



COUNTY COUNCIL – 23 MAY 2019

ITEM 7 – QUESTIONS AND ANSWERS

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Question 1

COUNTY COUNCIL

Thursday 23 May 2019

**Question by Martin Whybrow to Mike Whiting,
Cabinet Member for Planning, Highways, Transport & Waste**

What went wrong to allow the destruction of around 17,000 orchids on Bluebell Hill Roadside Reserve, what lessons have been learned to ensure such episodes do not occur again, and how is KCC now working to rectify the situation?

Answer

Thank you, Mr Whybrow. This matter has been investigated and first of all I can say this was not our finest moment however nor has it involved the destruction of flowering orchids as is maybe being intimated by some media. Furthermore, we have funded a full recovery plan agreed with Kent Wildlife Trust.

We were carrying out essential drainage maintenance works alongside the A229 and in so doing damaged the Roadside Nature Reserve.

The works were required because of issues with aquaplaning and accidents associated with surface water on the road. Investigations found that sections of the drainage system for the A229 were blocked causing surface water to back up and flood the road. The Roadside Nature Reserve had been established adjacent to this drain line. The work involved clearing the existing ditch, unblocking the outfalls, refreshing French drains and installing new chambers. Debris and vegetation that had accumulated in the system were also cleared out.

We absolutely accept and regret that at the start of the scheme our Roadside Nature Reserve partners, Kent Wildlife Trust, were not involved in discussing the mitigation measures that could be used to reduce the impact of these works. Once it was realised, discussions were held with Kent Wildlife Trust and we kept in regular contact until completion of the scheme. We have agreed with Kent Wildlife Trust that we will fund reinstatement of the Roadside Nature Reserve to its former condition and will continue to work with them in the delivery of the Roadside Nature Reserves throughout the county.

We have agreed that this way of working will now take place for all future schemes and we will look at ways of improved collaborative working.

We take environmental matters seriously and work with the Kent Wildlife Trust in the management of 120 Roadside Nature Reserves and with Natural England where we have around 150 roads passing through or adjacent to Sites of Special Scientific Interest.

COUNTY COUNCIL

Thursday 23 May 2019

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

Since the responsibility for the case management of Blue Badge applications was returned to Kent County Council in February, existing Blue Badge holders have ceased to receive a 3-month reminder to renew, something they have historically been accustomed to getting. Given that applications can take up to 8 weeks to process, this reminder effectively provides elderly and vulnerable people with a one-month window to submit their application. As a result of not receiving such reminders, many people have been faced with the prospect of being penalised for displaying an out of date badge, or being unable to park where they need to, limiting their freedom and independence.

Would the Cabinet Member for Adult Social Care and Public Health please explain why reminders weren't put in place immediately following the transfer of responsibilities from the Department for Transport, and provide a date as to when Blue Badge holders will again start receiving renewal reminders?

Answer

Badge holders have always been advised to apply several weeks before the expiry date on their blue badge. This information is within the rights and responsibilities booklet, which is sent to all badge holders when badges are produced. Badges also have their expiry date printed on both the front and back of their blue badge.

As part of the transition to a new system introduced nationally by the Department of Transport, there was a significant amount of data regarding blue badges and blue badge holders which needed to be migrated to the new system. These historical records were only available once the Department for Transport agreed that the old Blue Badge Improvement Service system was closed. These records have taken several months to convert and unfortunately this has restricted the ability to send renewal reminders to customers during this period. The end of reminders was not a policy decision and the council always planned to reinstate the renewal reminders as and when this was available within the new system.

The primary focus for the Kent Blue Badge service in recent months has been to ensure that we could continue to process applications after the close-down of the national system, ensuring that we could process applications and produce badges with minimal disruption. There have been some challenges to overcome but in the main this has been achieved. Some applicants have experienced service issues in the early part of this year as a consequence of the transition.

The council is currently testing the data migration, which appears to have been successful. Following this, the council aims to put renewal reminders back in place by June 2019. As part of the changes, we will be sending these reminders 12 weeks before expiry, to give Kent residents earlier opportunity to complete the application process before their current badge expires.

COUNTY COUNCIL

Thursday 23 May 2019

**Question by Ida Linfield to Eric Hotson,
Cabinet Member for Corporate and Democratic Services**

Back in March, the County Council agreed to a motion, as amended by the Conservative Group, to cut down on the exceptional levels of waste which the council generates, of which single use plastics are a prime example. Despite the commitments made (particularly in relation to eliminating plastic cups), if you walk through Sessions House today, within corridors, the restaurant and even the Member's lounge, you will still find an array of plastic cups, knives, forks and spoons.

