



County Council – 13 December  
2018

Item 5 – Question and Answers

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Question 1

**COUNTY COUNCIL**

**Thursday 13 December 2018**

**Question by George Koowaree to Mike Whiting,  
Cabinet Member for Planning, Highways, Transport and Waste**

The movement of livestock is vital for Kent's farmers and for our food supplies. Ashford is also an important livestock market. However, it would be unacceptable for the welfare of live animals to be threatened because they are caught up in delays, particularly if delays are prolonged beyond the period of time allowed for live animals to be transported. Would the Cabinet Member for Planning, Highways, Transport and Waste please advise what provisions are being made for the movement and welfare of livestock in transit in the event of Kent's main arteries being blocked following Brexit?

**Answer**

Kent County Council has been advised that the Government will be identifying contingency arrangements for priority freight movements including livestock. These will be in addition to the Operation Fennel arrangements KCC has developed with partners to manage Eurotunnel and Channel Port freight traffic.

Trading Standards, which of course comes under Mr Hill who deal with the welfare of livestock in transit, are engaged with this process and will continue to monitor this. As it is the responsibility of the livestock keeper and haulier to ensure they maintain the welfare of their animals, Trading Standards will be working closely with partners to ensure they remain compliant.

**COUNTY COUNCIL**

**Thursday 13 December 2018**

**Question by Ian Chittenden to Mike Whiting,  
Cabinet Member for Planning, Highways, Transport and Waste**

Would the Cabinet Member for Planning, Highways, Transport and Waste please advise what **provision is being made to ensure the continuous supply of electricity** to Kent's homes, businesses and key services in the event of supplies from Continental Europe being cut off or reduced?

**Answer**

Kent County Council does not have a responsibility for the supply of electricity within the county. This is a matter for private utility companies and for Government.

UK Power Networks have advised that there is no increased risk of power outages as a result of Brexit. Kent Resilience Forum has a Utilities Groups who work on this type of risk assessment with the power companies.

**COUNTY COUNCIL**

**Thursday 13 December 2018**

**Question by Bryan Sweetland to Mike Whiting,  
Cabinet Member for Planning, Highways, Transport and Waste**

Did the Cabinet Member for Environment and Transport agree with Swale MP Gordon Henderson when he asked the Prime Minister to look again at number of new housing developments in Swale and will he agree with me that the totally arbitrary housing targets being handed down from central Government to local Councils in Kent are simply not achievable if significant additional infrastructure funding from Government is not forthcoming, in answering this question could the Cabinet Member also inform me the percentage of new housing developments over the last year that Kent Highways has objected to during the consultation process.

**Answer**

I agree, the South East is being asked to take a disproportionate number of new homes compared with other parts of the country.

The challenge that presents is highlighted in the Growth and Infrastructure Framework, which shows that by 2030 Kent will have nearly 400,000 new residents living in 178,600 new homes and require £16billion of infrastructure, of which the funding gap runs to nearly £6billion currently.

I agree with Mr Sweetland that the National Planning Policy Framework has left upper tier authorities short-changed when it comes to funding for major infrastructure including transport.

Local Highway Authority influence in the planning process has been systematically reduced by successive Governments since 1990, when we had the power to direct Local Planning Authorities to refuse planning applications.

Today, we shoulder the burden of proof in demonstrating “severity” at huge expense to a Planning Authority or Inspector who, in the majority of cases, do not place weight on that argument. The law and its accompanying guidance requires us to work with developers to make their proposals acceptable.

Taking the second part of Mr Sweetland’s questions. In 2016/17 the County Council was consulted on 3,413 planning applications and immediately objected to 12% of them on highway grounds. Virtually all of these objections were subsequently over-ruled by the local planning authorities or at appeal by the Planning Inspectorate.

**COUNTY COUNCIL**

**Thursday 13 December 2018**

**Question by Martin Whybrow to Mike Hill,**  
**Cabinet Member for Community & Regulatory Services**

Why was the decision made to exclude the level of deprivation when evaluating library use within the current consultation and does the limited evidence base not risk cutting hours for some of those services that are of greatest importance in their communities?

