



**COUNTY COUNCIL – THURSDAY 21 MAY 2015**

**ITEM 7 – COUNTY COUNCIL QUESTIONS AND ANSWERS**

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**Question 1****COUNTY COUNCIL****Thursday 21 May 2015****Question by Nicholas Bond to  
Matthew Balfour, Cabinet Member for Environment & Transport**

Although the Highways Agency is responsible for motorways, KCC is responsible for all other roads. Kent is drowning in a sea of litter and our roads need to be cleared. Can the Cabinet Member for Environment and Transport advise us on what action is being taken to address this issue?

**Answer**

Firstly it is important to note that litter collection on the KCC highway network is entirely the responsibility of the District Councils. That being said we take environmental matters very seriously and work closely with our District colleagues on many initiatives including that of clearing up, littering and fly tipping.

KCC Highway Operations has the responsibility for the maintenance of the high speed road network in the county, excluding motorways run by Highways England. Highway Operations staff work closely with the District Councils to co-ordinate maintenance and litter clearance. Details of the high speed road programme is sent in advance to district colleagues who can either send their own workers in to clear the litter under the KCC road closure or they can pay KCC to carry out the work on their behalf. The KCC high speed road maintenance programme is undertaken across all high speed roads that are the responsibility of KCC on an annual programme that extends from April through to September each year. This approach has been adopted for the past few years and has contributed towards an improved look and finish to the high speed road network. We continue to work with districts this year so that the good work from previous years can be continued and enhanced. .

Highways has also been working with the Kent Resource Partnership which is a partnership between the District Councils and KCC. The district councils collect fly-tipped material in Kent and KCC is responsible for the disposal costs. As a group we look at how we can improve all waste management in Kent. For example, last year we focused on improving and clarifying the system of the reporting of fly tipping. The previous arrangements for the clearance of fly-tipping in Kent involved local agreements between Kent County Council and each local district council, which had led to a varied approach across the county. This often resulted in confusion for residents as to whom they should contact to report a fly-tip.

As of 1<sup>st</sup> April 2015, a new countywide consistent approach to fly-tipping clearance has been agreed with all districts which put the customers of Kent first. The new process provides one point of contact for reporting, the local district, and also clarifies who is responsible for the clearance based on where the material has been dumped.

KCC is responsible for clearing fly-tipped material where it has been dumped on the road and is causing an obstruction. These obstructions will be treated as a two-hour emergency response, which allows us to respond to carriageway obstructions quickly

to make the highway safe, remove the hazard, and provide an improved service for the customer. During 2014/15 it cost KCC over £126,000 to clear fly tipped material from the highway.

Our further work with the Kent Resource Partnership last year saw the Members Board agree the development and delivery of the '**Love Kent, Hate Litter**' initiative for 2014/15. This initiative encouraged districts, Highways England and Balfour Beatty, their service provider to co-ordinate their existing plans simultaneously over three months in June, November and February to maximise the impact.

These activities included;

- Local Radio advertising played for each of these months on Heart FM with the aim of making a behavioural change to those tempted to litter from their vehicles
- Kent Districts' Anti-Litter activities including deep cleans, litter picks on high speed roads, facilitating community litter picks and roadshows delivered in town centres. .
- Variable Message Signs promoting the 'Take Your Litter Home, Others Do #LoveKent' via KCC, Highways England and Balfour Beatty.
- Social media exposure on Kent Councils' Facebook and Twitter accounts using the #LoveKent hashtag.

As well as the delivery of this campaign, a Kent Resource Partnership Street Scene Project Group has been set up for the past year with membership from all 13 Kent councils, Highways England and Balfour Beatty. The group have regularly met up to discuss ways joint working can be more effective on issues such as littering on the highway, fly tipping, fly posting, grass cutting, weed spraying, overgrown vegetation, and graffiti removal.

**COUNTY COUNCIL**

**Thursday 21 May 2015**

**Question by Tom Maddison to  
Roger Gough, Cabinet Member for Education and Health Reform**

Would the Cabinet Member please inform myself and the Council what action is being taken to address the chronic shortage of school places, particularly local primary places in Dartford and especially in my Division of Dartford North East?

