

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 21 July 2011.

PRESENT:

Mrs P A V Stockell (Chairman)

Mr R E King (Vice-Chairman)

Mrs A D Allen, Mr M J Angell, Mr R W Bayford, Mr A H T Bowles, Mr R E Brookbank, Mr J R Bullock, MBE, Mr C J Capon, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mr I S Chittenden, Mr L Christie, Mrs P T Cole, Mr N J Collor, Mr G Cooke, Mr B R Cope, Mr G Cowan, Mr H J Craske, Mr A D Crowther, Mr J M Cubitt, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mrs T Dean, Mr J A Davies, Mr K A Ferrin, MBE, Mr G K Gibbens, Mr R W Gough, Mrs E Green, Mr M J Harrison, Mr W A Hayton, Mr C Hibberd, Mr P M Hill, OBE, Mr D A Hirst, Ms A Hohler, Mrs S V Hohler, Mr P J Homewood, Mr E E C Hotson, Mr A J King, MBE, Mr J D Kirby, Mr J A Kite, Mr S J G Koowaree, Mr P W A Lake, Mrs J P Law, Mr R J Lees, Mr J F London, Mr R L H Long, TD, Mr K G Lynes, Mr S Manion, Mr R F Manning, Mr R A Marsh, Mr R J Parry, Mr R A Pascoe, Mr T Prater, Mr K H Pugh, Mr L B Ridings, MBE, Mr M B Robertson, Mrs J A Rook, Mr A Sandhu, MBE, Mr J D Simmonds, Mr C P Smith, Mr B J Sweetland, Mr R Tolputt, Mrs E M Tweed, Mr M J Vye, Mrs C J Waters, Mr J N Wedgbury, Mrs J Whittle, Mr M A Wickham and Mr A T Willicombe

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

UNRESTRICTED ITEMS

38. Apologies for Absence

The Chairman reported apologies from the following Members:

Mr Brazier
Mr Burgess
Mr Chell
Mr Gates
Mr Jarvis
Mr Northey
Mr K Smith
Mr Snelling
Mr Wells
Mr Whiting

39. Declarations of Interest

(1) Mr Manion declared a personal and prejudicial interest in items 15 (Post-16 Transport Policy) and item 16 (Petition Scheme debate – Extend the Kent Freedom Pass to 16-20 year olds) as he had family Members in receipt of these services; a

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personal and prejudicial interest in item 17 (The alignment of PCT public health staff to KCC and associated Memorandum of Understanding) as his wife ran a medical practice; and a personal interest in item 19 (Motion for Time Limited Debate) because he had a family Member who was eligible to receive this service.

(2) Mr Harrison referred to his Question to the Cabinet Member for Adult Social Care and Public Health under item 5 and declared a personal interest as his mother was resident in one of the older persons' homes in Kent.

(3) Mr Wedgbury declared a personal and prejudicial interest in item 19 (Motion for Time Limited Debate) as he had a family Member in receipt of these services.

(4) Mr Sweetland declared a personal interest in items 17 (The alignment of PCT public health staff to KCC and associated Memorandum of Understanding) and item 18 (Establishing a Shadow Health and Wellbeing Board) as he was a non-executive Director of Kent Community NHS Trust.

(5) Mrs Cole declared a personal interest in item 16 (Petition Scheme debate – Extend the Kent Freedom Pass to 16-20 year olds) and item 19 (Motion for Time Limited Debate), as members of her family were in receipt of these services.

(6) Mrs Whittle declared a personal interest in item 9 ('Bold Steps for Kent' Delivery Framework), as her husband, who was a KCC employee, had been responsible for drafting the main document.

(7) Mr Chard declared a personal interest in item 19 (Motion for Time Limited Debate), as had family members in receipt of these services.

(8) Mr Gough declared a personal interest in item 17 (The alignment of PCT public health staff to KCC and associated Memorandum of Understanding) and item 18 (Establishing a Shadow Health and Wellbeing Board) as he was a co-opted Member (unpaid) of the Kent and Medway NHS Trust Board.

(9) Mr Lynes declared a personal interest in item 16 (Petition Scheme debate – Extend the Kent Freedom Pass to 16-20 year olds) and item 19 (Motion for Time Limited Debate), as he had family members in receipt of these services.

