

KENT COUNTY COUNCIL

COUNTY COUNCIL

MINUTES of a meeting of the County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 21 September 2023.

PRESENT: Mr G Cooke (Chairman), Mr B J Sweetland (Vice-Chairman), Mr N Baker, Mr P V Barrington-King, Mr P Bartlett, Mr D Beaney, Mrs C Bell, Mrs R Binks, Mr A Booth, Mr A Brady, Mr D L Brazier, Mr C Broadley, Mrs B Bruneau, Mr S R Campkin, Mr T Cannon, Sir Paul Carter, CBE, Mrs S Chandler, Mr I S Chittenden, Mrs P T Cole, Mr P Cole, Mr N J Collor, Mr D Crow-Brown, Mr M C Dance, Ms M Dawkins, Mrs T Dean, MBE, Mr M Dendor, Mrs L Game, Mr R W Gough, Ms K Grehan, Ms S Hamilton, Peter Harman, Jenni Hawkins, Mr P M Hill, OBE, Mr A R Hills, Mrs S V Hohler, Mr S Holden, Mr M A J Hood, Mr A J Hook, Mrs S Hudson, Mr D Jeffrey, Mr J A Kite, MBE, Rich Lehmann, Mr B H Lewis, Mr R C Love, OBE, Mr R A Marsh, Ms J Meade, Mr J Meade, Mr P J Oakford, Mr J M Ozog, Mrs L Parfitt-Reid, Mr C Passmore, Mrs S Prendergast, Mr H Rayner, Mr O Richardson, Mr A M Ridgers, Mr D Robey, Mr D Ross, Mr A Sandhu, MBE, Mr T L Shonk, Mr C Simkins, Mr M J Sole, Mr P Stepto, Mr R G Streatfeild, MBE, Dr L Sullivan, Mr R J Thomas, Mr D Watkins, Mr S Webb, Mr J Wright and Ms L Wright

IN VIRTUAL ATTENDANCE: Mr M Whiting

IN ATTENDANCE: Mr J Cook (Democratic Services Manager) and Mr B Watts (General Counsel)

UNRESTRICTED ITEMS

166. Apologies for Absence
(Item 1)

The Democratic Services Manager reported apologies from Mr Mike Baldock, Mr Trevor Bond, Miss Susan Carey, Mr Nick Chard, Ms Karen Constantine, Mr Andrew Kennedy, Mr Steve Manion, Mrs Margot McArthur, Mr James McInroy and Mr Derek Murphy.

Members were advised that Mr Mike Whiting had given his formal apologies and was joining the meeting virtually.

167. Declarations of Disclosable Pecuniary Interests or Other Significant Interests in items on the agenda
(Item 2)

The following Members declared an interest in relation to Item 9 on the agenda:

- Mr Hook was a self-employed barrister, and his wife was a Probation Officer although she did not work with young offenders.
- Mr Jeffrey was a member of the Youth Justice Board and would not take part in the debate or vote.
- Dr Sullivan's husband was Deputy Leader of Gravesham Borough Council and Chair of the Gravesham Community Safety Partnership.
- Mr Sandhu was a Trustee of the Kent Equality Cohesion Council.

168. Minutes of the meeting held on 13 July 2023 and, if in order, to be approved as a correct record
(Item 3)

RESOLVED that the minutes of the meeting held on 13 July 2023 be approved as a correct record.

169. Corporate Parenting Panel - Minutes for noting
(Item 4)

RESOLVED that the minutes of the meeting of the Corporate Parenting Panel held on 31 May 2023 be noted.

170. Chairman's Announcements
(Item 5)

Mr Leyland Ridings

- (1) The Chairman reminded Members that following the sad passing of Mr Leyland Ridings, MBE, the Council resolved at its meeting on 13 July a motion of condolence.
- (2) The Chairman welcomed Mr Ridings' daughter and grandson to the meeting and offered, on behalf of the Council, his heartfelt sympathies for their loss.
- (3) The Chairman provided a personal tribute to Mr Ridings. He explained that Mr Ridings was elected to the Council in 1997 where he first worked in the area of Children, Young People and Education. He said Mr Ridings was always knowledgeable and helpful with a great sense of humour and his passion for helping young people to be the very best that they could be was always apparent.
- (4) The Chairman invited Members to speak, and tributes were made by Mr Gough, Dr Sullivan, Mr Lehmann, Mrs Dean and Sir Paul Carter.