**Answer**

The proposed library tiering model on which we are seeking views as part of the current consultation does not include data on the levels of deprivation. As detailed in the consultation document, we will be retaining 99 libraries ensuring access for all communities and comprehensive coverage across the County. Kent will maintain the most libraries of any local authority.

The evidence base represents the full range of use of the modern library service. This covers the number of visits, the number of loans, the percentage of unique users, the amount of public computer use and the number of customers who attend events. These key indicators capture everyone who uses the library service, for whatever reason, whether to borrow books, use a computer or just to come to read or study.

The proposed tiering model identifies the total hours a library is to open per week. If approved, library staff will then engage with communities to shape those hours to best meet local need. The different tiers offer a good range of opening hours to ensure that our libraries are open at times when people will use them, ensuring our resources are focused when most needed. We are committed to Saturday opening at all of our libraries as this is vital for those working and school children. Residents will also be able to use our mobile libraries, our online services and our proposed 'Libraries Direct' offer which includes the Home library service for those unable to access a library building.

We will also continue to ensure that we target our events and initiatives for those in need as shown by our recent digital dens project which was offered to children from disadvantaged backgrounds and has enabled those young people to develop key skills for the future.

**COUNTY COUNCIL**

**Thursday 13 December 2018**

**Question by Karen Constantine to Graham Gibbens,**  
**Cabinet Member for Adult Social Care & Public Health**

Can the cabinet member detail what preparations are being made across Kent with regard to the likely impact of Brexit on social care staff and the services they deliver. Many tens of thousands of Kent residents are hugely dependent on these services and the current predictions indicate the impact will result in staff shortages

**Answer**

It is important to acknowledge that Adult Social Care and Health provides or arranges for services to be provided to thousands of Kent adult residents daily with care and support needs in peoples' own homes or care homes. All practical steps will be taken to make sure that people who depend on these services continue to have their care and support needs met.

Adult Social Care and Health maintains robust contingency plans that are instigated when there are emergencies and the arrangements for any disruption caused by Brexit would be no different to these.

These contingency plans are generally instigated in the event of a civil emergency as defined under the Civil Contingencies Act, and these are applicable in the event of disruptions on the road network which may lead to staff shortages.

In the event of staff shortages, social care teams will employ greater flexibility in the way in which they deploy their workforce to minimise the impact of disruption on service delivery, for instance allocating cases to social workers on a more local basis; prioritising the needs of service users based on stringent risk assessments and utilising local (including family) networks as appropriate. The social care teams will also work with providers and the Directorate's in-house provision to ensure continuity of services in the event of these plans needing to be called upon.

In respect of the provider market, generally there are concerns in relation to the number of workers, that some providers have relied upon, being able to work in the UK following BREXIT. However, since the invoking of Article 50, general feedback has been that there has been a reduction in EU nationals seeking employment anyway. The more concerning factor in the market is the gridlock on the roads over a sustained period of time.

The Directorate is working across KCC departments and with the Local Health Resilience Partnership and the Kent Resilience Forum on all aspects of contingency planning to ensure the health and social care system is prepared for any new arrangements which may affect patients and service users.

Service Level Business Continuity Plans will be kept under constant review as the United Kingdom and European Union Brexit negotiations proceed to ensure that vulnerable people are supported should services be disrupted.

**COUNTY COUNCIL**

**Thursday 13 December 2018**

**Question by Ida Linfield to Graham Gibbens,  
Cabinet Member for Adult Social Care & Public Health**

A recent survey by Plan International UK found that 40% of teenagers and young women aged 14-21 are resorting to using toilet paper as they are unable to afford proper sanitary products. Further research estimated that 135,000 girls are missing out on school each year as a direct result. Last September Milton Keynes Council became the first local authority in the UK to start offering free sanitary products in schools to help tackle the issue of period poverty, with a view to eventually making these available in public buildings such as libraries and community centres. The existence of voluntary organisations such as the newly-formed Sevenoaks based 'Beauty Bank Kent' are evidence that period poverty is a serious and growing problem with us in Kent too. This issue potentially covers more than one directorate, but can I initially ask the Cabinet Member for Adult Social Care and Public Health what steps the council is taking to tackle the problem of period poverty in Kent?