40. Minutes of the meeting held on 12 May 2011, if in order, to be approved as a correct record

Resolved: that the minutes of the meeting held on 12 May 2011 be approved as a correct record and signed by the Chairman.

41. Chairman's Announcements

(a) Death of Mr Derek Dolding

The Chairman stated that it was with regret that she learnt of the death of Mr Derek Dolding on 8 June 2011. Mr Dolding, the former Conservative County Councillor for Margate West, served on the County Council between 1984 and 2005. He was also Chairman of the Kent and Medway Fire Authority from June 2000 to May 2005.

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Mr Hayton, Mr Cope, Mrs Dean and Mr Christie gave tributes to Mr Dolding.

(b) Death of Mr Derek Hawes Richards

The Chairman stated that it was also her sad duty to inform Members of the death Mr Derek Hawes Richards on 23 May 2011. Mr Hawes Richards, the former Liberal Democrat County Councillor for Tunbridge Wells Rural West, served on the County Council between 1985 and 2001.

Mrs Dean gave a tribute to Mr Hawes Richards.

At the end of the tributes, all Members stood in silence in memory of Mr Dolding and Mr Hawes Richards.

After the silence, it was moved by the Chairman, seconded by the Vice Chairman and:

Resolved unanimously: that this Council desires to record the sense of loss it feels on the sad passing of Mr Dolding and Mr Hawes Richards and extends to their families and friends our heartfelt sympathy to them in their sad bereavement.

(c) Queen's Birthday Honours List

The Chairman stated that it was her great pleasure to inform the County Council of the following Awards in the Queen's Birthday Honours list:

Order of the British Empire: Officers of the Order of the British Empire

Mr Rodney Chambers, Leader, Medway Council – for services to Local Government

Mr William Stephen Ferris, Chief Executive, Chatham Historic Dockyard Trust – for services to Heritage

Order of Companion of Honour

The Rt Hon Lord Howard of Lympne CH QC – for public and political services

Commander of the Royal Victorian Order – CVO

Allan Robert Willett, CMG – Lord Lieutenant of Kent

In relation to the outgoing Lord Lieutenant, the Chairman moved, the Vice Chairman seconded and it was:

Resolved Unanimously: that this County Council records its sincere congratulations and gratitude for the way in which the Lord Lieutenant, Allan Willett, has carried out his duties and formally record the sense of pride the County Council has in his achievements as Lord Lieutenant

(d) Lord Lieutenant for Kent

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The Chairman stated that she delighted to advise the County Council that Her Majesty The Queen had been pleased to appoint The Viscount De L'Isle as Her Majesty's Lord Lieutenant for the County of Kent, to succeed Mr Allan Willett when he retires on 24 August 2011. On behalf of all Members, the Chairman offered her sincere congratulations to Lord De L'Isle on his appointment.

(e) The Queen's Awards for Voluntary Service and Enterprise

The Chairman stated that she was pleased to advise the County Council that there were 3 winners of The Queen's Award for Voluntary Service and 5 winners of The Queen's Award for Enterprise based in Kent or Medway. They are:

Voluntary Service Winners:

Brighter Futures for Older People – Maidstone

Health Action Charity Organisation (HACO) – Rochester

National Coastwatch Institution (NCI) Folkestone – Hawkinge

Enterprise Winners

AXA PPP International – Tunbridge Wells

Cares limited - Ashford

Lycored limited – Aylesford

Sleev-it fire systems ltd - Rainham

Checkmate lifting and safety LLP - Sheerness

The Chairman stated that further details of each of these awards had been tabled for Members' Information. She added that, once all of these Awards had been formally presented by the Lord Lieutenant, she intended to invite all of the winners to a reception in County Hall to recognise their achievements.

(f) Employers' Forum on Age and Belief

The Chairman stated that she was delighted to advise the County Council that Kent County Council had won two awards at the recent Employers' Federation on Age (EFA) and Employers' Federation on Belief (EFB) Awards.

KCC's Greenhouse staff group won the "best public sector innovation award" for the work they do in supporting younger members of staff by helping to increase their confidence and skills and provide opportunities for development.

KCC's Community Warden Service won the "best public sector" category for the work they do in supporting and training front line staff on diversity issues, which had a positive impact on maintaining excellent working relationships with local communities.

The Chairman offered her sincere congratulations to the Members and Officers concerned.

