members of the death of Mr Bliss on Monday 10 August. Mr Bliss was the Conservative member for Folkestone West between 2005 to 2009. During his time with Kent County Council, Mr Bliss served on the Corporate Policy Overview Committee, the Communities Policy Overview Committee and the Joint Transportation Board. Miss Carey, Mr Love and Mr Bird paid tribute to Mr Bliss. Members observed a minute's silence in memory of Mr Robert Bliss.

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

“this Council desires to record the sense of loss it feels on the sad passing of Mr Robert Bliss and extends to his family and friends our heartfelt sympathy to them in their sad bereavement.”

b) World Suicide Prevention Day

(3) The Chairman reminded the Council that it was World Suicide Prevention Day. Residents were being reminded of the help available in Kent for people experiencing mental health issues or concerned about their mental wellbeing. Covid-19 had presented a new set of challenges affecting mental wellbeing, as changes and restrictions on ways of living and working were making people feel anxious, concerned and isolated. KCC's Suicide Prevention Programme recognised the impact of the pandemic and had reacted by

:

- i. Stepping up work with partners, including Kent Police, to monitor suicidal activity and develop a response plan
- ii. Refreshing and promoting the Release the Pressure campaign and increasing funding for Release the Pressure 24-hour helpline, enabling over 10,500 calls to be answered between April and July, an 18% increase over the same period last year.
- iii. Launching a new easy-to-use mental health text messaging service, free on all major mobile networks, to start a conversation with a trained and experienced volunteer who could give support at any time. Over 700 text conversations had taken place already.

(4) Information on all these services, and links to other organisations which supported mental wellbeing, was available on the KCC website.

c) Chairman's Activities

(5) The Chairman updated members on some of the Chairman's recent activities. Both he and the Vice-Chairman had attended socially distanced VJ Day services in East Kent and had laid a wreath on behalf of the Council. The Chairman had also attended a Merchant Navy Day event in Dover, and again laid a wreath on behalf of the Council. He emphasised the importance, even in these difficult times, of marking these very important occasions.

c) Chairman's Walk

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(6) The Chairman informed members that he would be undertaking his walk in support of Porchlight on Saturday 13 September 2020. He was delighted that the target amount of £1,500 had been exceeded. He expressed his thanks to everyone who had already supported him and said there was still time to donate via his Just Giving Page.

238 Questions

In accordance with Procedure Rule 1.17(4), 8 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. As Ida Linfield was not present during this item a written answer to her question has been provided.

239 Report by Leader of the Council (Oral)

(1) The Leader updated the Council on events since the previous meeting. He said his update would include Unaccompanied Asylum-Seeking Children (UASC), the return to school, Covid 19, the devolution white paper and winter pressures.

(2) Mr Gough referred to the Section 5 report from the Monitoring Officer relating to UASC, which was on the agenda for this meeting. He said that following the rapid pace of UASC arrivals in Kent, KCC could no longer meet its statutory duties and provide safe care to those arriving; therefore, since 17 August 2020 new UASC arrivals had not been taken into the care of Kent County Council. This decision was taken due to concern both for the welfare of those arriving and those already in KCC's care. Mr Gough outlined the engagement that had taken place since the spring with the government and representations made by KCC in relation to UASC. There had been an increase in financial support and transfers to other local authorities had resumed with some 153 young people placed since 1 June, but the number of arrivals had significantly exceeded the number of transfers. Mr Gough said he had given evidence to the House of Commons Home Affairs Select Committee. The committee had shown a strong interest in the situation in Kent and had expressed its appreciation for the work that KCC's deeply committed staff were doing in this area. He stated that the National Transfer Scheme needed to be mandatory and the authority would respond accordingly to the Government's consultation on this matter.

(3) Mr Gough referred to the return to school and provided figures on the attendance rate for Kent schools on 8 September 2020. Of those schools which had submitted a return to the DfE, attendance was 90% which was in line with the national figures. He paid tribute to the work of Kent's schools to create a secure and welcoming environment for pupils. In relation to home to school transport, Mr Gough commended the work undertaken by the public transport team and officers in Education in dealing with an uncertain situation. The public transport team had worked closely with schools and operators to model demand and the impact of social distancing requirements to ensure sufficient capacity. He also thanked the relevant cabinet members who had led on these issues.