Kent County Council should be leading the way by demonstrating best practice to residents and businesses. Would the Cabinet Member for Corporate and Democratic Services now please clarify exactly when KCC will follow through on its promised commitments and move to eliminate unnecessary or unsustainable waste from its premises?

Answer

KCC takes its environmental responsibilities very seriously and remains committed to reducing the volume of waste generated and increasing recycling and reuse across the county. Working closely with its three Total Facilities Management (TFM) contractors, Amey, Skanska and Kier, KCC has achieved zero Waste to Landfill and all waste generated is currently reused, recycled or incinerated to produce energy. In conjunction with the TFM Contractors, KCC is looking at ways to divert incineration of waste to recycling / reuse.

Property Infrastructure are currently leading a project to replace bottled water vending machines, where practical, with plumbed in machines to reduce the use of plastic and cut down on carbon miles incurred in transporting the bottled water around the county. In conjunction with its bottled water supplier, Edgar's Water, the inventory and locations are being surveyed to review the plumbing infrastructure, to identify where a change to a plumbed in system can take place. We expect a report with recommendations and a timeline for implementation to be completed by the end of June 2019.

In addition to the above, KCC is also at an advanced stage of discussions with its TFM contractors and catering service provider to reduce single use plastics. Initiatives currently in train include replacing plastic cups with recycled and recyclable paper cups, replacing / reducing plastic cutlery and packaging with sustainable options like wooden cutlery, sugar caddies and tea bag jars in place of these being individually wrapped and re-introduction of the Genuine Dining Keep Cup scheme. In implementing these changes the cost impact, health and safety considerations and standard uniform specifications are being carefully considered.

The existing stock of plastic cups is being used up and Members should be able to witness significant changes and a reduction in the single use of plastics by mid Summer.

COUNTY COUNCIL

Thursday 23 May 2019

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

In recent weeks there has been extensive media coverage regarding the use of glyphosate-based weed killers such as Roundup, following concerns about the potential harm to humans and wildlife. In 2015, the International Agency for Research on Cancer, the World Health Organisation's cancer agency, concluded that glyphosate was "probably carcinogenic to humans" and other more recent studies have demonstrated a detrimental impact on bee populations.

Many local authorities including Brighton and Hove and London Borough of Hammersmith have already banned the use of glyphosate, and many others are actively phasing it out. KCC however is still actively using it across the county to spot treat weeds. Does the Cabinet Member recognise the safety concerns raised and will he take urgent action to ensure Kent switches to using the many safer and more eco-friendly alternatives available?

Answer

Thank you, Mr Chittenden. In the UK, glyphosate is approved by the Health and Safety Executive for use on hard surfaces and amenity areas and we follow the guidelines of the HSE when treating weeds.

Glyphosate is currently the most cost effective and efficient way of controlling weeds within KCC's highways, estates and green spaces and is licensed for this application. Alternative methods can cost up to eight times more than conventional weed treatment. Glyphosate is also the only approved product that works to control invasive species within the County's Country Parks with SSSI status.

Weeds have a negative impact on many KCC assets and if left unchecked can cause safety issues, access problems and costly repairs, so they do need to be controlled.

There are conflicting reports surrounding glyphosate. In the same year that the International Agency for Research on Cancer concluded that glyphosate was "probably carcinogenic to humans" the European Food Safety Agency published a report stating that the chemical is "unlikely" to pose a risk. In March 2017, the European Chemicals Agency stated that 'available scientific evidence did not meet the criteria to classify glyphosate as a carcinogen, as a mutagen or as toxic for reproduction'. In April 2019, the US Environmental Protection Agency stated that glyphosate presented "no risks to public health".

The HSE has no plans to suspend glyphosate use as the HSE do not consider its use unsafe when used in accordance with the relevant legislation and codes of practice.

However, I recognise residents' concerns and the confusion that exists between the scientific data and the results of recent US court cases. So, for the time being we will

continue to focus on minimising glyphosate use whilst continuing to renew advice from HSE.

COUNTY COUNCIL**Thursday 23 May 2019****Question by Dara Farrell to Paul Carter,
Leader and Cabinet Member for Health Reform**

At a recent meeting to discuss commissioned youth provision in the county, a senior officer informed me that they shared my view that there were fundamental issues with initial procurement and the result of this was cases of poor performance. I was also told that the significant fee for contract monitoring was a result of Member interest and the youth service deep dive that had been requested by the Children, Young People and Education Cabinet Committee. Was this the vision for Kent County Council acting as a strategic commissioning authority?