(g) Length of speeches

Because of the volume of business on today's agenda, the Chairman proposed, the Vice Chairman seconded and it was agreed that, with the exception of the speeches on the Leader's oral report (item 6) and the Cabinet Member's response to the Petition debate (item 16), speeches on all remaining items be limited to 3 minutes, instead of the usual 5 minutes.

42. Questions

Under Procedure Rule 1.18 (4), 7 questions were asked and responses given.

43. Report by Leader of the Council (Oral)

The Leader updated the County Council on events since the last meeting in May. In particular, he spoke about the huge ongoing challenge being faced in relation to the significant budget reductions across the County Council and he praised the loyalty and hard work of the staff, all of whom had had their pay frozen for a second year. The improvements in Children's Services were still the top priority and he praised the Cabinet Member and Interim Director for leading the excellent progress that had been made.

The Leader also mentioned the excellent progress that had been made in relation to the development of the Pfizer site and the Enterprise Zone in Sandwich.

The Leader stated that huge progress had been made in the achievement of the £95million revenue savings across the County Council in 2011/12 and that a further £90million revenue savings were going to be required for 2012/13 and that a new themed approach to savings was being planned.

The Leader spoke about the opportunities that existed through having a more localist approach to delivering public services and quoted the example of the budget for smoking cessation services and how this could be spent in a more effective and innovative way. Finally, he mentioned KCC's governance arrangements and how he had commissioned officers to suggest ways in which more Members could be involved in contributing to policy debates before decisions are made.

44. Annual Report of the Standards Committee

(1) The Chairman welcomed Mr Peter Gammon, an independent Member of the Standards Committee, to the meeting.

(2) The Chairman moved, the Vice Chairman seconded that the report be formally received.

(3) Mr Gammon stated the standard of conduct amongst Members was very high, which reflected well on the County Council.

(4) There was a discussion about the value of annual reports, which some Members saw as over-prescriptive, restrictive and unnecessary, particularly given the low number of hits that some Members' reports had received on the website; for the majority of Members, there had been no website hits at any time during a 6 month period. At the end of the debate, Mr Gammon stated that both the Standards Committee and the Independent Remuneration Panel thought there was value in some sort of regular reporting from elected Members but had no pre-conceived ideas as to how this should happen and were very receptive to ideas on how to improve the overall process.

Resolved: that the annual report of the Standards Committee be formally received.

45. Progress on Locality Boards

(1) Mr Hill moved, Mr Carter seconded that the report on the progress of establishing Locality Boards be noted.

Resolved: that the report be noted.

46. 'Bold Steps for Kent' Delivery Framework

(1) Mr Carter moved, Mr A King seconded the approval of the delivery framework for 'Bold Steps for Kent'.

Resolved: that the proposed delivery framework for 'Bold Steps for Kent' be approved.

47. Proposed Changes to the Council's Constitution

(1) Mr A King moved, Mr Homewood seconded the approval of various changes to the Constitution as outlined in the report.

Resolved: that (1) Procedure Rule 2.20 (4) be amended as recommended by the Director of Governance and Law (and set out in paragraphs 5 and 6 of the report) in relation to recorded votes at meetings of the Planning Applications Committee;

(2) the Adult Social Services and Public Health Policy Overview and Scrutiny Committee be re-named as the Adult Social Care and Public Health Policy Overview and Scrutiny Committee with immediate effect, for the reasons set out in the report;

(3) the designation of individual officers as statutory and proper officers of the Kent County Council be approved as set out in the attached table and that a new Article 11.10 be approved as set out in paragraph 13 of the report; and

(4) Article 13.3 of the Constitution (Finance, Contracts, Resource Management and Legal Matters) be amended as set out in paragraph 14 of the report.

48. Honorary Freeman

(1) Mr A King moved, Mr Homewood seconded a slightly different recommendation to the one on page 60 of the County Council agenda, as follows:

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“to approve the principle of awarding the title of Honorary Freeman to persons of distinction as described in paragraph 4 of the report and to delegate authority to the Leader and Deputy Leader of the Council and the two Opposition Group Leaders to formulate the criteria for these awards, for determination by the Selection and Member Services Committee”

(2) Mr Christie moved, Mr Cowan seconded an amendment to the recommendations, to the effect that the recipients of this Honorary Award should be given the choice of whether to be called Honorary Freeman or Honorary Freewoman.