(4) Mr Gough stated that Kent had been below the national average in terms of the 7- day rolling average of Covid-19 infections per 100,000 of population since late July. KCC was working with regional partners to deliver local aspects of Test and Trace and had developed structures to manage any local outbreaks including the establishment of a Local Outbreak Engagement Board where Members would play a

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key role. He acknowledged that the situation was evolving nationally and it was essential to be ready to respond rapidly.

(5) Mr Gough said that the Government proposed to publish a White Paper on devolution in October. There had been much speculation about its contents; however, local authorities in Kent had agreed it was prudent to await its publication before making any decisions. His view was that the authority should ensure the continuing operation of Kent as a unit, both as a county with a historic identity and a strong strategic cohesion, and to avoid the risk of disaggregation of key, large-scale people services such as children's and adults. He concluded that Kent should as much as possible respond to the White Paper as a unified local government community.

(6) Mr Gough then referred to the prospect of a number of significant risks including an increase in Covid-19 infections, winter health pressures, the end of the EU/UK transition period on 31 December and severe winter weather occurring concurrently. He said the Government focus was on trader readiness for the ending of the transition arrangements, the development of smart systems for port readiness and traffic management as a contingency. KCC continuing to exert pressure to ensure the timely delivery of solutions and decisions on issues such as enforcement powers. He thought there was still much work to be done in areas such as trader readiness and said that KCC was continuing to work to ensure that Kent was prepared is to the maximum degree possible.

(7) Mr Gough highlighted the launch of the Economic Renewal and Resilience Plan in August 2020. He referred to the government announcement of its Getting Building Fund which included £37million for projects in Kent and Medway. The new Kent and Medway Employment Taskforce would meet on 1 October 2020 and would have a major role to play in linking local businesses with people seeking employment. He referred to the negative impact of Covid-19 on the working community, including the career opportunities for young people, and stressed the importance of working with partners in both the public and private sectors to identify new opportunities for employment, skills development and work experience.

(8) In conclusion Mr Gough referred to the strategic re-set report considered at the County Council meeting in July and stated that the County Council's interim strategic plan, covering the next 18 months, would be submitted to the County Council in the near future.

(9) Mr Bird, the Leader of the Opposition, said the speed at which the number of new cases of Covid-19 had risen appeared to have surprised the Government but it was unsurprising as the Government's confusing messaging had been ignored by many. He acknowledged that the situation in Kent was not as challenging as other parts of the UK, but he referred to the difficulties that Kent residents had experienced in getting a test. He also said it was not the right time to abolish Public Health England and questioned the appropriateness of the person put in charge of its stripped-down successor organisation.

(10) Regarding the return to school Mr Bird paid tribute to school staff, KCC's transport team and bus operators for their hard work. He stated that it would have been helpful if the DfE guidance, including home to school transport, had been provided earlier.

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(11) Mr Bird said that the Government's advice not to use public transport had had a detrimental effect on town centres, with increased congestion and air pollution. He referred to the disappointing announcement by Eurostar that services from Kent would not recommence until 2022 and asked the Leader to press for this service to be restored in 2021.

(12) In relation to the end of the Brexit transition period, and the lack of the necessary infrastructure, Mr Bird said the prospect of thousands of lorries being stuck in the county would be devastating for Kent residents and businesses.

(13) Referring to the proposed devolution white paper, Mr Bird expressed the view that imposing unitary councils on Kent would be totally inappropriate unless it could be clearly demonstrated that they would provide better services and value for money for Kent residents, which he did not believe to be the case.

(14) Mr Farrell, Leader of the Labour Group responded to the Leader's report, by saying that KCC needed national support for the unique services that it provided for UASC arriving at Dover and that the national transfer scheme should be mandatory.

(15) Mr Farrell highlighted the inconsistencies in the steps taken by the Government during the Covid-19 crisis and the ambiguities in its guidance. He referred to the discharge of patients from hospitals into care homes without prior testing and the subsequent dropping of the care home testing pledge. He said it was unfair to blame young people for the rise in Covid-19 cases and emphasised the impact of the failure of the national Test and Trace system and, in particular, the contradiction between the Government encouraging the public to be tested and then blaming the public for having too many tests.

(16) In relation to the economy, Mr Farrell referred to the steps taken by other countries such as, Germany and France to extend their furlough schemes for up to 24 months in recognition of the need of millions of workers for support.

(17) In conclusion Mr Farrell referred to the lack of strategy at a national level in relation to Brexit and Covid-19.

