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Ask for:
Date: 4 November 2021

Dear Member

COUNTY COUNCIL - THURSDAY, 4 NOVEMBER 2021

I am now able to enclose the questions put and answers given during the meeting on Thursday, 4 November 2021.

Agenda Item No

6 **Questions (Pages 1 - 16)**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ben Watts', is written over a faint, illegible printed name.

Benjamin Watts
General Counsel

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Question 1

COUNTY COUNCIL

Thursday 4 November 2021

**Question by Mike Sole to David Brazier,
Cabinet Member for Highways and Transport**

I welcome the work of Parish and Town Councils across the county who have been developing Highways Improvement Plans (HIPs), which help give greater say on local highways issues to local people. I have 16 Parish Councils in my division, and I am working with them and the local highways team on projects such as adding new footways and speed reduction measures. These projects will contribute towards improving road safety, leading to a reduction in accidents as the county strives towards Vision Zero.

Given that budget pressures may prevent many of these excellent projects from proceeding, even with support from my or other Members' combined grant pots, will the Cabinet Member for Highways and Transport please commit to reviewing the level of funding available for supporting the implementation of projects in HIPs with a view to providing an increase in next year's budget, so that the drive towards Vision Zero gets a boost at the most local level?

Answer

I thank Mr Sole for his question and am delighted he is a supporter of local Highway Improvement Plans and the County Council's new Vision Zero approach to road safety.

Whilst one of the key benefits of our new approach will be that it greatly improves our chances of accessing central Government and developer funding for local improvements, I sympathise with Mr Sole's concern and will certainly be discussing and reviewing the matter with the new Director of Highways & Transportation, Mr Lightowler.

COUNTY COUNCIL

Thursday 4 November 2021

**Question by Ian Chittenden to Susan Carey,
Cabinet Member for Environment**

In a recent meeting with the National Farmers' Union (NFU), the issue of fly tipping on farmland was raised. Many farmers are regularly blighted by this and have no choice but to remove it themselves. However, they are currently unable to dispose of it at a Household Waste Recycling Centre (HWRC) without being charged. If it were made possible for farmers to submit photos to KCC of fly tipped waste and then freely dispose of this in a commercial vehicle, this would help keep the countryside cleaner for all to enjoy.

Will the Cabinet Member for Environment agree to look into some form of permit scheme to facilitate this?

Answer

Flytipping is a criminal offence and inexcusable under any circumstances. It's truly distressing to see flytipping anywhere whether countryside or town, private or public land. I can well understand that farmers do not want to meet the costs of disposing of this most unwelcome waste dumped on their land but the idea Mr Chittenden puts forward is not one that we could accept. It would be difficult to manage, open to abuse and is an open ended and uncosted service which could only be done at the expense of KCC's other services.

As Mr Chittenden knows, the District & Borough Authorities are responsible for clearing fly tipping and are the enforcement authorities. KCC is, however, fully committed to combatting this illegal activity from which we also suffer across our road network and land.

Over the last two years KCC has worked with both the district and borough councils and Kent Police who are each responsible for taking enforcement action against the criminals who flytip. We allocated over £500,000 for the Keep Kent Clean campaign (a slogan coined by Sir Paul Carter) to assist districts and boroughs and pay for extra Days of Action by Kent Police. 'Keep Kent Clean' included a targeted 'duty of care' campaign to explain to residents that they needed to protect themselves from people offering waste removal who were not registered to carry waste and who might flytip. The campaign explained how to check for waste carrier licences and that should flytipped waste be traced back to an individual that person could be prosecuted and fined if they had not checked on how their waste would be disposed. Small businesses were also alerted to their responsibility to have a waste carriers licence and either a receipt or waste transfer note for the waste they dispose. The campaign also included short films explaining in simple terms how to dispose of your waste (in fact one of the films includes both a farmer and an NFU representative).

The Kent Resource Partnership Practitioners Group, a body that consists of Kent districts, Kent Police, Environment Agency and the NFU are heavily involved in co-ordinating activity jointly to deal with the criminals who flytip. KCC has provided this group with covert cameras and equipment that district and borough councils use to gather evidence to make prosecutions. This has included deploying cameras on farmers land and the NFU will be aware of this.

KCC employs a Dedicated Intelligence Analyst within the KCC Public Protection Intelligence Team. The Analyst gathers intelligence from a variety of sources to identify the most prolific flytipping offenders in Kent and supports the local district Enforcement Officers with their investigations through a range of enhanced checks.

The Practitioners Group has supported the planned days working with Kent Police to target individuals breaking the law. KCC's Intelligence Analyst produces briefing packages to support proactive enforcement action, tailored to each district and targeting their individual hot spots/most prolific offenders (which can include incidents/ offenders tipping on farmers land).

So, whilst I must say no to the suggestion, we set up a service to deal with flytipping on farmland, I trust it is clear that KCC is going well above its statutory duty in combatting flytipping.

