



**COUNTY COUNCIL – 10 September 2020**

**Item 5 – Questions and Answers**

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Question 1

**COUNTY COUNCIL**

**Thursday 10 September 2020**

**Question by Dick Pascoe to Susan Carey,  
Cabinet Member for Environment**

Many residents in my division are keen to install energy efficiency measures. I'm aware of the Warm Homes programme that KCC promote but are there any other measures the County Council can take to assist Kent residents to reduce reliance on fossil fuels?

**Answer**

On September 1<sup>st</sup>, KCC launched the Solar Together Kent scheme; a collective solar PV buying scheme to help households purchase reduced-priced installation of solar panels. Those participating in the scheme will not only benefit from clean low-carbon electricity, but also lower energy costs and a government guaranteed minimum price for any energy exported to the national electricity grid.

We want to do more. Household energy consumption accounts for 28% of the county's carbon dioxide emissions and will need to be greatly reduced if we are to achieve our net-zero ambition for the county by 2050.

In the short term, our activities will focus on expanding and promoting existing initiatives, such as the Warm Homes scheme, to raise awareness and increase uptake. We will also be taking advantage of the new Green Homes Grants scheme, which was announced by the Government in the summer statement. The scheme allows homeowners to apply for a voucher towards the cost of energy efficiency improvements.”

**COUNTY COUNCIL**

**Thursday 10 September 2020**

**Question by Rob Bird to Roger Gough,  
Leader of the Council**

The recent report, Climate Change Risk and Impact Assessment for Kent and Medway, has demonstrated how much needs to be done to make our county and the council's activities carbon neutral. Other critical environmental issues, such as air pollution and biodiversity, are similarly challenging.

With this in mind, would the Leader look to revise KCC's decision-making procedures so that every key decision is required to include an appropriate environmental impact assessment?

**Answer**

This administration has already made a number of major steps in defining our approach to the environmental challenges we face. Many of these were set out in the paper brought to the last County Council meeting by Ms Carey, Cabinet Member for Environment and this was quickly followed by the Energy and Low Emissions Strategy which included our approach to achieving a net-zero target by 2030 for the Kent County Council estate.

Much has been done but as we have all recognised there is much more that we need to do and I welcome Mr Bird's aspiration to keep environmental matters central to our decision-making. Whilst I support that aspiration, I am concerned about whether an environmental impact assessment is the right way for us to achieve that aspiration or whether it risks becoming a well-intentioned but bureaucratic means to an end. I think a more targeted approach would be preferable.

As such, I have asked the General Counsel to look at the aspiration and provide proposals for Selection and Member Services Committee in October as to how we can build this thinking into decision-making and our organisational planning to ensure that our environmental strategy is given full life at the earliest opportunity.

**COUNTY COUNCIL**

**Thursday 10 September 2020**

**Question by Peter Harman to Michael Payne,  
Cabinet Member for Highways and Transport**

On a number of occasions Thames Water have failed to carry out urgent repair work on Kent roads within a reasonable timescale. A recent example of this is a serious water leak on the A226 London Road at Greenhithe; where Thames Water made arrangements with KCC Highways on three occasions over a two week period for their crews to carry out urgently needed repairs, but on each occasion they failed to attend without giving notice. Can the Cabinet Member please take action with a view to ensuring that Thames Water provide a safer and more reliable repair service to ensure that roads in Kent are not left for long periods of time in a potentially unsafe condition due to ongoing water leakage?

**Answer**

Thank you for your question Mr Harman.

Whilst KCC is the Highway Authority and we hold utility companies accountable for issues that affect the highway, it is their responsibility to undertake the works in a safe and timely manner in accordance with their permit application. I am aware of the time invested by Cllr. Harman on this matter with our highways team, to apply pressure to Thames Water and I would like to thank Cllr. Harman for his assistance.

It is only right that this matter is escalated further, as the lack of action and total disregard for Kent County Council and local residents is unacceptable. Thames Water have repeatedly failed to provide a reasonable explanation for the recent failings and consequently a performance improvement meeting with Thames Water is being arranged to address our concerns and agree a way forward.

I have requested that both Cllr. Harman and I are invited to the meeting, to represent the constituents of Swanscombe and Greenhithe and to understand the full extent of the problem.

This blatant disregard for the disruption to the network and consequential damage to our highway is disappointing, as we know Thames Water can perform well, as was proven on a water leak on the same stretch of road last month.

The highways team continue to hold statutory undertakers accountable and impose the maximum fines for non-compliance, where appropriate. This however to date does not seem to have improved performance with Thames Water.

We will continue to monitor and press for better compliance utilising all the regulatory powers available to us including support from KCC Senior Officers and myself.