(18) Mr Whybrow, Leader of the Independents Group, acknowledged the strong support that KCC had provided to vulnerable UASC. He agreed with the Leader that the national transfer scheme should be mandatory. He referred to the fake news online and expressed horror at the recent demonstrations by racist groups in Dover.

(19) Mr Whybrow, expressed his thanks to all officers for the work they had carried out to support schools and pupils to ensure they could return to school at the beginning of September.

(20) Mr Whybrow highlighted the consequences of the proposed changes to the planning laws on housing targets and the impact on local democracy. He referred to transport issues including the impact of Covid-19 on bus services, Eurostar not stopping in Kent until 2022 and to the potentially disastrous consequences for Kent residents and businesses following the end of the Brexit transition period.

(21) In conclusion Mr Whybrow, requested the Cabinet Member for Adult Social Services to consider postponing the re-design of the commissioning of wellbeing services particularly given the steep reduction in income for charities due to Covid-19.

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(22) In replying to the comments made by the leaders of the opposition groups, Mr Gough updated Members on the action he had taken in relation to the restitution of Eurostar services at Kent stations. This included a virtual meeting scheduled with the chief executive of Eurostar at which he intended to seek an assurance that services would return to Ashford and Ebbsfleet as soon as possible.

(23) Regarding the return to school Mr Gough reiterated his thanks to school staff, KCC officers and public transport operators who had responded very well to an extremely challenging situation.

(24) In relation to the end of the Brexit transition period, Mr Gough acknowledged the risk of traffic disruption. He stated that the Government was working with KCC and other partners on traffic management proposals. He was continuing to press this issue with the Government with the support of Kent MP's to ensure that the necessary measures were in place and that Kent and its businesses were as well-prepared as possible.

(25) In conclusion, Mr Gough agreed that there was a need to focus on the impact to the economy of the end of furlough in October and referred to the work of the new Employment Task Force.

(26) RESOLVED that the Leaders update be noted.

240 Report Under Section 5 of the Local Government and Housing Act 1989

(1) Mr Watts,, the General Counsel, in his role as Monitoring Officer, introduced his report to County Council under Section 5 of the Local Government and Housing Act 1989 relating to a breach of statutory duties by Kent County Council. The breach had arisen from the unprecedented pressure being placed on KCC by the arrival of unaccompanied asylum seeking children.

(2) In response to a request for an update report, the Chairman undertook to ensure that, following consultation with the Leader of the Council, the leaders of the opposition groups and the General Counsel there would be a report to a future meeting of the County Council.

(3) RESOLVED that the report under Section 5 of the Local Government and Housing Act 1989 be noted.

241 Amendments to the Revenue Budget 2020-21

(1) The Chairman reminded Members that any Member of a Local Authority who was liable to pay Council Tax, and who had any unpaid Council Tax overdue for at least two months, even if there was an arrangement to pay off the arrears, must declare the fact that they were in arrears and must not vote on any matter related to KCC's Budget or Council Tax. The Chairman drew Members attention to the Section 151 Officer's assurance, set out on page 40 of the report, that the budget estimates were as robust as possible in the circumstances and the level of reserves was adequate, as required by the requirements of the Local Government Act 2003

(2) Mr Oakford moved, and Mr Gough seconded the following motion:

The County Council is asked to agree:

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- (a) The amended net revenue budget requirement for 2020-21 of £1,099.9m, up from £1,063.7m in the Original Budget (section 3)
- (b) The individual proposed net spending changes of £36.3m across the Council as summarised in the report and detailed in Appendix A
- (c) Covid-19 additional response spending, income losses, underspends and provisions for potential recovery costs of £72.4m to be held as an unallocated central provision pending confirmation of the full impact of the pandemic
- (d) Revised directorate budgets, financing items and unallocated as per revised revenue budgets (Appendix B of the report) and to delegate:
- (e) Continued responsibility to cabinet members and corporate directors to manage the budget within the parameters set out in the constitution and Financial Regulations.
- (f) Authority to the Corporate Director for Finance (after consultation with the Leader, Cabinet Member for Finance, Corporate & Traded Services and the political group leaders) to resolve any minor technical issues for the final budget publication which do not materially alter the approved budget or change the net budget requirement. This includes approving the distribution of any unallocated amounts within the approved budget; and to note:
- (g) The progress on the review of reserves being conducted by the Council's Corporate Director of Finance.
- (h) The Corporate Director of Finance's opinion on the robustness of the budget estimates and the level of reserves held by the Council (section 6).
- (i) The outcome of the public consultation (Appendix D)
- (j) The financial outlook for later years in the absence of a multi-year settlement from government, significant potential spending growth and impact of recession on future council tax and business rate collection funds and tax base estimates (section 5).