**Answer**

In Kent, the School Public Health Nursing service works to improve the health and wellbeing of school aged children and to reduce health inequalities. An element of this provision is to influence the effective delivery of Personal, Social and Health Education (PHSE) including Relationship and Sex Education (RSE), and these, of course, include period poverty. Much of this work is done through signposting and working with schools on their School based Health Improvement plans. These plans will identify the need for the provision of sanitary products and nurses will work with girls and the school to ensure they are provided. All Kent schools are aware of this issue and the provision for sanitary products is accessible across all schools in Kent.

A national charity running a scheme called the Red Box Project are working with schools to provide a red box with sanitary products to ensure that no female misses out on her education because of her period. A number of Kent secondary and primary schools are involved in this highly effective scheme. Additionally, I'm also informed that Kent Libraries are at the very early stage of developing a pilot for provision from libraries on a pilot basis, similar to a programme delivered in Norfolk, and are likely to trial provision in Thanet where levels of poverty are higher and the demand likely to be higher.



**COUNTY COUNCIL**

**Thursday 13 December 2018**

**Question by Dan Daley to Graham Gibbens,  
Cabinet Member for Adult Social Care & Public Health**

It is important for both KCC and clients of domiciliary care that there are mechanisms in place to allow for the temporary cancellation of care provision where it is not required for a given time, without this resulting in charges being incurred from the provider. Would the Cabinet Member for Adult Social Care and Public Health please provide assurances that domiciliary care providers are only billing KCC for work they have carried out and detail how this is managed in practice?

**Answer**

If a package of care is cancelled the agency providing this is given 24 hours-notice of cancellation. This notice of cancellation can be given by either the service user or the Council's Central Purchasing Team.

We would not pay the agency for care not provided, if the relevant notice of cancellation has been given. If, however, care is stopped without the agency or the Central Purchasing Team knowing, then the agency will charge for a missed call

Care agencies will hold cases for two-three weeks, if needed (for example if a service user goes into hospital or on holiday) during this period there is no charge to the Local Authority.

If there is a change to the care package, the agency submits a variation of cost form, which the Central Purchasing Team use to make the necessary changes to the service user's care package on the client database (SWIFT).

Any stop in service is also reflected in the service user's charge.

**COUNTY COUNCIL**

**Thursday 13 December 2018**

**Question by Antony Hook to Graham Gibbens,**  
**Cabinet Member for Adult Social Care & Public Health**

According to figures from Shelter for the first 3 months of 2018, there were 3,623 people classed as homeless in Kent (excluding Medway), of which 222 were sleeping rough. These figures would appear to be rising and don't take into consideration people who are moving between friends and family on a temporary basis. Would the Cabinet Member for Adult Social Care and Public Health please confirm what steps the County Council can take to support district councils in combatting this?

**Answer**

Members will be aware that the statutory responsibility for housing and homeless lies with the District and Borough Councils and not the County Council. I would like to commend publicly the very strong relationship that KCC does have with all the District and Borough Councils in this regard. Ascertaining the number of rough sleepers is not an exact science and it is very difficult to accurately count the number of rough sleepers at any time of the year.

To ensure that the needs of vulnerable people are met and using its discretionary powers of the Care Act, the county council has recently re-designed and commissioned its existing support services for vulnerable people who are homeless, including those who are rough sleeping or sofa-surfing.

The contracts recently awarded to **Look Ahead Care and Support** and **Porchlight** will see the County Council invest **more than £20million** over the next four years, in practical help and support so that vulnerable residents in Kent, including those with complex needs, can recover from homelessness and go on to live settled, independent and successful lives.

