



COUNTY COUNCIL - THURSDAY, 26 MARCH 2015

ITEM 5 – COUNTY COUNCIL QUESTIONS AND ANSWERS

This page is intentionally left blank

Question 1

COUNTY COUNCIL

Thursday 26 March 2015

**Question by Colin Caller to
Matthew Balfour, Cabinet Member for Environment & Transport**

I, along with the residents of the road, welcomed Mr Brazier's intervention to get some street lights turned on in The Warren, Gravesend following representation from the residents about their concern over safety and their fear of crime.

Will Mr Balfour assure Members of this chamber that this common sense approach to having some street lights on will be applied equally to all the other residents of Kent that have voiced concerns over their fear of safety and crime.

Answer

Concerns raised about part-night lighting are considered on a case by case basis, the process involves liaison with Kent Police.

The four street lights in The Warren, Gravesend were restored to all-night lighting after careful consideration of the circumstances that were apparent at that particular location. One factor was that Kent Police had made us aware of an incident that occurred during the night shortly after the lights were converted to part-night operation. Preferring to err on the side of caution some lights were converted back to all-night lighting.

To be consistent across Kent, and working with Kent Police, we will undertake future work on reviewing the criteria that will trigger a reversal to full night lighting in any area. These revised criteria would go before a future meeting of the Environment and Transport Cabinet Committee.

Going forward, we have said that all-night lighting will return as part of the proposal to convert the County Council's entire stock of street lights to LED. Conversion will begin in late 2015/early 2016 with residential areas being done first. This element of the works will take 12 months to complete, the entire scheme will take 3 years to implement.

COUNTY COUNCIL

Thursday 26 March 2015

**Question by Tom Maddison to
Graham Gibbens, Cabinet Member for Adult Social Care and Public Health**

In the light of the recent highly critical report by Gareth Arnold in Kent On Line (14th January 2015) regarding the use by KCC of the so called `dynamic purchasing system` to commission and provide residential care services for the elderly and vulnerable residents of Kent. Would the cabinet member please inform members and the public how this ebay style of on line system where council approved homes are invited to participate in a timed online auction, in which managers bid down against each other to secure the contract does in fact provide the best possible quality care for the vulnerable person in need of residential care in our county?

Answer

I want to thank Mr Maddison for his question and for the opportunity to publicly correct the misinformation about how this council arranges care for some of the most vulnerable people in the county who need long term residential and nursing care.

When someone needs such care, we discuss with the individual and their family their preferred location or any particular homes that they may have already considered. Fully anonymised details of the person's needs are then shared with providers in the desired area and other homes they are interested in. These homes then confirm if they can meet the individual's needs and have place available.

The council's new contract with care homes, and the associated dynamic purchasing system, enables us to rank providers based on quality and cost. This ranking is updated monthly with regular performance information and when new providers join the contract.

The ranking and the indicative cost of the suitable homes are provided to the individual and their family so they can decide which homes to visit and, subsequent to these visits, the homes confirm the actual cost. Individuals and their families are then able to make a final decision based on up to date quality and performance information along with accurate figures of the cost and what, if any top up payment may be required. This also provides much greater transparency on the public cost of arranging this care.

There is a timed element to the homes responding on the dynamic purchasing system but this is due to the need to arrange such care in a timely manner. I can categorically assure the individuals who need this care, their families and all members that this is not a reverse auction. It is a way of providing individuals and their families greater information and hence greater control over meeting their needs, while also ensuring the council uses its limited resources as effectively as possible.

COUNTY COUNCIL

Thursday 26 March 2015

**Question by Zita Wiltshire to
John Simmonds, Cabinet Member for Finance and Procurement**

What would the financial implications be for Kent County Council if the Government's proposal to amalgamate funds or direct where we could invest go ahead?

Answer

The Government is quite right to be looking at the effectiveness of how the LGPS operates. Independent research undertaken recently shows that over the last 10 years only about one third of the LGPS funds added value if we take into account the fees paid to investment managers – I'm pleased to say the Kent Fund under the leadership of James Scholes was one of those which had.

So rather than look to amalgamate Government should be looking at the issue of the under performers.

We have made these comments strongly back to CLG and as yet there are no firm proposals to amalgamate.

We would need to look very carefully at any suggestion from Government as to where we should invest. We should not depart from the core principles of needing liquidity to pay pension payments and maximizing income and capital growth from our investments.

COUNTY COUNCIL

Thursday 26 March 2015

**Question by Roger Latchford to
Paul Carter, Leader of the Council**

I am sure the whole Chamber shares my concern following the findings of the Small Airport Report, especially so considering our unanimous support for Manston as an Airport in the July Council

The report concluded that the Leader's remarks in Sep 2014 concerning the support for Messrs Musgrave and Cartner were inconsistent with that July motion and that KCC failed to fulfil its strategic oversight function as the local transport authority in resolving one off, complex cases involving national significant transport assets.

Does the Leader accept that responsibility and at the same time share the Select Committee and this Council's determination to save Manston as an airport if a route can be found?