(3) The leaders of the opposition groups were given the opportunity to respond to the budget amendments as set out in paragraph (2).

(4) Mr Bird, leader of the opposition asked for it to be noted in the minutes that the Liberal Democrat Group did not disagree with the proposed budget amendments and believed that the proposed reduction in members' allowances was appropriate in the current situation. He stated his group would not be supporting the proposed recommendations as they did not believe that the County Council should be put in this position by the Government

(5) Mr Whybrow stated that for the reasons set out in his response to the budget proposal he would not be voting for the proposed budget reductions, but he supported the reduction in Members Allowances

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

For (59)

Mrs Allen, Mr Angell, Mr Balfour, Mr Barrington-King, Mr Bartlett, Mrs Bell, Mrs Beresford, Mrs Binks, Mr Bond, Mr Booth, Mr Bowles, Mr Brazier, Mr Butler, Ms Carey, Mr Carter, Mrs Chandler, Mr Chard, Mr Collor, Mr Cook, Mr Cooke, Mr

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Cooper, Mrs Crabtree, Mr Dance, Miss Dawson, Mrs Game, Mr Gibbens, Mr Gough, Mrs Hamilton, Mr Harman, Mr Hill, Mr Hills, Mrs Hohler, Mr Holden, Mr Homewood, Mr Hotson, Mrs Hurst, Mr Kite, Mr Lake, Mr Long, Mr Love, Mr Lymer, Mr Marsh, Mr McInroy, Mr Murphy, Mr Northey, Mr Oakford, Mr Ozog, Mr Pascoe, Mr Payne, Mrs Prendergast, Mr Pugh, Miss Rankin, Mr Rayner, Mr Ridgers, Mr Simkins, Mr Sweetland, Mr Thomas, Mr Whiting, Mr Wright.

Against (9)

Mr Bird, Mr Chittenden, Mr Clinch, Mr Daley, Mrs Dean, Mr Hook, Mr Koowaree, Ida Linfield, Mr Whybrow.

Abstain (5)

Mr Burden, Ms Constantine, Mr Farrell, Mr Lewis and Dr Sullivan.

Motion carried

(7) RESOLVED that:

- (a) the amended net revenue budget requirement for 2020-21 of £1,099.9m, up from £1,063.7m in the Original Budget (section 3 of the report) be approved;
- (b) the individual proposed net spending changes of £36.3m across the Council as summarised in the report and detailed in Appendix A be approved
- (c) Covid-19 additional response spending, income losses, underspends and provisions for potential recovery costs of £72.4m to be held as an unallocated central provision pending confirmation of the full impact of the pandemic be approved;
- (d) revised directorate budgets, financing items and unallocated as per revised revenue budgets (appendix B to the report) be approved;
- (e) continued responsibility be delegated to the cabinet members and corporate directors to manage the budget within the parameters set out in the constitution and Financial Regulations;
- (f) delegated authority be given to the Corporate Director, Finance (after consultation with the Leader, Cabinet Member for Finance, Corporate & Traded; Services and the political group leaders) to resolve any minor technical issues for the final budget publication which do not materially alter the approved budget or change the net budget requirement. This includes approving the distribution of any unallocated amounts within the approved budget;
- (g) the progress on the review of reserves being conducted by the Council's Corporate Director of Finance be noted;
- (h) the Corporate Director of Finance's opinion on the robustness of the budget estimates and the level of reserves held by the Council (section 6 of the report) be noted;
- (i) the outcome of the public consultation (Appendix D to the report) be noted;
- (j) the financial outlook for later years in the absence of a multi-year settlement from government, significant potential spending growth and impact of recession on future council tax and business rate collection funds and tax base estimates (section 5 of the report) be noted.

