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County Council – 12 July 2018

Item 5 – County Council Questions and Answers

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Question 1

COUNTY COUNCIL

Thursday 12 July 2018

**Question by Barry Lewis to Mike Whiting,
Cabinet Member for Planning, Highways, Transport and Waste**

Under the high court judgement of 2013 all surpluses collected by charging for on street car parking has to be ring fenced and spent on the highways. How much has KCC (the principal) collected from Thanet District Council (the agent) from on street parking in the Thanet area in the last 3years?

Answer

KCC has received no surplus from Thanet District Council over the past three years. Further to my request, TDC has confirmed it has spent any surplus to provide further on-street parking and traffic congestion relief improvement. Examples of this are residents parking schemes, improved technology and parking equipment and increased on-street enforcement

COUNTY COUNCIL

Thursday 12 July 2018

**Question by Trudy Dean to Paul Carter, Leader of the County Council
and Cabinet Member for Traded Services & Health Reform**

Could the Leader of the Council please say what action he has taken to expand the role of the County Council in housebuilding in Kent, and in his answer, can he please say what discussion he has had with government, and with the Leaders of Kent Districts on cooperation to meet the growing need for low cost housing in Kent, not least to meet the needs of people providing services on behalf of KCC?

Answer

The Kent & Medway Growth and Infrastructure Framework (GIF) agreed with Medway Council and Kent's 12 District Councils identifies a £3.96 billion gap in infrastructure investment in the county. In closing this gap, it recommends that a "place-based" approach should be pioneered that sees "greater co-ordination of investment in homes, infrastructure and jobs to build quality communities and new ways of working with Government and its agencies across Kent and Medway".

At the Kent & Medway Leaders meeting in June, Leaders considered how a proposition to Government might be developed to attract significant additional Government investment into Kent's infrastructure in return for a wider spatial planning approach and accelerated housing delivery. This would include much needed affordable and key worker homes, together with delivery of the much needed 1000 extra care housing units to enable older people to live independently for longer.

However, any proposition should not be seen as general acceptance of the new housing figures proposed in the National Planning Policy Framework (NPPF) to which a number of district and borough councils are objecting.

Work continues with Leaders and indications are that Government would be very interested to discuss a Kent and Medway proposition if agreed. Our relationship at official level with Government and Homes England remains positive.

COUNTY COUNCIL

Thursday 12 July 2018

Question by Dara Farrell to Susan Carey,
Cabinet Member for Customers, Communications and Performance

After waiting some 20 days for a response to my member information request, I would hope that the Cabinet Member shares my disappointment that I, as a member of this authority, had to make a freedom of information request of the Council to understand how members allocated their community grants.

What steps will she be taking to ensure what could be considered a lack of transparency doesn't occur again? and in light of this, will successful community grant applicants now be published on the Council website?

Answer

I am sorry you had to wait so long for the information you requested. It took far too long to gather all the information together and showed the need to automate and streamline the Member Grant process. KCC has been working with Agilisys to put more of our forms and processes online for the public. With over 300 services there are many of these, not everything can be done at once and we have prioritised the most used services.

I always put a list of my Member grants in the annual report I make to the communities I serve and I know other members do the same but it would also be good to have a record of these on the KCC website. One of the areas which badly needs updating on our website is the Members' area and I have suggested that this is the right place for Member grants. Showing Member Grants on the same page as Member contact details is something I have suggested and my colleague, Mr Hotson has said this needs to come to the Selection and Member Services Committee of which Mr Farrell is a member for discussion. Proposals will be coming to this committee when the work on a new format is at a more advanced stage.

COUNTY COUNCIL

Thursday 12 July 2018

**Question by Rob Bird to Roger Gough,
Cabinet Member for Children, Young People and Education**

Bower Grove is an excellent special school in Maidstone supporting 224 children with complex needs. The school is already operating above capacity and there is a strong demand for additional places.

Some 80 children come to Bower Grove each day from the Sittingbourne and Isle of Sheppey area. This results in extremely stressful travel of 2 or more hours a day for the children, creates additional pressures for school staff and parents, and also generates excessive transport costs for this council.

The school is keen to set up a satellite unit on the Isle of Sheppey to help alleviate these pressures. This is also on the commissioning plan.

Would the Cabinet Member for Children, Young People and Education please advise what steps he is taking to bring this about as a matter of urgency?

Answer

Kent has a strong track record of delivering and expanding special schools. Over the last 5 years we have created 818 new places and invested approximately £48m in meeting the rising demand for special school places.