**COUNTY COUNCIL**

**Thursday 10 September 2020**

**Question by Antony Hook to Michael Payne,  
Cabinet Member for Highways and Transport**

In almost every public car park in Kent, disabled spaces give disabled people safety by providing extra space to get in and out of a vehicle, prepare a wheelchair or walking aid out of the flow of traffic and a location nearer to where they are going. Parking spaces for parents and children provide a similar safety measure, extra space for small children to be lifted in and out of a car and for prams and buggies to be unfolded out of the way of traffic and a shorter distance to walk. But far fewer car parks in Kent have parent and child spaces than disabled spaces.

Does the Cabinet Member agree with me that more parent and child spaces should be created and will he request that Kent Highways ask for the inclusion of parent and child spaces when it is consulted on planning applications that include parking facilities?

**Answer**

I thank Mr Hook for his question. He will of course be aware that our colleagues in the district councils are responsible for off-street car parking and I would encourage him to raise this element of his question with his local council.

Parent/Child spaces are not enforced in the same way as disabled parking bays and are regularly misused by people whose children are too old to warrant their use or consider that the inclusion of a baby car seat in the car is sufficient justification. They are also not defined by an age, weight or height limit. In planning terms supermarkets often provide these spaces because their land holding is sufficiently large, but other smaller developments would struggle to meet minimum parking requirements if a further percentage of bays had to be accommodated.

KCC Highways parking standards have changed to reflect increasing vehicle size and have increased the minimum parking bay sizes to 2.5m x 5m with additional width being required where any space abuts a physical restraint such as a wall, pillar or hedge.

I fully accept that it is a good idea to request more parent/child parking spaces for appropriate land uses at the planning stage and will ask officers to request it where practicable. However, I would caution that, because it is not a statutory requirement and cannot be insisted upon or enforced, developers are unlikely to provide it on every occasion.

**COUNTY COUNCIL**

**Thursday 10 September 2020**

**Question by Dan Daley to Mike Whiting,  
Cabinet Member for Economic Development**

Kent is already under considerable pressure to meet the Government's new housing targets. These targets have a major impact on key services and infrastructure, such as roads, school places and GP surgeries, as well as diminishing people's access to green space and their overall quality of life.

According to the analysis undertaken by the planning and development consultancy, Lichfields, the latest Government algorithm for determining the housing requirements in Local Plan will severely exacerbate a situation which is already intolerable for much of Kent.

The overall annual build requirement for Kent and Medway was already due to rise from 7,577 to 12,073, a rise of over 59% as a consequence of the recently adopted Current Standard Method. Lichfields' analysis of the Proposed New Standard Method, set out in the latest Government White Paper, projects that the annual requirement for Kent & Medway will increase by a further 2,835 to 14,908. That is almost double the original build rate.

Does the Cabinet Member agree with me that such a proposition would place an unacceptable and unrealistic burden on Kent, and will he ensure that the County Council rebuts the Government's proposals in the strongest terms?

**Answer**

Thank you, Mr Daley.

All housing growth without the necessary infrastructure places an unacceptable and unrealistic burden on the county.

As Mr Daley knows, we are championing an "infrastructure first" approach to new development recognising our role as the strategic infrastructure authority and the challenges our district colleagues face in enabling new housing.

We will be responding robustly to the proposals put forward by the Government in their "Changes to the current planning system" consultation <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system> and the accompanying Planning White Paper. From the discussions the Leader has already had, I know that many District Leaders will be doing the same.

**COUNTY COUNCIL**

**Thursday 10 September 2020**

**Question by Ian Chittenden to Michael Payne,  
Cabinet Member for Highways and Transport**

As the Cabinet Member will no doubt be aware, if the outcome of a Traffic Regulation Order consultation produces 5 or more objections, it must be referred to the local Joint Transportation Board. This takes place regardless of the number of responses in support of the TRO, and does not take into consideration the location of those who lodged the objections. This means that schemes can potentially be delayed by a small minority of respondents who may have little or no connection with the area in question, including those based outside the county.

Does the Cabinet Member agree with me that the current system is flawed, and will he commit to reviewing the existing procedures to ensure the JTB referral process takes a more balanced approach which prioritises the views of local residents?

**Answer**

Thank you, Mr. Chittenden for your question.

I would say I cannot agree with his view that the current system is flawed. All the views we receive on Traffic Regulation Orders have to be treated on their merits, whether they originate from local residents or not. I would be interested to learn how Mr Chittenden would propose defining "local", but regardless of this, all road users offer a valuable perspective on a proposal. If there are more than a small number of objections then Members of the relevant Joint Transportation Board are more than capable of judging how to balance these responses, whether local or not.