Local Cricket

- (5) The Chairman was pleased to inform Members that the Leeds & Broomfield Cricket Team played in the Voneus Village Cup Final on 3 September 2023 at Lord's Cricket Ground in London. Whilst victory was elusive, the Chairman congratulated the team on their achievement.

171. Questions
(Item 6)

In accordance with Sections 14.15 to 14.22 of the Constitution, 16 questions were submitted by the deadline and 15 questions were put to the Executive as one questioner had given apologies, 11 questions were asked, and replies given. A record of all questions put and answers given at the meeting is available [online](#) with the papers for this meeting.

Questions 10, 13, 14, 15 and 16 were not put in the time allocated but written answers were provided.

172. Report by Leader of the Council (Oral)
(Item 7)

- (1) The Leader opened his report by referring to the financial situation of the Council and of councils across the country. He said the issue was considered at the Council's Cabinet meeting on 17 August and he highlighted the importance of addressing the matter early, particularly in consideration of recent announcements and news reports from across the sector.
- (2) Mr Gough said Section 114 notices issued so far by local authorities included evidence of severe mismanagement and often involved poor investment decisions or specific failings. He said the sector was now facing a wider set of pressures which impacted on adult social care, children's social services placement costs and home to school transport (particularly in relation to SEND (Special Educational Needs and Disabilities)) and, for district and unitary authorities, temporary housing costs.
- (3) The Leader said the unsustainable pattern of spending and financing in local government, that he and the Leader of Hampshire County Council jointly wrote to Ministers about last year, remained. He said several management actions were being taken to address the in-year pressures that the Council faced, and significant progress was being made.
- (4) He explained that a medium- and longer-term plan, 'Securing Kent's Future', would address the build-up of pressures for 2024/25 and beyond, and was built on a detailed understanding of the drivers of budget pressures, comparisons between the Council's own position and that of other councils, and the sector as a whole. 'Securing Kent's Future' would address policy and practice, high costs placements measures, uses of technology, the Council's cost base and its partnership with the NHS. Mr Gough said there

were sector wide pressures of growing intensity and although they would be addressed with government, 'Securing Kent's Future' sought to do everything it could within the Council's power.

- (5) Mr Gough turned to Unaccompanied Asylum Seeking Children (UASC) and the Council's legal obligations. He explained that the High Court judgment of 27 July 2023 coupled with large scale arrivals meant that the number of UASC in the Council's care had risen rapidly and this potentially had financial, service, and safeguarding implications for the Council. He said an effective operation of the National Transfer Scheme would enable the Council to deliver on all its statutory duties and the Council continued to raise the financial and service challenges with national government. He and the Cabinet Member for Integrated Children's Services, along with senior officers, recently held a constructive meeting with relevant ministers, however detailed and practical steps to address the challenges were awaited. Mr Gough said the Council had a proud record of sustaining outstanding children's services and he paid tribute to the exceptional dedication of staff who were working long hours under great pressure.
- (6) The Council's expression of interest for a devolution deal was submitted to government on 4 August 2023. Mr Gough emphasised that the Council's approach should be as inclusive as possible, and it was important not to focus on structures but on the needs of Kent and Medway.
- (7) The Leader said Operation Brock was implemented on 13 July 2023 and removed towards the end of August following close monitoring by the Kent Resilience Forum. The longer-term issue, in particular the introduction of the Entry Exit System (EES) in a year's time, continued to be addressed with government.
- (8) On Reinforced Autoclave Aerated Concrete (RAAC), Mr Gough said Mr Love had briefed Members extensively regarding this. He noted with pride the proactive work that had been done and commended and thanked the officers involved who had worked very closely with a variety of schools.
- (9) The SEND Accelerated Progress Plan was published on 8 September. Mr Gough stressed the Council was focussed on making long term sustainable changes for the benefit of all children and young people with SEND and their families. He said two new special free schools for children with profound severe and complex needs had been approved by the Secretary of State and established in Swanley and Whitstable.
- (10) The Leader highlighted projects that had been shortlisted for awards in terms of innovation and social inclusion, including the delivery of the Household Support Fund, a food voucher scheme over the summer, and support with energy bills during winter. Money Advice Hubs continued to grow as more residents took up support.
- (11) Finally, the Leader referred to the deployment of the Bus Service Improvement Plan (BSIP) funding over the summer months which provided

free travel for the Kent Big Weekend, concessionary fares before 9.30am and a family ticket for low-income families. Details of tranche 2 of BSIP would be brought to Environment & Transport Cabinet Committee in November.