(3) The Chairman put the Amendment in (2) above to the vote, whereupon the number of votes cast were as follows:

For (8)

Mr L Christie, Mr G Cowan, Mrs T Dean, Mrs E Green, Mr G Koowaree, Mr T Prater, Mr M Robertson, Mr M Vye

Against (59)

Mr R Bayford, Mr A Bowles, Mr R Brookbank, Mr R Bullock, Mr C Capon, Miss S Carey, Mr P Carter, Mr N Chard, Mr I Chittenden, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr K Ferrin, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr C Hibberd, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr E Hotson, 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 R Long, Mr K Lynes, Mr S Manion, Mr R Manning, Mr A Marsh, Mr R Parry, Mr K Pugh, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mr J Wedgbury, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Lost

Resolved: that the principle of awarding the title of Honorary Freeman to persons of distinction be approved as described in paragraph 4 of the report and authority be delegated to the Leader and Deputy Leader of the Council and the two Opposition Group Leaders to formulate the criteria for these awards, for determination by the Selection and Member Services Committee

49. Acceptance by Kent County Council of Delegation of Fly-Tipping Enforcement Powers

(1) Mr Sweetland moved, Mr Harrison seconded the recommendation on page 64 of the County Council agenda.

Resolved: that (1) Kent County Council affirms its acceptance of delegated executive powers to take enforcement action under the provisions of section 33 Environmental Protection Act 1990 and subsequent associated legislation and that Kent County Council will put these powers into effect either by reaffirming existing agreements or by entering into agreements with other local authorities pursuant to section 101 Local Government Act 1972, section 2 Local Government Act 2000 and the Local

Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2000; and

(2) The Corporate Director of Enterprise and Environment be authorised to discharge the Council's functions under the regulations and to accept the delegation of executive functions in respect of fly-tipping enforcement

50. Quarterly Report On Urgent Key Decisions

(1) Mr Carter moved, Mr A King seconded that the Council notes this report.

Resolved: that the County Council notes that it was necessary to take one urgent key decision in the last quarter

51. Senior Management Structure of the Education, Learning & Skills Directorate

(1) Mrs S Hohler moved, Mr Cooke seconded a slightly amended recommendation to the one on page 73 of the County Council agenda, as follows:

“that the County Council notes the proposed structure for the senior management of the Education, Learning and Skills Directorate and delegates authority for the approval of the final structure to the Managing Director, in consultation with the Cabinet Member for Education, Learning and Skills and the Corporate Director for Education, Learning and Skills, amended as appropriate, following the conclusion of the consultation”

Resolved: that the County Council notes the proposed structure for the senior management of the Education, Learning and Skills Directorate and delegates authority for the approval of the final structure to the Managing Director, in consultation with the Cabinet Member for Education, Learning and Skills and the Corporate Director for Education, Learning and Skills, amended as appropriate, following the conclusion of the consultation.

52. Post-16 Transport Policy

(1) Mrs S Hohler moved, Mr Sweetland seconded the recommendation on page 78 of the County Council agenda.

(2) The Chairman invited Samuel Watkin and Alice Stretch, the Chairman and Vice Chairman of the Kent Youth County Council Transport Sub Committee to address the meeting.

(3) After discussion, it was:

Resolved: that the progress to date for the development of a subsidised Kent 16+ Travel Pass be noted and that further development of the Pass will be done in partnership with the Youth Council and other stakeholders.

53. Petition Scheme Debate: Extend the Kent Freedom Pass to 16-20 year olds

(1) The following individuals addressed the County Council on the above petition.

1. Mr Jamie Potten – the lead petitioner
2. Miss Melanie Sparkes - Petitioner

(2) The Chairman then opened up the debate to the floor and a number of other Members spoke on the petition.