Answer

The Strategic Commissioning Division has already delivered some very impressive outcomes having been formed just over a year ago and brought together pre-procurement, procurement, contract management, and analytical activity in one place. Our services and markets have already been reshaped for the better in a number of areas ranging from care and support in the home through to pot hole repairs. Savings run to several millions of pounds including but not limited to per annum savings of:

- £2.5m reduction in Public Health spend through a new partnering arrangement with KCHFT;
- £1.1m through renegotiation and better management of a healthcare equipment contract;
- £900k on integrated lifestyles under One You Kent;
- and a £250k reduction on the contact centre contract with Agilisys.

This is all underpinned by first rate analytics and insight including our new systemised approach to spend and cost analytics for example. Creating this Division has also generated a £1.5m/ per annum cost reduction from operating efficiency (an 18% reduction in full-time equivalent posts).

The objective of this Council to deliver better outcomes for our residents through Strategic Commissioning has been discussed extensively over many years so I will not repeat that here. Since the re-procurement of youth services in 2016 further improvements have been made through the formation of our Strategic Commissioning Division. The Council no longer has a stand alone procurement function but has integrated teams that oversee the entire commissioning cycle for particular services including procurement and contract management.

My understanding of the sequence of events relating to youth services is that the procurement in 2012 (the "initial procurement") did raise some issues that were covered by the audit report that were then addressed in the re-procurement in 2016. Poor performance by providers and proper contract management then led to some of the contracts being ended and the providers being replaced.

The Council has rightly been bolstering its contract management capability under the Strategic Commissioning Division and this is an example of it doing it's job properly. The cost of contract management in this Division is effectively a fixed cost apportioned across a number of contracts. That cost does not increase or decrease according to the level of Member interest in any particular contract including the deep dives you refer to.

The contracts for youth services expire in November 2021 and opposition Members will be invited to help shape the recommissioning of them through the Commissioning Advisory Board early in the process, likely to be in 2020, and again before any contracts are awarded.

COUNTY COUNCIL**Thursday 23 May 2019****Question by Peter Lake to Roger Gough,
Cabinet Member for Children, Young People and Education**

As I understand it, a travel pass is only issued if a child goes to their nearest school for transport purposes, and is top of the list of their four choices of school. If a child fails to get a place at any of these schools then KCC allocates a place at a school of its own choosing. As the children have no control over their destination do they not qualify for a travel pass without having to go through an expensive appeals process ?

Answer

Transport eligibility is always dependent on the specific circumstances of each individual child and as such, there is not a straightforward answer to this question. KCC's transport guide offers parents an explanation of how preference selection will affect their child's eligibility.

To address the situation cited by Mr Lake, KCC would not refuse transport where a parent had their nearest appropriate school as one of their applications, and had applied for their other nearest schools but those schools were unable to offer their child a place.

In those circumstances, KCC will allocate a place at the next nearest school with an available space. Where this occurs, children will be eligible for free school transport to the allocated school, where it is beyond the statutory distance and if their parent has named their nearest schools, making use of all available preferences.

The underlying principle is that transport eligibility remains where there is no school that could have been named as a higher preference closer to the family home than the school they have been offered.

The policy is therefore somewhat more flexible than is implied by Mr Lake's Question. However, it is fair to add that under some circumstances – arising from applying the same principles to awarding transport that we would in other situations – it is possible that a family could be allocated a school place some distance from their home and not be awarded transport.

As Mr Lake mentions, there is nonetheless at this point scope for appeal to the Member Panel. This is not an expensive process, though I appreciate that it may be a stressful one. Families appealing are able to ask for support from their County Councillor, which I am sure Mr Lake would provide with his usual vigour and commitment.

COUNTY COUNCIL

Thursday 23 May 2019

**Question by Mr Bird to Mike Whiting,
Cabinet Member for Planning, Highways, Transport & Waste, Mike Whiting.**

Could the Cabinet Member for Planning, Highways, Transport and Waste please update the County Council on the current position with regard to Thameslink services due to start in Maidstone in December this year, and could he say whether there is any indication that this service, so important to the economy of Kent, may be delayed or cancelled once more?

Answer

Mr. Bird is absolutely right to recognise the new Thameslink service to Maidstone as being of importance to the economy of Kent. There have been persistent delays to the introduction of this service since the Department for Transport agreed to Kent County Council's request in 2014 to have the Kent terminus for this branch of the new Thameslink network transferred to Maidstone East.