Parents are presently being allocated places for their children at schools 4 & 5 miles from home which for young children, I am sure you will agree, is a ridiculous state of affairs and is causing much distress for all concerned.

**Answer**

The urban area of Dartford, and the Dartford North East division particularly, has seen significant pressure on primary school places across all year groups. There have been several reasons for this increase in demand: high and still rising birth rate; significant inward migration to the area; and large scale local house building.

There are five primary schools in Dartford North East Division: Dartford Bridge Primary School, Temple Hill Community Primary and Nursery School, St Anselm's Catholic Primary School, Gateway Primary Academy and Key Stage 1 of Dartford Community Academy on the St Albans site. Adjacent or near to the division borders are Brent Community Academy and the Key Stage 2 provision of the Dartford Community Academy.

Dartford is at the forefront of significant and high profile housing development, both in Dartford town and in the Ebbsfleet Garden City development. As a result of these developments, nine new Primary schools are being planned for Dartford district, with four of these being established in the next five years. The agreed sites/those being considered are situated on Castle Hill (Ebbsfleet), Northfleet West Substation (Ebbsfleet), Dartford Northern Gateway (town centre) and the old Rowhill site (Wilmington).

Local demand is being met by a programme of school enlargement, adaptations and reusing old sites. Kent County Council intends to initiate consultations over the next year that will see an estimated 130 new Year Reception places being commissioned though expanding existing schools and reusing old sites. It would be inappropriate to name schools currently under consideration as these will not enter the public domain until consultation commences. Further, KCC Officers have initiated dialogue with Dartford Borough Council regarding other possibilities, including sites on Lowfield Road and St James Lane. Members will be informed as and when individual schemes or new builds are formally initiated.

While it is preferable for children to be allocated their local school, there will be instances where popular and successful schools have more pupils seeking places than the school can physically accommodate. In these circumstances places are

offered in accordance with oversubscription criteria and children unable to secure a place are then offered an alternative school by the local authority. KCC has met its legal duty in offering a school place but this is the first stage of the school offer process, and officers will continue to work with families and schools to try to identify alternative school provision where parents are unhappy with their initial school offer. There will be movement through the reallocation process and indeed appeals for school places and KCC will continue to engage with these families where they seek assistance.

**COUNTY COUNCIL**

**Thursday 21 May 2015**

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

Now that the Conservative Party have Nationally secured a commanding Majority and have clearly stated their support of Manston remaining as an Airport and both Thanet newly Elected Conservative Members of Parliament have publicly stated their support, together with UKIP who have always been totally supportive, it must be clear that the current situation is that all Groups now support Manston as an Airport.

Will the Leader please tell this Council who at the historic vote here also supported Manston, whether TDC can now rely on the support of KCC for a CPO.

**Answer**

I am pleased that Mr Latchford has acknowledged the commanding majority given to the Conservative Government in the House of Commons. As Mr Latchford will know, the airport at Manston has now been closed for almost exactly 12 months, and in that time I have seen no credible plan which would restore to Manston a viable airport. Nor, I believe, has the new Conservative Government.

Mr Latchford's question asks "whether Thanet District Council can rely on the support of KCC for a CPO".

Neither the Government in Westminster nor Kent County Council can support the compulsory purchase of the Manston site on the information we currently have available. It is the absence of the relevant information which matters here.

Let me quote from the legal advice addressed to Thanet District Council which Mr Latchford will have seen:

*"The Council need to be satisfied in promoting the CPO that it is able to meet the tests of Circular 06/2004 on the likelihood of the project going ahead. The Secretary of State will not confirm a CPO unless he is satisfied that there is a real likelihood of the project going ahead. If the Council take the decision to pursue a CPO, members would want to have assurance that a partner would take this forward. The Secretary of State will need to be satisfied that the scheme is likely to go ahead based on a realistic assessment."*

The only plans which I have seen for the future of the site are those published by the new owners of Manston, Chris Musgrave and Trevor Cartner. I still, despite requesting this, have not been shown any business plan from RiverOak.