I would agree with Mr Bird that Bower Grove is a high performing special school. Ofsted's short inspection in January 2018 highlighted that the school 'demonstrated strong practice' and 'makes a positive difference' to children's lives.

The Commissioning Plan outlines the demand for Special school places on the Isle of Sheppey and sets out our intention to establish a 120-place specialist provision through either a Free Special school with the designation of Behaviour and Learning or through an annex of Bower Grove School.

Members will be aware of the current unsustainable pressure on the education capital programme. The proposed establishment of a Bower Grove Satellite on the Isle of Sheppey, through statutory process, is currently within the unfunded pressures for which the Leader and I, supported by Officers, have been lobbying central Government. Keith Abbott, Director of Education, Planning and Resources made a statement on this position at the meeting of the Children's, Young People and Education Cabinet Committee on 10 July.

The Government has recently announced Wave 14 of the Free Schools programme will provide funding for 30 new Free Special schools or Alternative Provisions nationally. Detailed guidance is currently awaited, but we expect applications will be made in December 2018, with decisions in late spring 2019. Consideration is being given to a Wave 14 application for a new Free Special school on the Isle of Sheppey, whilst continuing to press Government for

additional resource to enable the essential, unfunded schemes within the Commissioning Plan to be delivered by KCC directly.

Officers will continue to develop proposals to establish Satellite provision linked to Bower Grove School, including within the Maidstone and Malling area.

COUNTY COUNCIL

Thursday 12 July 2018

Question by Martin Whybrow to Graham Gibbens,
Cabinet Member for Adult Social Care

In light of a recent case reported in the national press of the treatment of a Folkestone-based individual who was in KCC's care, can the cabinet member confirm whether the Home Office notifies and consults with KCC ahead of detaining an individual in KCC's care for potential deportation?

Answer

When any person is subject to his/her appeal rights being exhausted, the Local Authority have a duty to any looked after children, care leaver and adults that are open to adult social care services, to complete a Human Rights Assessment. This is always approved by our legal services and the Director of Specialist Childrens Services before being shared with the young person and their solicitor. A copy is then shared with the Home Office, before notice is given to the person to cease services, the Home Office are always informed.

However, we are not routinely kept informed by them of any such action taken, which is an area of concern for us. We are currently seeking to address to improve this communication and partnership working whilst a case is open to us, which is in the best interests of the person involved. However, once a case is closed, we do not have a duty or responsibility to be informed of any action that may be taken.

COUNTY COUNCIL

Thursday 12 July 2018

**Question by Antony Hook to Mike Whiting,
Cabinet Member for Planning, Highways, Transport and Waste**

Will the Cabinet Member for Planning, Highways, Transport and Waste join me and environmental campaigners in opposing plans for 900 acres of Graveney Marshes to be covered by 1 million solar panels, destroying an important natural habitat with the largest solar power station in Europe and will he ensure KCC lodges an objection with the Secretary of State?

Answer

Thank you, Mr Hook. I am well-aware of the significant proposals put forward by Cleve Hill Solar Park Ltd for a major solar park at Cleve Hill near the village of Graveney. The proposal is being classified as a Nationally Significant Infrastructure Project and an application for a Development Consent Order will be determined by the Government in due course.

In this process, KCC is a statutory consultee and officers are currently engaging in routine pre-application discussions with the applicant and are carefully assessing a range of environmental and technical impacts at a time when there is a consultation on a Preliminary Environmental Impact Report.

Given the relatively early stage in the planning process, the County Council has not been invited to take a view on the principle of the development and therefore it would be inappropriate for me to prejudice any future officer recommendation in this regard. I have been assured by officers that they would be willing to discuss your concerns with you at a mutually convenient time.

COUNTY COUNCIL

Thursday 12 July 2018

**Question by Karen Constantine to Mike Whiting,
Cabinet Member for Planning, Highways, Transport and Waste**

Does KCC have any plans to enable/develop/facilitate a bonded freight hub anywhere in the environs of Manston airport and if so could the Cabinet Member include in his response details of the start-up costs and the annual costs to KCC thereafter of such a facility, what proportion of such costs would be covered by Central Government and whether there is a single indication or any available evidence that any port in Kent, or any ferry operator, or any prospective ferry operator would use such a facility?

Answer

KCC does not have any plans to enable, develop or facilitate a bonded freight hub at or near Manston airport. Any such facility would be a commercial operation and would have to be approved by Her Majesty's Revenue and Customs. KCC would not set one up, and we are not aware of any other Local Authority that has, other than HMRC themselves.