- (12) The Leader of the Labour Group, Dr Sullivan, joined the Leader in thanking officers for their proactive work in relation to RAAC.
- (13) Dr Sullivan commented on the changes made within the Cabinet, the timing of the changes, and welcomed the new Cabinet Members to their roles.
- (1) Regarding the Council's financial position Dr Sullivan referred to councils who had acted earlier to reframe services and balance adult social care budgets. She hoped large budget cuts affecting residents and services were not planned and that costs would not be passed on. She spoke about the length of time the Conservative party had been in control at the Council and in government, questioned who was to blame for the financial position that the Council faced, and suggested the Administration's solution hinged on extra taxes including those that a Mayoral Combined Authority would bring. She condemned the Administration's choices to protect payroll vote, commissioning rather than children and young people services, and market premiums rather than community wardens or youth services.
- (2) Dr Sullivan questioned when there would be a solution from government regarding UASC and suggested this be found by the calling of a general election.
- (3) Dr Sullivan said the SEND Accelerated Progress Plan would be scrutinised at the next SEND Sub-Committee and she highlighted the Key Performance Indicator - 'Percentage of pupils with issued EHCP with mainstream school placement' - and asked how the December 2023 target would be reached, who decided where children needed to be, and where the children's needs ranked within that priority.
- (4) Mr Lehmann, Leader of the Green and Independent Group, spoke about climate change. He said the hottest summer on record, globally, had been recorded in Phoenix Arizona and referred to the impacts of wildfires in America and record-breaking heat in southern Europe. He commented that the UK experienced a cool summer overall which may have led people to misunderstand the gravity of the situation.
- (5) Mr Lehmann referred to the government's change of direction on longstanding climate pledges including the requirement for landlords to improve the energy efficiency of rented homes (which would cut millions of tons of carbon emissions across the UK and save billions of pounds in energy bills), the installation of heat pumps, and the sale ban of new petrol and diesel cars.
- (6) Mr Lehmann referred to Small Modular Reactors (SMRs) and Dungeness as a potential site for nuclear power. He said the unit cost of nuclear power

was approximately double the cost of wind and solar and the lead times for SMRs were greater than for renewable energy production. Mr Lehmann reiterated a point he made at the Council budget meeting in February regarding the meeting of net zero goals for Kent for 2050 and estimated that the cost of nuclear waste disposal for the UK was approximately £260billion.

- (7) Mr Lehmann referred to the Council's finances and commented on the mixed messages being received regarding this from various sources.
- (8) He echoed the Leader's comments on RAAC and thanked the officers and Members who took rapid action to keep disruption for pupils in Kent to a minimum.
- (9) Finally, Mr Lehmann thanked those Members of the Administration who voted in favour of his group's motion at the last Full Council meeting on disposable e-cigarettes.
- (10) Mr Hook, Leader of the Liberal Democrat Group, also welcomed the new Cabinet Members.
- (11) Mr Hook paid tribute to Council staff who had been working hard to deal with the UASC crisis. He said the county was proud of its duty, alongside the rest of the nation, to receive refugee children and said they were welcome in Kent. He said the responsibility to care for refugee children was a national, rather than local authority, responsibility and changes to the primary legislation were required, including an efficient National Transfer Scheme and safe and legal routes for refugee children. He thought there was agreement between the political groups on this but was disappointed to hear that not all Kent MPs had attended the KCC briefing. He said he would be lobbying his party regarding the crisis and appealed to Members to do the same.
- (12) Mr Hook turned to local government finance and said his group looked forward to seeing the results of the Council's budget consultation and to ensuring that proposals for savings were not costs passed on to Kent people or other parts of the Council. He referred to property investments in relation to bankrupt councils and commented on the plan for the future of Sessions House.
- (13) Mr Hook spoke about RAAC within schools, and the uncertainty felt by parents. He commented on the government taking responsibility for schools and believed that local councils should oversee local schools.
- (14) In relation to SEND Mr Hook paid tribute to all the staff working hard in this area. He noted that there were just two Family Hub pilots so far and more information was needed.
- (15) Mr Hook noted the inconvenience of Operation Brock on not just the M20, but also the M2, and said the red tape needed to be lifted so that people could once again easily cross the Channel.