Let me quote again from the legal advice:

*"The new ownership of the site since previous legal advice will be a major factor when the Council is deciding to make the CPO and when the Secretary of State is*

*deciding whether or not to confirm a CPO. The overarching public interest test is whether there is a compelling case in the public interest. As the Circular advises (17), an authority should be sure that the purposes for which it is making the CPO sufficiently justify interfering with the human rights of those with an interest in the land affected.”*

The Secretary of State should therefore look closely at both business plans, carry out extensive due diligence before supporting any CPO process and decide which is best able to provide the best employment opportunities and grow the economy of East Kent.

Until the Secretary of State completes his due diligence on both plans, it is premature to ask for an open-ended commitment to support Thanet and their CPO process.



**COUNTY COUNCIL**

**Thursday 21 May 2015**

**Question by Rob Bird to  
Matthew Balfour, Cabinet Member for Environment & Transport**

The rules for bus lanes appear to vary in different parts of the country. In London bus lanes may be used by buses, taxis, motorcycles and bicycles. However, here in Maidstone on the A20 London Road through Allington use of the bus lanes is restricted to buses and bicycles only. This means that scooters, mopeds and light motorbikes are required to use the main carriageway sometimes putting riders in a dangerous part of the road. This discourages use of these light vehicles, in turn encouraging more cars onto our congested roads.

Would the Cabinet Member for the Environment and Transport consider allowing bus lanes in Maidstone to be used by scooters, mopeds and low cc motorcycles?

**Answer**

Throughout the country there is indeed a mixed view on the use of bus lanes by motorcycles. Both Birmingham & Manchester metropolitan authorities do not allow motorcycles in their bus lanes but, following trials, Transport for London do allow motorcycles and Brighton & Hove also allow them, but on a case by case basis. The benefits identified as part of London's trial include reduced journey times for motorcyclists and less carbon dioxide emissions. However, in London motorcycle speeds increased initially and there were indications that the number of collisions involving motorcyclists had increased correspondingly, so additional enforcement was required to tackle this issue.

Most of the bus lanes in Kent were implemented before 2011 when regulations did not allow the use of bus lanes by motorcycles. Today there is no reason why Kent could not consider allowing motor cyclists to use our bus lanes on a case-by-case basis, as long it is safe to do so. This will require funding for public consultation, amendments to the existing Traffic Regulation Orders and new signing. Allowing certain types of motorcycle would require special authorisation from the Department for Transport for special signing.

I do think this proposal would need to form part of the local transport strategy, as a measure to tackle congestion and, for environmental reasons. With regard to the A20 in Maidstone discussions continue to take place between Kent County Council and Maidstone Borough Council over potential transport and highways solutions to form the Transport Strategy and this proposal could be considered by the Joint Transportation Board as part of those discussions.

**COUNTY COUNCIL**

**Thursday 21 May 2015**

**Question by Hod Birkby to  
Mark Dance, Cabinet Member for Economic Development**

You will recall at the Budget Council, Mr Latchford referred to Hardelot and the Brussels Office as Vanity Projects, in view of the high cost of maintaining Hardelot both as a facility, staffing etc, can the Cabinet Member please advise Members whether the continued ownership of this facility is cost effective and is in his opinion a cost that should continue to be borne by the Kent Taxpayers

**Answer**

Mr Birkby - thank you for the opportunity to highlight the excellent work being carried out by both the Brussels Office and the Hardelot Centre. Let me start with some background on the Brussels Office. As part of KCC's European team, their role is to help secure EU funding and promote policies and priorities which benefit the people of Kent. Between 2007-14, KCC facilitated, led or partnered over 80 EU-funded projects worth £31 million. These included projects covering support to Kent's small businesses, economic development and regeneration, tourism, environmental protection and education and training.

They have also led efforts to maintain the international rail connectivity, having developed and managed a campaign to reinstate Eurostar services to and from Ashford and Brussels. The Office is currently working to ensure that EU and Government funding is secured for signalling work at Ashford International Station to ensure that new European High Speed Trains can continue to stop there.

The benefits of KCC's presence in Brussels have been further strengthened by the Office's recent co-location with the French region of Nord-Pas de Calais, our closest European partner since 1987. Rather than provide ever more detail here I would be happy to meet Mr Birkby separately to explain this further.

Turning now to Hardelot. This Centre primarily provides children and young people from Kent with an educational outreach centre enabling them to experience the language and culture of France in a structured way as part of their general education.