COUNTY COUNCIL

Thursday 12 July 2018

**Question by Lauren Sullivan to Mike Whiting,
Cabinet Member for Planning, Highways, Transport and Waste**

As the Cabinet Member will be fully aware The Pepperhill recycling and refuse centre suffered from a fire in April. Will the Cabinet Member agree with the unanimous decision of Tory Led Gravesham Borough Council that KCC still have some way to go to clearing the fly tipping across the Borough and providing residents of Northfleet, Gravesham, Dartford and the villages with a better alternative than a couple of extra hours a week at sites miles away? Could the Cabinet Member also tell Northfleet and Gravesham residents what the contingency plan was for such an event and given how KCC like to think of itself as a business with customers rather than a public service what compensation is going to be made available to them and Gravesham Borough Council?

Answer

There needs to be an understanding that the Waste Collection Authority, in this instance Gravesham Borough Council, and the Waste Disposal Authority (KCC) have differing responsibilities. The Waste Collection Authority is responsible for managing the fly tipping incidents within the Borough. It is also responsible for its own collection arrangements as well as requesting additional assistance during emergency situations. The Waste Disposal Authority is responsible for taking delivery of the waste and disposing of it via contingency arrangements at permitted and licenced waste sites.

As such, clearance of fly tipping waste falls to the WCA to collect as per their usual operational arrangements. KCC has been notified by GBC that the fly tipping incidents in May this year were 239 compared to 280 for the same period last year, a reduction in incidents, not an increase. The locations and pattern of the incidents do not appear to have altered as a result of the Pepperhill closure, so we cannot accept that the closure of Pepperhill has exacerbated the fly tipping situation. KCC is monitoring this closely with both Gravesham and Dartford Borough Councils as per our usual duty of care arrangements. Particular attention is being made to the New Barn Lane bring bank area. KCC is aware of the situation and has been assured by Dartford Borough Council that this is cleared daily. I reiterate that the clearing of this waste is a WCA function. Dartford Borough Council has informed KCC that this situation is being monitored covertly and between 30 – 40 fixed penalty notices are being issued per week ranging from £75 to £450.

With regard to the contingency plan, KCC immediately put in place the emergency contingency plan which has resulted in residents receiving 100% of their kerbside collections to time - this has been confirmed by both Borough Councils. KCC officers worked with both GBC and DBC over the weekend following the fire to ensure that the diversionary plan was agreed in advance of the Monday collections.

Cllr Lauren Sullivan has previously received responses to her concerns and has been sent updates during the closure period (along with all Members) where it was explained that the

disruption was not with regard to kerbside collections rather than visits that the public may make to an alternative HWRC to dispose of surplus waste. Although it is appreciated that this is inconvenient, it is impossible to create a temporary replacement for Pepperhill as there are lengthy and complex legislative restrictions placed upon waste sites. The disposal of waste is strictly regulated by the Environment Agency and only permitted sites with bunding and drainage can accommodate waste operations. The consideration of a site adequate in size to manage over 1,000 cars a day using the HWRC and the space required to manoeuvre the lorries exchanging the skips and containers regularly means that this option is not viable.

There appears to be some confusion between chlorine and chloride that has been mentioned. Chloride is the element that is carcinogenic and has been found on site – not chlorine – it is eight times higher than recommended level to harm human health. It needs to be cleared by a specialist contractor managed by FCC to remove the presence of fire derived hydrochloric acid. This is a lengthy process and tests are yet to determine if the site will need a further closure in the future to remove affected areas of the building structure.

A programme of works is being managed by the provider for the site and KCC receives weekly updates to assure us that works are on schedule to re-open in August.

Financial recompense is paid to Gravesham and Dartford Borough Councils and was agreed from the outset in relation to the additional collections crews to deliver 100% of kerbside collections. KCC is also paying tipping away claims where appropriate for additional mileage costs to dispose of waste at alternative sites and therefore no other compensation is due, frequent communications between officers at all authorities have not resulted in any other support being required of KCC.

KCC understand that an officer briefing note was given to Cllr Alan Ridgers, drafted by GBC's own waste team in preparation for the GBC Council meeting which could have answered the questions outlined in this request. KCC is disappointed that GBC have felt it necessary to direct criticism towards KCC during a challenging time, particularly as the two authorities continue to work so positively together.