- (29) The Leader responded to some of the points raised. Regarding net zero and environmentalism he said the Council's policy was not at the expense of residents and the pressures they were under but one of practical environmental protection, in which the Council had a proud record.
- (30) In relation to SMRs, Mr Gough clarified that if an energy transition was to be made it would not be a case of choosing between either nuclear energy or renewable energy. He said the evolution of national policy, which included the role of SMRs, had changed the situation in Dungeness and a very good working relationship had developed with the district council.
- (31) Mr Gough responded to comments about the Council's finances. He explained that discussions had taken place for some time before the letter with Hampshire County Council was sent to Ministers. He said there was a difference between some of the more dramatic media reports and the pressures the Council faced along with those the local government sector overall faced. He recognised this was a significant short, medium, and long-term problem to which a response was being rolled out.
- (32) The Leader referred to Mr Hook's comments about the future of Sessions House and said updates had been reported to the Policy & Resources Cabinet Committee. He explained that the best solution in relation to value and the interests of the Council and its residents would be explored, and the next stage included further market testing.
- (33) Mr Gough agreed that the Group leaders had a shared view regarding the need for an efficient National Transfer Scheme to enable the Council to discharge its statutory responsibilities and said that case would continue to be made. He clarified that engagement with Kent Members of Parliament was very good and a meeting had taken place to which some had attended or sent representatives. A note was also circulated setting out the situation and some Members of Parliament had subsequently been in touch.
- (34) Finally, the Leader thought all the Group Leaders recognised that Operation Brock was not an ideal solution and that there were significant impacts on residents, but it was the best solution under the circumstances. He said the arrival of the Entry Exit System (EES) could add to the complexities that the Council faced but emphasised that work continued with national government to address this.
- (35) RESOLVED that the Leader's report be noted.

173. Section 5 Report - UASC
(Item 8)

- (1) The Monitoring Officer provided an explanation of the Section 5 report and answered technical questions from Members.

- (2) Mr Watts said he would consider, with the Cabinet Member and officer colleagues, a request made by Mrs Dean.
- (3) RESOLVED that the County Council notes the report.

174. Kent Partnership County Youth Justice Plan 2023/24
(Item 9)

- (1) Mrs Chandler proposed, and Mr Ross seconded the motion that
“The County Council approves the Youth Justice Plan.”
- (2) The Chairman put the motion set out in paragraph 1.
- (3) RESOLVED that the County Council approves the Youth Justice Plan.

The Labour Group, Rich Lehmann, Mr Campkin, Mr Stepto and Jenni Hawkins asked for their votes to abstain from the recommendation be noted in the minutes.

175. Treasury Management Annual Report - 2022 - 23
(Item 10)

- (1) Mr Oakford proposed, and Mr Rayner seconded the motion that
“The County Council notes the report.”
- (2) Following the debate, the Chairman put the motion set out in paragraph 1.
- (3) RESOLVED that the County Council notes the report.

176. Motions for Time Limited Debate
(Item 11)

Motion for Time Limited Debate 1 – ‘Boys Need Bins’

- (1) Mr Sole proposed, and Mr Passmore seconded the following motion for time-limited debate:
 - a. This Council believes that it is important to make life more comfortable and dignified for those who suffer from incontinence.
 - b. This Council supports the provision of sanitary bins in all toilets the authority manages so that waste products can be disposed of in a discreet and hygienic manner.
 - c. To recommend to the Executive:
 - a. All toilets managed by this authority, whether for public or internal use, have at least one sanitary waste bin.

- b. To encourage other authorities in Kent to provide sanitary waste bins in all their managed toilets.”