The council has worked closely with the districts and boroughs in bringing its aspiration for this service to fruition. In addition to helping to shape the ideas for the new service, district councils were invited to evaluate the tender submissions, and we will continue to ensure this collaboration continues as the service evolves and develops over the next four years.

This summer, Government launched its vision and strategy to halve rough sleeping by 2022 and end it by 2027. The vision was backed with over £64m of funding opportunities for local districts to put forward local initiatives to tackle the problem in their area. Four councils in Kent (Canterbury, Maidstone, Thanet and Tunbridge Wells) were successful, bringing in just under £1.4m of funding to local residents experiencing or threatened with rough sleeping. The money has enabled the authorities to offer a range of options for homeless people, including extending Winter Shelters, creating Housing First options (where those who are the most complex are put straight into a home of their own with comprehensive support around them) and working with private landlords to improve access to accommodation.

Last week Communities Secretary unveiled further plans towards meeting Government's ambitious target which includes £11m fund for councils to support local people into safe accommodation where they can turn their lives around and we will be working with our colleagues in the districts and boroughs to bring some of this to Kent.

The Homelessness Reduction Act came into effect on 1<sup>st</sup> April and is having a significant impact upon the sector, bringing a focus upon prevention or avoidance of homelessness and increasing the support that local housing authorities can give. In some areas of Kent, these authorities can report that there are no families in bed and breakfast and that for some, the use of temporary accommodation has fallen as homelessness has successfully been prevented.

The county council will continue to play an active role, support and collaborating with the housing authorities and other public sector organisations such as Health, Kent Police and Probation ensure that we work together to tackle this challenging area.

**COUNTY COUNCIL**

**Thursday 13 December 2018**

**Question by Trudy Dean to Mike Whiting,**  
**Cabinet Member for Planning, Highways, Transport & Waste**

Would the Cabinet Member for Highways Transportation and Waste please explain the current financial standing of Ferrovial, the parent company of its highway contractor Amey, and in his answer will he please say;

- a) whether Kent County Council was aware of a long running dispute concerning lack of highways maintenance between its highway contractor Amey and Birmingham City Council, when it made the decision to award Amey a £70m contract extension to maintain Kent's highways until 2020?
- b) whether the decision makers in KCC were given prior warning of the dispute which began in 2014, and if so what advice were they given?
- c) whether he believes the financial position of Amey's parent company, Ferrovial who posted a £46m loss for the first half of 2018 compared to a £270m profit for the same period in 2017, or the impending sale of Amey itself, will have any consequence for KCC in achieving value for money from Amey for the next two years?

**Answer**

The record of decision to extend the HTMC was signed on 10<sup>th</sup> April 2018 and the letter confirmation to Amey was dated 24<sup>th</sup> August. The judgment handed down by the Court of Appeal on 22 February 2018 in Amey Birmingham Highways Ltd v Birmingham City Council overturned the decision previously held by the High Court and focused on the interpretation of the contract in the wider context of the whole agreement. There was an awareness of the long running dispute however this is a PFI contract and on completely different contractual terms to the HTMC.

Regarding the final part of Mrs Dean's question, KCC has been assured (in writing) by Amey's Business Director that though Ferrovial (the Parent company) is seeking market interest to sell off their services part of the business, the contract with Amey will continue to operate as intended at rates which have secured a 0.5% reduction across the board as part of the extension proposal. This is not a similar position to Carillion who went into liquidation and defaulted on their liabilities. If AMEY fails, this would cause difficulties, however in accordance with the contract, we would hold back any payment due and utilise the pothole blitz contractors to continue a highway repair service. We would very swiftly engage with the local supply chain and local employees to provide at least a safety critical service whilst a replacement term maintenance contractor were sought. Amey currently continue to win substantial contracts particularly with Highways England. The current value of which are £325 million over a 15-year period and Ferrovial is recording a 59 million euro profit margin for the first 9 months of 2018. There is nothing to suggest we will not get value for money from this contract.