Answer

I have just published a document which fully answers Mr Latchford's County Council Question, this sets out the history of Manston Airport under private ownership, the story to date and future prospects. Copies have been sent to all County Councillors

I now quote the key points from that report that provide evidence that my remarks and actions were totally consistent:

Paul Carter read extracts from the report which can be found on the website

http://www.kent.gov.uk/__data/assets/pdf_file/0003/29541/Manston-Airport-position-statement.pdf

COUNTY COUNCIL

Thursday 26 March 2015

**Question by George Koowaree to
Gary Cooke, Cabinet Member for Corporate and Democratic Services**

This Council has a statutory duty under Section 17 of the Crime and Disorder Act to consider community safety in all its work and up until 2011 was providing staff with a handbook, training and DVD. This was an example of good practice that due to changes in personnel was not continued and following discussion with the Learning and Development Team this is now being converted to an online training module.

Due to ongoing changes in the Council can the Cabinet Member for Corporate and Democratic Services instruct a Learning and Development audit with all directorates to ensure that staff are receiving the training that they require and ensure that the Council is carrying out its statutory duty for the people of Kent?

Response

The Council takes its responsibility under Section 17 of the Crime & Disorder Act very seriously and I confirm that the handbook and DVD you mention were previously provided electronically and via an induction DVD which was developed in partnership with our Community Safety colleagues.

In order to ensure we continue to meet our statutory requirements, the approach to delivering this is currently under review and will be included as part of the refreshed e-induction offering. This will capture all new appointees and provides an opportunity for all staff to reacquaint themselves with the responsibilities and core principles contained within Section 17.

As well as this, the contents of the section 17 handbook are under revision and will become an e-learning module. This will enable us to monitor uptake and if appropriate make completion of this module mandatory for all staff, as previously agreed for Information Governance.

Work has already commenced on e-induction and will be completed by 1st April. The e-learning module will be part of the current programme of e-learning developments which are being designed this year, of which Section 17 is a priority.

COUNTY COUNCIL

Thursday 26 March 2015

**Question by Brian Clark to
Matthew Balfour, Cabinet Member for Environment and Transport**

After the welcome news that the troubled Safe and Sensible Street lighting scheme will be abandoned and all night street lighting re-established in Kent, there followed a complete lack of clarity concerning when residents should expect to see the return of full night lighting.

To draw a line under this confusion, would the newly appointed Cabinet Member for Environment and Transport please provide a detailed statement confirming the position on this important matter. I would ask that his answer to my question includes his reasons for returning to all night lighting, confirms that full public consultation will be required for the change in policy, informs members under what circumstances re-instatement of all night lighting will begin, and when it will be completed.

Answer

The County Council is planning to upgrade and modernise its entire stock of street lights at a cost of £40m, subject to procurement. This involves converting the street light lanterns to LED with Central Management System (CMS). CMS will enable total control of street lighting, including switching on/off, dimming, automatic fault reporting and monitoring energy use, at the flick of a switch, unlike the current labour intensive process of needing to visit each column.

The modernisation of the stock, and implementation of CMS, will deliver significant savings meaning that returning to all-night lighting is both viable and affordable as energy costs will be much reduced and hence the loss of savings thus far will be largely offset. However, lights may be dimmed after peak hours when they are least needed, but the street scene will remain fully visible.

As part of the upgrade we will review the existing street lighting policy and establish the extent of any consultation that may be required.

We have secured £22m of interest-free loan from Salix (an agency of the Department of Environment and Climate Change) and have applied to Department for Transport for grant funding. We are also pursuing funding from the EU. However, the County Council has undertaken to underwrite any funding gap. We are in the process of developing the scheme, and the conversion works will start in late 2015/early 2016. We intend to convert the lights in residential areas first and anticipate that this element of the works will be completed in around twelve months. Exact details will be developed in liaison with the successful contractor and communicated to the community. Main routes and town centres will then follow with the whole scheme being completed in around three years.

A communication strategy is being developed to ensure that Members and the community are provided with regular updates on the progress of the scheme.

COUNTY COUNCIL

Thursday 26 March 2015

**Question by Martin Vye to
Matthew Balfour, Cabinet Member for Environment and Transport**

Given the recent well-publicised accident on the Wincheap roundabout in Canterbury, causing serious injuries to a cyclist; and given that KCC is committed to promoting cycling across the city, will the Cabinet Member for Environment and Transport order a rigorous computer-simulation exercise, to determine whether traffic lights, rather than a roundabout, would enhance cyclist safety at this crossing-point?

Answer

KCC has worked closely with CCC to develop a network of cycle routes which are away from main roads and use crossing points where cyclists are separated from heavy traffic. These routes are preferable to providing cycle facilities on heavily trafficked roads.

I agree that the removal of Wincheap roundabout and replacement with traffic signals will undoubtedly provide an easier route through the junction for cyclists. Modelling would be required to determine how efficiently the junction would perform for all road users and at present it is expected that future developers of the Wincheap Retail Estate would fund this modelling, and ultimately would fund the scheme to provide the traffic signals.

At present we have no identified internal budget to undertake either the modelling or the provision of the traffic signals and it is therefore unlikely that this could come forward in advance of a developer.