The original date proposed for its introduction was January 2018, although this was initially to have been a peak-only service. This date was then deferred to May 2018, but with the benefit of an all-day service on Monday to Saturday, and so was widely welcomed. We then had a further deferral to December 2018, and then last year the latest deferral to December 2019 as part of a scaling back of the delivery schedule for the whole Thameslink programme following the debacle of the introduction of the May 2018 timetable across the wider Thameslink network.

I therefore wrote on behalf of Kent County Council to Mr Jo Johnson, who was then the Minister of State responsible for rail services at the Department for Transport, urging him to consider the adverse impact on Kent's rail passengers and the local economy of any further deferral of the Thameslink programme in Kent.

While Mr Johnson's reply was non-committal, Mr Bird subsequently received a more positive response to his letter to the Transport Secretary, Mr Chris Grayling, which confirmed that, and I quote: "... from December 2019, new Thameslink services between Maidstone East and Cambridge will also provide an extra two trains per hour in each direction all day".

Despite this reassurance from the Transport Secretary last year, there have been persistent fears within the rail industry of a further delay to the Maidstone East service. These fears have arisen from the overall delay to the introduction of each branch of the wider Thameslink network across south-east England.

But to be absolutely clear: it is my view that any further delay to the delivery of the promised Thameslink service to Maidstone East beyond December 2019 would be completely unacceptable, as many residents and businesses have made location decisions based on earlier information about the planned date of the Thameslink service on this route.

I shall therefore continue to press the Secretary of State for reaffirmation of this date for the new service, which will bring immense benefits to rail passengers from Swanley, Otford, Borough Green & Wrotham and West Malling, as well as to those from our county town of Maidstone.

COUNTY COUNCIL

Thursday 23 May 2019

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

Assuming that sufficient suitably qualified staff could be recruited, will the Leader of the Council please provide an estimate of how much it would cost the County Council to appoint staff to

- a) eliminate the backlog of SEND assessment, provide the support they would require, and keep pace with current applications, and
- b) eliminate the current backlog of Deprivation of Liberty Backlog or applications and keep pace with current applications

Answer

The number of Statutory Assessments for Education, Health and Care (EHC) Plans has been increasing at an unprecedented rate over the past four years and shows no signs of slowing down, similar to other local authorities. Prior to the 2014 Special Educational Needs and Disability (SEND) Reforms we maintained approximately 6,500 EHC Plans; this now stands at approximately 12,500 to date.

This demand has also directly impacted Kent's Education Psychology (EP) Service, resulting in a 97% increase in requests for statutory advice from 2014 – 2018/19. In 2014/2015 virtually every piece of advice was completed in 6 weeks, compared to just 2% in 2018/2019. This has been compounded by staffing vacancies, and difficulties in recruitment. This is a national problem; there are insufficient EPs both now and in the training pipeline to meet demand.

Identifying the need for change in the way we work was identified prior to the Ofsted/CQC inspection and was part of the SEND Action Plan which has been used to inform the draft Written Statement of Action (WSOA).

Measures include a significant improvement to the reward package offered to EPs, while a new triage system has seen the backlog of cases held by EPs reduce to fewer than 300 cases from a peak of 650 in the summer of 2018.

We have recruited additional clerical support to free up officer time to work with families, have revised the role of SEN Provision Evaluation Officers (Specialist SEN Teachers) to quality assure the EHC plan and the delivery of inclusive practice in schools and we are piloting a new streamlined process for assessment of Early Years children who support specialist nurseries. to support joint participation meetings for early years children who attend specialist nurseries.

It is difficult at this point to specify the exact additional expenditure needed, since we will need also need to focus on other measures such as inclusive practice in schools and the impact of other partners, notably health, in contributing to delays in EHC Plans. Nonetheless, it is clear that additional recruitment will need to be part of the solution, and this is being brought forward in work on the WSOA, which once approved by OfSTED will be appropriately resourced.

In relation to part b of the question, KCC has invested £1.54m to deliver a two-year project to manage the backlog of historic Deprivation of Liberty Safeguards (DOLs) applications.

Phase 1 of the project started in February 2018 with 4000 applications within scope. Following intensive data validation, by the time the commissioned services became operational in July 2018, the number of applications had reduced. Based on the current rate of completion, it is estimated that the project would have cleared all applications within phase 1 by July 2019 (approximately 1500 applications).

To date we have spent approx. £500k to set up the DOLs backlog project, procure the assessment contract and start to clear phase 1 of the backlog.

Adult Social Care and Health (ASCH) is using the remaining investment to complete further data validation of the phase 2 backlog applications, which the project team estimate will be a further 2000 applications to complete. These will be completed using the remaining investment.