**COUNTY COUNCIL**

**Thursday 13 December 2018**

**Question by Dara Farrell to Paul Carter,**  
**Leader of the Council and Cabinet Member for Health Reform**

At February's County Council meeting the leader opened the debate by informing members that all amendments to the budget would be voted down by the majority group, but opposition groups may well find their amendments being included in the budget in year. Can the Leader confirm how many of these amendments have been included in the budget in year?

**Answer**

Members will recall that at the budget setting County Council meeting in February, the opposition groups kindly agreed for the first time that their amendments would be shared with the Conservative Group the day before the County Council meeting so that the Conservative Group could consider the merits or otherwise of their amendments.

It was in this context, that in my speech introducing the budget, I let it be known that many of the amendments would not be supported at this moment in time. However, many of the proposals would be reflected on during the course of the new financial year when the outturn of the 17/18 budget was known, alongside a review of a number of high-risk assumptions in the budget and whether they have materialised or diminished. Inevitably, any budget is a plan and like all good plans, we need to be responsive to inevitable changes in demands and circumstances. As anticipated, there have been a number of changes during the course of the year.

In specific answer to your question, firstly, in relation to highways maintenance there were two amendments tabled, one from the Liberal Democrat group proposing that we increase the proposed rolling reserve for highways drainage and potholes from £2.4m to £5m via an additional draw down from the Council's overall reserves of £2.6m. The second amendment was from the Labour group to increase the highways revenue budget for asset management by £0.6m, again from reserves. At the time these amendments were proposed I made it clear that we would keep the highways budget under review, particularly in light of the winter pothole damage and drainage. We have honoured this pledge and as members will be aware we have subsequently brought two amendments for full Council in response to the winter damage, the first in May where we made an additional £2m available for pothole repairs from reserves, and again in July when we made a further £4.6m available for revenue spending from reserves, and an additional £10m of capital spending to be facilitated within the three year capital programme. We have also received additional funding from the Department for Transport including the £12.1m in the Autumn Budget announcement. As a result of these extra commitments, overall capital and revenue spending on highways will be in excess of £30m more in 2018-19 than 2017-18. In relation to highways asset management we have been able to achieve the highest band 3 rating.

Secondly, in relation to children's services the Independent group moved an amendment to increase spending on children's social workers in order to reduce caseloads closer to the OfSTED recommendation of 18. At the time Mr Gough expressed his concerns that this would require a sustained on-going commitment to additional expenditure on staff with only one-off funding and would require additional supervisory staff as well as front-line social workers. He affirmed his priority to reducing children's social work caseloads, but he expected and intended that the trend on referrals would mean this could be achieved without additional investment over and above the amounts identified in the budget proposals presented to Council. This prediction has been borne out and I am very pleased that the combination of the budget we proposed and trends on referrals has meant average caseloads have reduced from 23 in January to 20 in October.

There were amendments in relation to youth hubs to provide talk therapies and in adult social care to provide additional befriending services. Whilst we have not made any specific investment in these areas, we have prioritised our youth work training programme to focus on key areas of principle practices for youth workers, completing observations to improve quality of delivery, and on responding to emerging needs and trends in relation to challenging behaviour along with restorative justice. In relation to befriending we have been able to preserve spending in this area and made additional investment with the voluntary sector to improve care navigation and reduction of loneliness, as well as other schemes to help relieve winter pressures.

We will be looking at progressing KCC's minimum pay beyond the £8.10 in our 2019-20 budget proposals which will be published early in January. We were not able to put additional subsidy into the Young Person's Travel Pass over and above the £300 per pass the £8.7m approved budget (equivalent to £300 per pass) and I would like to emphasise that this is a considerable subsidy on a service we are not obliged to offer i.e. non-statutory, although through negotiation with bus companies we have been able to limit the increase in the parental contribution during the year to £10 taking the cost of the pass from £280 to £290 in September.

Overall, I am pleased that we have been able to meet many of the sentiments within the amendments through sensible budget planning during the course of the year.