COUNTY COUNCIL

Thursday 26 March 2015

**Question by Gordon Cowan to
Roger Gough, Cabinet Member for Education and Health Reform**

Furness school is a specialist school for high functioning children suffering from Autistic Spectrum Disorder.

There was a consultation launched by the interim Executive Board of Furness school and Kent County Council on a proposal to close the school, that consultation closed yesterday.

There have been a number of reasons why Kent County Council believe they should close Furness Specialist school. The main reason for closure provided is that the schools current deficit of £1.6million accrued in just two years is unsustainable.

I don't know who was responsible for the finances at the school but can the Cabinet Member explain to this Council how this deficit situation was allowed to happen, given the supposedly strong monitoring procedures operated by KCC which should never have allowed it.

Answer

The monitoring process for Furness School was robust and clearly identified the financial issues and risks. However, pupil numbers steadily decreased while the focus on standards and school improvement was designed to increase the school's ability to attract more pupils. This is a delicate balance in a school experiencing difficulties, and in the case of Furness more challenging because of the specialist nature of the provision. KCC attempted to give the school every opportunity to improve its numbers and its financial position. Any earlier attempt to balance the budget in too short a timescale would have placed limitations on the provision for the pupils, who are our first priority. A significant budget reduction would have impacted on the quality of provision and standards for the pupils in a very damaging way. When it became clear the situation was not looking recoverable the decision was made to propose closure.

A number of factors have led to the current financial position for Furness School:

- In April 2013 the Department for Education introduced a new funding system for high needs pupils, attaching a defined amount to each individual pupil. The money is allocated in two ways – a flat “place” element of £10,000 and ‘top up funding’ to reflect the varying needs of individual pupils. The top-up funding for day pupils at this school is on average £16,000 but for the residential pupils the average is nearer £50,000.
- The majority of the budget is based upon pupil roll, so schools with low pupil numbers receive correspondingly low funding settlements. As pupils leave or join

the school at various times during the year, the top up funding also changes as it follows individual pupils. This new national funding system for Special schools means the in-year budget position can be extremely volatile. There is a complete disconnect between this new system and schools' ability to adjust their costs rapidly, as those costs are primarily staffing. Like many other Local Authorities KCC and The Schools Funding Forum lobbied the DfE against these changes, as did Kent Special schools but unfortunately to no avail.

- The decision to place a moratorium on new pupil placements for a year after the school was placed in Special Measures also contributed to the school's worsening financial position, however the moratorium was adopted as a strategic measure to provide an environment in which standards would be improved and Special Measures removed. This was successful in delivering that aim.
- Redesignation of the school during 2014 to meet the needs of higher functioning ASD pupils was expected to produce an upturn in pupil numbers at the school. However this has not resulted in enough extra pupils being admitted due the exercise of parental preference and there are no indications this will change significantly from September 2015.
- The flexibility KCC had to provide financial support to schools in facing such difficulties was also removed in the 2013 government school funding changes. The staffing costs of any school are the most significant factor of the annual revenue budget and so it is an extremely unfortunate outcome that the necessary retention of staff, coupled with low pupil numbers and the significant changes in the funding methodology in recent years, has led to the current position.

Regrettably KCC was left with no other option but to propose closure, but is using the consultation process to explore other possibilities to make provision for the pupils and for ASD needs in West Kent.

COUNTY COUNCIL

Thursday 26 March 2015

**Question by Chris Hoare to
Paul Carter, Leader of the Council**

Over the last five years our youths and local unemployed in my division has suffered because we are the only county in the country to have removed local labour and training KPIs requirements from our Contractors working on our infrastructure projects on the basis that they were illegal under EU law.

This has opened the door to aggressive tax avoidance scheme by some KCC contractors who use foreign agency labour. Who was the Cabinet Member who authorised the removal of these KPI's requirements?

Answer

Through the Local Government Act 2000, local authorities have had a clear legal basis for incorporating community benefits, including targeted recruitment and training, into public contracts by means of the well-being powers and KCC actively pursues this option. We include KPIs in contracts to ensure this is delivered.

I have no evidence that we are any different to other councils in our approach to this and would be grateful if the member could provide any evidence he has to the contrary.

As an example of the KPIs we include in our contracts the term highway maintenance contract has clauses and performance indicators that require a minimum of 60% of direct labour to be from a Kent post code and currently this is running in excess of 95%. It also requires that 3% of the local workforce are apprentices and this is currently in excess of 4%. The Contract also encourages the use of local SME's wherever possible.

Of course any such provisions do have to have due regard to the EU public procurement regime against discrimination but these are not an obstacle to opening up the supply chain to local SMEs and maximising local employment. In fact the new Public Contracts Regulations 2015 from the EU have significantly relaxed the restrictions on discrimination and now allow greater freedom on the inclusion of Social Value clauses in procurement contracts.

The Council's Commissioning Framework approved by the County Council clearly states under Principle 9, that "We will maximise social value" including "Local Employment", and "Buy Kent First", creating local employment and training opportunities and buying locally where possible to reduce unemployment.