At the same time ASCH is also reviewing the current practice and processes of the DOLs office to design a sustainable service for the current number of applications and to be ready for legislative changes – Mental Capacity (Amendment Bill) – May 2020.

Some of the solutions to streamline and optimise the service include:

- Tracking authorisations before expiry, requiring a simpler and more efficient process for re-authorisation
- Equivalence Assessments – which will particularly benefit ‘non-priority’ cases (the pilot has proven very successful)
- Implementation of Mosaic (new ASCH system to replace SWIFT)
- Data validation as an ongoing process rather than at certain touch points

It is anticipated that the current £1.54m investment and the redesign of the DOLs office will clear the backlog and deliver an ongoing sustainable service to meet the current applications and be ready for the new legislative changes.

COUNTY COUNCIL

Thursday, 23 May 2019

**Question by Dr Sullivan to Roger Gough,
Cabinet Member for Children, Young People and Education**

Given the emphasis that the Change for Kent Children programme and the Children Young people Department places on Ofsted and its judgements and given this exceptionally bad judgement given by Ofsted in this report, how does the Cabinet Member intend to honourably respond and ensure that the evident problems and barriers to success are dealt with, people are held directly accountable for this failure and that we have a clear departure from the current culture that allowed this judgement to come about in the first place?

Answer

The inspection by Ofsted and CQC of how the local Area – KCC, health, schools – have delivered the reforms embodied in the 2014 Children and Families Act, while identifying some areas of strength, found many more areas of weakness and requires from the Area a Written Statement of Action.

The issues this raises were addressed very thoroughly at the meeting of the Children, Young People and Education Cabinet Committee a fortnight ago, as Dr Sullivan knows well as a member of the Committee.

Glenn Douglas, Accountable Officer for the Kent and Medway Clinical Commissioning Groups (CCGs) and I on behalf of the County Council have issued statements acknowledging what the failings have been and the degree to which parental trust and confidence need to be rebuilt.

It is clear that across our local services there are things that we can and should do better. Equally, there are also national trends at work here: major structural and legal changes, fragmentation in the health landscape, a massive upsurge in demand. These are reflected in the large numbers of Areas who, like us, have to provide Written Statements of Action (some 60% of those Areas inspected over the last year).

The themes seen across the country match those set out in the Kent report: parental unhappiness and dissatisfaction, a lack of co-production with families, limitations of the Local Offer, poor or patchy quality of Education Health and Care Plans, lack of joint work and joint commissioning with Health.

Hugely increased volumes link to the issue of culture mentioned by Dr Sullivan and the Corporate Director, Matt Dunkley and I sought to address this at the Cabinet

Committee. We were clear that there are areas such as parental engagement where we need to improve; however, we were also clear that there is an inextricable link between culture, parent relationships and the sheer pressure that these volumes put on the service. It is only fair to hard working staff in a service under pressure that we acknowledge that.

At the County Council, we had developed a wide-ranging SEND Action Plan before any inspectors arrived in Kent. Those measures – including an overhaul of the statutory assessment process; dramatic reductions in Educational Psychology backlogs; better parental engagement; an enhancement of the Local Offer – will form a central part of the Written Statement of Action.

However, this was an Area inspection and many of the conclusions related to health or to matters which require much better joint working with health. That too must be a major focus of the Written Statement of Action, as must work with schools to build a successfully inclusive system and culture. And we must also push, as the Corporate Director and I have, for changes in the national policy framework, the problems of which are seen in ever more parts of the country.

We have a very big job to do in addressing the issues set out in the Ofsted/CQC letter, and we will seek to do so through this comprehensive programme of change.

COUNTY COUNCIL

Thursday 23 May 2019

Question by Mr Lewis to Mike Whiting
Cabinet Member for Planning, Highways, Transport & Waste

Can you guarantee there will be no increase in fly tipping in Kent when you introduce a stealth tax on non-household waste, given that 85% of the consultees were against these proposal and are now being ignored? Yes or no?

Answer

No. Fly-tipping is an anti-social crime often carried out by criminal gangs. While I do not believe the new policy will turn law-abiding citizens into criminals, I cannot with any confidence predict what criminal gangs might do in response.

The modest charges being made for a limited range of waste types will help keep our sites open and provide investment in them. Other authorities have closed sites to save money. Here in Kent, we are keeping them open.

The evidence from other authorities is that the introduction of charging has not resulted in an increase in fly-tipping above the national average increase, and it is not expected that the experience in Kent will be any different.

However, KCC will step up its joint working with partners in District and Boroughs, with the Police and with the National Farmer's Union to monitor the situation in the coming months and keep the new policy under review.

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