(2) Mr Oakford proposed, and Mr Watkins seconded the following amendment:

- a. This Council believes that it is important to make life more comfortable and dignified for those who suffer from incontinence and welcomes the pilot for sanitary provision of products related to male urinary incontinence that is currently being undertaken by KCC.
- b. This Council supports a review and exploration of the provision of sanitary bins or alternative sanitary solutions in all toilets the authority manages so that waste products can be disposed of in a discreet and hygienic manner.
- c. To recommend to the Executive:
 - a. That the outcome of the pilot and further understanding of the issue of wider provision in toilets in Kent and the impact of male urinary incontinence is explored further by the Health Reform and Public Health Cabinet Committee.
 - b. That the outcome of the investigation by the Health Reform and Public Health Cabinet Committee also feeds into the review of the KCC estate for consideration by the Cabinet Member for Finance, Corporate and Traded Services, and by the Policy and Resources Cabinet Committee if so required, for consideration of any changes to our existing policy that will be required for wider implementation in light of the pilots and subsequent reports.
 - ~~a. All toilets managed by this authority, whether for public or internal use, have at least one sanitary waste bin.~~
 - ~~b. To encourage other authorities in Kent to provide sanitary waste bins in all their managed toilets.~~

(3) Following the debate, the Chairman put the amendment set out in paragraph 2 to the vote.

Amendment carried.

(4) The Chairman put the substantive motion set out in paragraph 2 to the vote.

Substantive Motion carried.

(5) RESOLVED that:

- a. This Council believes that it is important to make life more comfortable and dignified for those who suffer from incontinence and welcomes the pilot for sanitary provision of products related to male urinary incontinence that is currently being undertaken by KCC.

- b. This Council supports a review and exploration of the provision of sanitary bins or alternative sanitary solutions in all toilets the authority manages so that waste products can be disposed of in a discreet and hygienic manner.
- c. To recommend to the Executive:
 - a. That the outcome of the pilot and further understanding of the issue of wider provision in toilets in Kent and the impact of male urinary incontinence is explored further by the Health Reform and Public Health Cabinet Committee.
 - b. That the outcome of the investigation by the Health Reform and Public Health Cabinet Committee also feeds into the review of the KCC estate for consideration by the Cabinet Member for Finance, Corporate and Traded Services, and by the Policy and Resources Cabinet Committee if so required, for consideration of any changes to our existing policy that will be required for wider implementation in light of the pilots and subsequent reports.

Motion for Time Limited Debate 2 – Youth Services

- (1) Dr Sullivan proposed, and Mr Brady seconded the following motion for time-limited debate:

“The County Council resolves to:

- a. Recognise and support the pivotal role the youth sector plays in delivering wider societal benefits, both nationally and in Kent;
- b. Recognise that the young people of Kent are experiencing a number of challenges and that access to high-quality youth provision will help them to overcome these types of challenges;
- c. Recommend the removal of the needless back office commissioning and monitoring costs to youth work provision as being surplus to requirements and add this as a saving;
- d. Recommend that the Executive continue funding youth services in the districts and Boroughs of Kent after the commissioned service contracts expire next year by identifying alternative savings up to the value of the proposed cut of £913,000. For example, the necessary savings could be achieved by (not exhaustive list):
 - i. Removing Deputy Cabinet Members (-£167,200)
 - ii. Reducing the number of Cabinet Members in the GET Directorate to two Cabinet Members (-£65,862)
 - iii. Abolishing market premia payments for senior staff graded KR13 and above (-£219,300)
 - iv. Restructuring Senior Management to adopt a Chief Executive Model without Corporate Directors (-£259,400) and a reduction in the associated support staff (-£212,500).
- e. Recommend that all frontline revenue monies preserved via the above arrangement are reinvested in each and every District and Borough as in-house youth provision, thereby retaining the existing youth work offer by expanding their youth work teams.

- f. Recommend that the Executive do not propose any further cuts to youth services as part of setting a balanced budget for 2024/25, recognising that these should be a spending priority for the Council; and
 - g. Recommend that the Executive move away from short-termism around youth service spending and consider, where possible, investing more heavily in preventative youth services over the medium-term, recognising the economic value and return on investment that this will generate, as well as the future savings offered through reduced demand for high needs / crisis intervention services in KCC and the wider public sector.”
- (2) Mr Lewis raised a Point of Order regarding the voting capacity of Deputy Cabinet Members on the motion and the Chairman clarified that all Members may vote.
- (3) Following the debate, the Chairman put the motion set out in paragraph 1 to the vote.

Motion lost.