This year the Centre is planning to receive over 1,000 visitors.

The Centre currently recovers more than 50% of its costs from external income. Priority is being given to reducing expenditure and increasing income with the aim of making the Centre financially self-sufficient. This through staff restructuring, re-negotiation of utility contracts, tighter financial management, a reduction in food waste and more effective marketing to increase bookings.

The approved budget for the Hardelot Centre for this financial year is £52,600. This year's business plan contains the aim to break-even. This contrasts with the losses of nearly £100,000 four years ago.

Finally, the Hardelot Centre is part of a process of competitive dialogue with external bidders as part of EduKent's procurement exercise for its Schools Services. A decision on whether or not to award an external contract is expected by the Summer.

**COUNTY COUNCIL**

**Thursday 21 May 2015**

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

How close are we to realising a "Kent Powerhouse"?

**Answer**

We welcome the Secretary of State for Communities and Local Government's comments on BBC Sunday Politics this week that the devolution of powers was not solely for Northern cities, but rather for well-run counties and smaller towns.

Kent is ideally placed to pilot a county devolution deal, given ...

- Kent (alongside the wider South East) is already an economic powerhouse. Kent's economy is worth over £30 billion and the South East is one of the few regions of England that makes a net contribution to the Treasury.
- Kent's population size rivals the size of many northern cities, and in the period to 2031, the county's population will grow by over 260,000 – an increase of over 15%, equivalent to a new city the size of Medway, and ahead of the national average.
- We have shown we have the ability to innovate and radically improve the offer to our local residents and businesses when powers (previously retained by central bodies) are devolved to a local level.
- Our work with colleagues in integrating health and social care services has received national accolades with Simon Stevens, the Chief Executive of NHS England saying *'if we can't make it work in Kent, we can't make it work anywhere'*.
- In recognition of significant innovation underway, Kent is one of only 14 areas selected by the Department of Health to become a national Integration Pioneer and the Whitstable Medical Practice has been selected by NHS England as one of only 29 'vanguard' sites nationally to pilot 'new models of care' which will act as the blue prints for the NHS moving forward and the inspiration to the rest of the health and care system.

On our shopping list for devolved powers from the new Government are:

- A standalone Kent and Medway LEP
- Skills funding
- Flexibilities in curriculum delivery for young people unlikely to achieve level 2 qualifications
- Funding to allow independence careers guidance to be delivered in all schools and colleges

I will be expanding on each of these points in my Leader's update shortly.

So to conclude, Kent is well positioned to negotiate county devolution deals; the big question is will Whitehall let go?

**COUNTY COUNCIL**

**Thursday 21 May 2015**

**Question by Mike Baldock to  
Paul Carter, Leader of the Council**

Can you confirm whether or not KCC's payment to HMRC in respect of the Members' tax owed on Home to Office journeys, effectively removed HMRC's responsibility to accurately assess the tax liability of each Member, and incurred on behalf of KCC a tax liability payable from the Council's funds that should originally have been incurred by those individual Members?

**Answer**

In response to Mike Baldock's question, I sought the advice from KCC's section 151 officer. The information he gave me is, and I quote,

*"KCC Officers consistently advised Members prior to 2013 that Members were not liable for paying tax on mileage claims. Members acted in good faith and followed the advice and guidance that officers issued. HMRC deem the Council to be liable for the arrears, as this liability arose due to the officer interpretation of the legislation, and no fault of the individual Members. We therefore paid the amount owed to HMRC in August 2014, as to delay payment would have added interest costs."*

Although our section 151 officer didn't make reference to the following point, I would add that the officers at Kent were by no means alone in this interpretation. At the time, our informal information suggested that about half of the County Councils, and the majority of District Councils across the country had the same interpretation as officers in Kent. Indeed, we believe there are still some Councils who do not deduct tax on home to office mileage, almost two years after we did start making the deduction. Members will recall that Government recognised this inconsistency in interpretation and were to clarify this by passing legislation effective from April 2015 that home to office mileage would not be liable to tax and national insurance. Sadly, that did not go through but is promised in the very near future.

The issue of tax liability is covered within the Annual Report of the Independent Member Remuneration Panel and this will be debated later on once we reach the agenda item.