242 Adoption of the Kent Mineral Sites Plan and modifications to the Kent Minerals and Waste Local Plan 2013 - 2030 resulting from the Early Partial Review

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

“County Council is asked to:

- (i) consider the Inspector’s Report (see Appendix A) on the examination of the Early Partial Review (EPR) and Minerals Sites Plan (MSP) and note and accept his recommended modifications;
- (ii) note the content and recommendations of the Sustainability Appraisals of the EPR and MSP; and
- (iii) adopt the Kent Mineral Sites Plan and modifications to the Kent Minerals and Waste Local Plan (as set out by the EPR) (as modified) as set out in Appendices B and C respectively.

In addition, County Council is asked to:

- (iv) delegate powers to the Corporate Director for Growth, Environment and Transport to approve any non-material changes to the text of the MSP and modifications to the KMWLP (as set out by the EPR) in consultation with the Deputy Leader prior to publication.
- (v) note and agree the future work activities on mineral and waste planning activities as set out in para 6.5 as the basis for a revised Local Development Scheme”.

(2) Following the debate, the Chairman put the motion set out in paragraph (1) to the vote and the voting was as follows:

For (66)

Mrs Allen, Mr Angell, Mr Barrington-King, Mrs Bell, Mrs Beresford, Mrs Binks, Mr Bird, Mr Bond, Mr Booth, Mr Bowles, Mr Brazier, Mr Burden, Mr Butler, Ms Carey, Mr Carter, Mrs Chandler, Mr Chard, Mr Chittenden, Mr Clinch, Mr Collor, Miss Constantine, Mr Cook, Mr Cooke, Mr Cooper, Mrs Crabtree, Mr Daley, Mr Dance, Miss Dawson, Mrs Dean, Mr Farrell, Mrs Game, Mr Gough, Mrs Hamilton, Mr Harman, Mr Hill, Mr Hills, Mrs Hohler, Mr Holden, Mr Homewood, Mr Hotson, Mrs Hurst, Mr Kite, Mr Koowaree, Mr Lake, Mr Lewis, Ida Linfield, Mr Long, Mr Love, Mr Lymer, Mr Marsh, Mr McInroy, Mr Murphy, Mr Northey, Mr Oakford, Mr Pascoe, Mr Payne, Mrs Prendergast, Miss Rankin, Mr Rayner, Mr Ridgers, Mr Simpkins, Dr Sullivan, Mr Sweetland, Mr Thomas, Mr Whiting, Mr Wright.

Against (1)

Mr Hook

Abstain (1)

Mr Whybrow

Motion carried

(3) Members asked that thanks be recorded to Mrs Thompson, Head of Planning, and her team for their work in developing a robust plan and also to Mr Brazier who chaired the cross-party member group.

(4) RESOLVED that:

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- (i) the Inspector's Report (attached as Appendix A to the report) on the examination of the Early Partial Review (EPR) and Minerals Sites Plan (MSP) be noted and the inspectors recommended modifications be accepted;
- (ii) the content and recommendations of the Sustainability Appraisals of the EPR and MSP be noted; and
- (iii) the Kent Mineral Sites Plan and modifications to the Kent Minerals and Waste Local Plan (as set out by the Early Partial Review) (as modified) as set out in Appendices B and C respectively to the report be adopted
- (iv) authority be delegated to the Corporate Director for Growth, Environment and Transport to approve any non-material changes to the text of the MSP and modifications to the Kent Minerals and Waste Local Plan 2013-30 (as set out by the EPR) in consultation with the Deputy Leader prior to publication.
- (v) the future work activities on mineral and waste planning activities as set out in para 6.5 of the report be approved as the basis for a revised Local Development Scheme.

243 Treasury Management Annual Review 2019-20

- (1) Mr Oakford proposed, and Mrs Crabtree seconded the motion that:

“The County Council is asked to note the report “

- (2) The motion as set out in paragraph (1) above was agreed without a formal vote.

- (3) RESOLVED that the Treasury Management Annual Review 2019-20 be noted.

(Mr Gibbens stated that he received a pension from the Australia and New Zealand Banking Group)

244 Functions delegated by Council to officers

- (1) Mr Payne moved, and Miss Rankin seconded the following motion:

“The County Council is asked to agree the recommendation from the Selection and Member Services Committee to amend the Delegation Table in the appendix to the constitution as set out in paragraph 2 of the report.”

- (2) The motion set out in paragraph (1) above was agreed without a formal vote.

- (3) RESOLVED that the recommendation from the Selection and Member Services Committee to amend the Delegation Table in the appendix to the constitution as set out in paragraph 2 of the report be approved