COUNTY COUNCIL

Thursday 12 July 2018

**Question by Ian Chittenden to Paul Carter, Leader of the County Council
and Cabinet Member for Traded Services & Health Reform**

KCC has much to learn from people outside the walls of County Hall. Does the Leader agree that a major function of the Scrutiny Committee is to attract evidence from people outside KCC in order to involve and benefit from the views of residents and user groups of Kent, whilst gaining experience and expertise from other authorities, businesses, universities and institutions from outside and within Kent?

Answer

I agree that the Council has much to learn from activities that go on outside of County Hall and we have a strong track record of doing so.

Select Committees, such as the one on Pupil Premium which is submitting its report later in the meeting, are an excellent example of how this Select Committee/Scrutiny process benefits from the views and experience of all types of witnesses. Over the past 18 years this Sub Committee of the Scrutiny Committee has carried out 42 reviews and invites an average of 15 witnesses from all walks of life and expertise to give oral evidence to the Committee. The officer supporting the reviews carries out detail background research and works with the Committee to identify witnesses who can provide expert evidence to the review along with representatives of relevant user or interests groups. In addition, written evidence is welcomed from anyone who wishes to contribute to the review.

The Scrutiny Committee itself has only invited expert witnesses on 4 occasions since 2008:

- In March 2011 the Chairman of Edenbridge Chamber of Commerce was a witness at a meeting held at Edenbridge Community Centre to discuss the Edenbridge Community Centre, this meeting was held at the Community Centre and the public were invited to participate.
- In July 2011 the Committee discussed Kent Youth Services and invited witnesses from the groups, Save our Services, Maidstone Coalition of Resistance, Community and Youth workers in Unite, along with the Chairman of the Kent Youth County Council and a trustee of Aylesham Youth club.
- In March 2016 - the Committee considered a call-in relating to the closure of Pent Valley Technology School and invited a parent and pupil to address the Committee.
- In April 2016 , when discussing "Ensuring the provision of sufficient denominational school places in Kent", the Director of Education for the Catholic Dioceses of Southwark was invited as a witness.

On each of these 4 occasions there was all party agreement on the Committee that these witnesses be invited to make a specific contribution to the matter under consideration. This

principle has served the authority well to date and ensures that the process concentrates on balanced and robust scrutiny. It creates an environment where all parties work together for the benefit of all our residents and avoids political manipulation by any one party.

In conclusion the Scrutiny process has produced outcomes for the people of Kent from the contribution made by not only acknowledged experts but most importantly the views of residents and user groups in Kent.”

COUNTY COUNCIL

Thursday 12 July 2018

Question by Dan Daley to Graham Gibbens,
Cabinet Member for Adult Social Care

Supporting people to live independently for as long as possible, promotion of wellbeing and meeting every persons' specific needs rather than simply considering what service they fit into are all fundamental principles of the Care Act 2014 and in supporting the common aim of reducing pressure on scarce NHS resources.

*With this in mind can the Cabinet Member for Adult Social Care confirm how many elderly residents in Kent have been assessed as needing night-time care, how many have been provided with such care – at home and remotely – and how many have had their care needs turned down on budgetary grounds?**

* I would be grateful if care arrangements for residents who require positive behavioural support or support because of a learning disability or a physical disability or who have mental health needs are excluded in your answer, as are those in residential care or in extra care homes.

Answer

Under the Care Act 2014, the County Council has a statutory duty to assess people who appear to have care and support needs. This assessment must seek to establish the total extent of an individual's needs before we consider the person's eligibility for care and support and what types of care and support can help to meet these needs.

Following the assessment and the application of the national eligibility criteria, if the assessor has determined that a person has eligible needs, KCC must meet the individual's unmet eligible needs subject to:

- The client meeting the financial criteria to receive local authority KCC support
- The person agreeing to the authority meeting their needs.

The concept of meeting needs is described in the Care Act Statutory guidance which states that this is a move away from the previous terminology of 'providing services'. This enables a greater variety of approaches in how needs can be met, developed through care and support planning. Practitioners are reminded to encourage individual's to think beyond traditional services and look at other types of support such as assistive technology, equipment and adaptations.

There is no specific mention of night time care in KCC Adult Social Care policies relating to older people. This is because "providing night time care" would be part of a range of solutions a practitioner would be considering after undertaking a needs assessment, applying the national eligibility criteria and putting together a support plan that would meet the unmet eligible needs of the person they had assessed.

When the best option to meet an individual's unmet eligible needs is to provide "care in the home at night", we do provide it.

We are currently providing overnight care for 92 older people aged 65 plus.

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