(3) The Chairman then invited the Cabinet Member for Environment, Highways and Waste to respond to the debate and describe how he intended to take the petitioner's concerns forward. Mr Sweetland stated that it was good to see young people participating in a debate in the Council Chamber and he offered his congratulations to the petitioners for being the first people to achieve the threshold of 12,000 signatures for a debate to take place on a County-wide petition. In relation to the subject of the petition, Mr Sweetland stated that there were currently more than 27,000 Freedom Pass holders and the projected cost of the scheme to the County Council was £10.7million in 2011/12, despite the annual fee having increased from £50 to £100 for passes valid from September 2011. He added that the cost of extending the scheme on an equal basis to academic years 12-13 was last estimated in June 2010 at an additional £3m to £4.5m, based on a take up rates of between 6,000 and 10,000 additional passes, which could be exceeded. Mr Sweetland accepted that, once young people reached the age of 16, they were charged an adult fare on buses, which meant a large leap in bus travel costs at that age, from £100 (if an existing Freedom Pass holder) to £490. He referred to the decision taken in June 2008 to extend the scheme beyond year 11 for young people in care and care leavers and also the decision taken in February 2011 to extend the scheme to young carers (who were up to the age of 18) and Kent's Looked After Children, but the cost of extending the scheme universally for 16-20 year olds could not be justified at the current time. Mr Sweetland stated that he imagined there was nothing more frustrating for the young people to be told what could not be done, but be referred to the excellent progress that his colleagues Mr Whiting and Mr Brazier had been made with officers on "the Pass", which the County Council had debated under the previous item and commended this way forward as an effective and sustainable way forward for post-16 travel.

(4) The Chairman advised the petitioners that their concerns had been noted and the issue of post-16 travel would be taken forward as indicated by the Cabinet Member for Environment, Highways and Waste, Mr Sweetland.

54. The alignment of PCT public health staff to KCC and associated Memorandum of Understanding

(1) The Chairman invited Meradin Peachey, Director of Public Health, to deliver her presentation on the transition of public health responsibilities.

(2) Mr Gibbens moved, Mr Gough seconded the recommendation on page 91 of the County Council agenda.

(3) After discussion, it was:

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Resolved: that the alignment of the PCT staff and posts to KCC management structures under the terms of the Memorandum of Understanding, be approved as attached to the report.

55. Establishing a Shadow Health and Wellbeing Board for Kent

(1) Mr Gough moved, Mr Gibbens seconded the recommendations on page 119 and 120 of the County Council agenda.

(2) In response to a question from Mr Christie, the Director of Governance and Law was asked to confirm the situation on the application of the rules on proportionality to the Health and Wellbeing Board.

Resolved: that (1) the Kent Health and Wellbeing Board be established as a Committee of Kent County Council and operate in shadow form until legislation is enacted;

(2) the KCC membership of the Health and Wellbeing Board and the Terms of Reference as set out in Appendix A be approved;

(3) the Board report annually to full Council on its activity and progress over the previous 12 months; and

(4) the Terms of Reference and Standing Orders in relation to the Health and Wellbeing Board be reviewed and amended as necessary; in light of the development of the Board over the next 18 months, its evaluation programme and the publication of relevant legislation and guidance, subject to County Council approval as required.

56. Motion for Time Limited Debate

(1) Mr Prater moved, Mr Vye seconded that:

“This Council believes that the proposal to cut discretionary home-to-school transport to grammar and denominational schools from September 2012 is likely to limit the choice of school and seriously affect the wellbeing of over 5,500 children, young people and their families, and have unpredictable financial consequences to this Council. Council therefore resolves to withdraw these proposals”

(2) After a debate, the Chairman put the Motion to the vote, whereupon the number of votes cast was as follows:

For (8)

Mr I Chittenden, Mr G Cowan, Mr D Daley, Mrs T Dean, Mr G Koowaree, Mr T Prater, Mr R Robertson, Mr M Vye

Against (43)

Mr A Allen, Mr M Angell, Mr C Capon, Miss S Carey, Mr P Carter, 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, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr A King, Mr R King, Mr J Kirby, Mr J Kite,

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Mr P Lake, Mr R Long, Mr K Lynes, Mr S Manion, Mr R Manning, Mr R Parry, Mr K Pugh, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Simmonds, Mr C Smith, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mrs C Waters, Mrs J Whittle, Mr A Wickham

Abstain (1)

Mrs E Green

Lost

57. Minutes for Approval

Resolved: that the Minutes of the meeting of the Governance and Audit Committee held on 30 June 2011, be noted.

58. Minutes for Information

Pursuant to Procedure Rule 1.10 and 1.23(1), the minutes of the Planning Applications Committee meetings held on 10 May and 14 June 2011, the Regulation Committee meeting held on 17 May 2011 and the Superannuation Fund Committee meeting held on 20 May 2011, were noted.