**COUNTY COUNCIL**

**Thursday 10 September 2020**

**Question by Trudy Dean to Michael Payne,  
Cabinet Member for Highways and Transport**

Councillors have been advised that approval must have been given to all spending on Members Combined Community Grants before Christmas. A number of Members have highway schemes awaiting approval subject to design, consultation and speed checks which are on hold until traffic levels return to normal levels. Councillors have also recently been advised that due to pressure of work related to the Active Travel schemes, no further design work can be undertaken by the Design Unit until March 2021. This would clearly prevent many schemes progressing at all before the requirements of purdah begin to operate prior to the 2021 elections.

Can the Cabinet Member for Highways and Transport please clarify what arrangements will be put in place for spending of MCCGs on Highway projects, whilst stating what deadlines may apply to that process?

**Answer**

Thank you, Mrs Dean for the question.

I understand some Councillors have been advised their schemes may be held up or indeed may not proceed as planned due to the pandemic. Unfortunately, traffic levels and opportunities for meaningful consultation have been understandably affected, and this has been further compounded by the Government's extremely short timetable for submitting bids and delivering schemes for Emergency active travel funding.

Since the range and scale of Member funded schemes varies so much it would be appropriate to take the specifics into a separate discussion with officers to see how these can be progressed in the current climate. I am advised that no 'live' schemes have been abandoned and several schemes have still been delivered during the crisis and I thank officers for this.

I can also confirm that we remain hopeful that the majority of the defined schemes will be progressed and seek to work with Members to deliver schemes as efficiently and quickly as possible.

**COUNTY COUNCIL**  
**Thursday 10 September 2020**  
**Question by Dr Lauren Sullivan to Sue Chandler Cabinet Member**  
**for Integrated Children's Services**

Following the revelations and concerns from Monday evening's Panorama programme, which was about SEND provision, this raises a number of concerns given that this seems to be another failure regarding both SEND and this authority. Will the Cabinet Member firstly commit to a fully open and (importantly) independent investigation to report to full County Council into this matter with the terms of reference agreed by a full meeting of the County Council looking at, but not limited to, SEND Provision, the culture of the CYPE department, the use of confidentiality agreements and payments and the decision/authorisation process?

**Answer**

I understand the concern that the reference made to Kent County Council in the Panorama programme shown on Monday evening may have caused concern.

The particular point made was not something that was raised by KCC in the mediation that took place and we will be taking up the way in which this was reported with the BBC and Panorama. A statement was sent to the programme in advance and a copy of that will be attached to the question response for members.

You will understand that it would not be appropriate to share the details of this particular case in this meeting as it concerns vulnerable children, but I would be happy to do so in a private meeting. I am confident that once you are aware of the details you will appreciate why I do not think that an independent investigation is the right response.

In respect of SEND good progress is being made on the actions outlined in the Written Statement of Action which is regularly monitored both internally and by the DfE, the progress and positive changes have also been reported to the CYPE Cabinet Committee and will continue to be so.

## **Statement referred in answer to CCQ 9**

“A Kent County Council spokesman said: “Kent County Council works closely in partnership with health colleagues, however, we are not in a position to be able to comment on the process undertaken by health professionals when reaching a clinical diagnosis. Provision for children and young people with Special Educational Needs and/or Disabilities (SEND) in Kent has been steadily improving since KCC and the NHS were inspected by Ofsted (Office for Standards in Education, Children's Services and Skills) and the CQC (Care Quality Commission) at the beginning of last year. A number of areas of weakness were identified and KCC and the NHS produced a Written Statement of Action in March 2019, setting out the ways both organisations intended to improve provision, with a particular emphasis placed on increasing the quantity and quality of parental engagement, on which all staff are still extremely focussed.

“Thomas Browne and his family moved to Kent in May 2018 and two of his children had Education Health and Care Plans produced by West Sussex, the Local Area they had moved from. KCC believed then and still believes now that we can meet the schooling needs of the two boys, however, Mr Browne does not feel this is the case. Despite our best efforts, we have struggled to find common ground with Mr Browne and in June 2019 we and NHS partners in West Kent Clinical Commissioning Group (CCG) entered into a confidential mediation meeting with him in good faith. During the meeting a mediator, instructed by Mr Browne, proposed a financial solution whereby KCC would pay Mr Browne a sum of money per child to assist with the family's move to another Local Authority area where Mr Browne believed the children's needs could be better met. The proposal put forward by the mediator was unrealistic, the mediation failed, no amount was agreed and no monies were exchanged. The details of the discussion are still covered by the original confidentiality agreement, which Mr Browne agreed to and has subsequently broken on a number of occasions.

“The family still lives in Kent and KCC continues to provide support which continues to meet the children's needs.”

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