COUNTY COUNCIL

Thursday 4 November 2021

**Question by Richard Streatfield to Sue Chandler,
Cabinet Member for Integrated Children's Services**

In common with the rest of the county, Sevenoaks has seen a rapid increase in applications for Education, Health and Care Plans (EHCPs). Can the Cabinet Member account for why this is the case both in Sevenoaks and across Kent, and in her answer, outline what is being done to address the situation?

Answer

The increase nationally in requests for EHCP plans is well documented and is being felt up and down the country, particularly following the return to schools this year. Many of the challenges with the current system stem from reforms brought in by the 2014 Children and Families Act. These challenges include variations in the quality of SEN support across England – a so-called postcode lottery. This is evidenced by most areas having Written Statements of Action following the inspection of their SEND service. In response to these challenges, Government has commissioned a SEND review, recognising the whole sector needs review to inform systematic change, this has been repeatedly delayed with the latest date earmarked for Spring 2022.

The House of Commons Public Accounts Committee warned in its recent report that these plans had become a “golden ticket that parents fight for to secure access to adequate support for their children.” This perception seems to exist around the country and may well partially explain the huge increases we have seen nationally and the near tripling of EHCP's in Kent since 2014. Locally, a recent analysis of 700 parental requests for EHCP in Kent identified a lack of parental confidence in mainstream education for SEND children; parental belief that their child's needs could only be met through specialist provision or therapies; and anxieties for children moving from one phase of education to another, particularly from primary to secondary schools, as the three main drivers for the increase in requests. This overall picture also applies to the wards in and around Sevenoaks.

To address this, we are working to establish a much greater level of inclusion across the education system as a whole and to grow the confidence of families that their children's needs can be met best within mainstream school settings. Funds have been transferred to the LA from the High Needs Funding block for schools to support a range of initiatives to build capacity and capability of mainstream schools to support children with SEND and to provide a coherent range of additional services to support them to do this.

We are also working with school leaders to bring about a cultural change, develop standards and frameworks to support more inclusive education; with our Health colleagues to develop their therapy offer; and we have significantly invested in the expansion of both the Educational Psychology Department and the EHCP assessment teams to meet the immediate increase in demand.

We are working to ensure all schools have a commitment to all children, not just those that do not require some educational support, so no child is left behind. Along with national

reforms, there is clearly a cultural change that is required across many of our schools in the county. We want to ensure that, whatever their circumstance or ability, our children have a sense of belonging, feel respected and part of their local community, and are valued for who they are, and can develop the knowledge and skills required for adult life.

Given the national picture and pending SEND review, the KCC SEND team along with health and education colleagues will continue to work tirelessly to review systems within Kent and to address the issues driving EHCP requests in the authority.

COUNTY COUNCIL

Thursday 4 November 2021

**Question by Antony Hook to Susan Carey,
Cabinet Member for Environment**

Could the Cabinet Member for Environment please outline what action plan she has in place to achieve a reduction in the number of locations in Kent where air is so polluted that an Air Quality Management Area (AQMA) is required?

Answer

The statutory duty to monitor air quality, declare an Air Quality Management Area (AQMA) and implement a supporting air quality action plan rests with Medway Unitary and the 12 District and Borough Councils.

KCC recognises it has an important role to play in taking action to address this health and environmental concern. KCC's commitments and actions are enshrined in the Kent & Medway Energy & Low Emissions Strategy and supporting implementation plan with Priority 6 covering Transport, Travel and Digital Connectivity setting out the many actions that are being delivered by KCC or in partnership with public and private sector partners

Many of these actions are also needed to achieve Net Zero for Kent by 2050, such as the Kent REVS electric van scheme which aims to encourage organisations to switch to electric vans by providing an electric van to trial for up to 2 months for free.

KCC is a proactive participant in the Kent & Medway Air Quality Partnership which enables the sharing of good practice, development of partnership actions, communications campaigns, and new funding bids. Just recently the KCC Public Transport team were awarded £9.5 million of Government Zero Emission Bus Regional Areas (ZEBRA) funding to buy electric buses for our Fastrack services.

COUNTY COUNCIL**Thursday 4 November 2021****Question by Kelly Grehan to Shellina Prendergast,
Cabinet Member for Education and Skills**

I have been contacted by parents in Dartford North East whose children have special educational needs and have not been able to access their school place this year as they are awaiting applications for transport to be heard. Is the Cabinet Member for Education and Skills able to confirm how many children with special educational needs are currently not in their special school placements due to waiting for transport applications, and what measures are being taken to aid their parents during this difficult time?

Answer

This matter is one of great concern for the Council and we have sought to use all the measures at our disposal to tackle it as we understand the detrimental impact this is having on our children and families in Kent. The Transport Eligibility Team currently have 145 outstanding applications for pupils with an EHCP - this figure includes pupils who attend both Special and Mainstream schools. Parents are advised that applications can take up to 6 weeks to process and implement at busy periods and that they are responsible for making their own arrangements during that time. Unfortunately, due to the current well publicised issues in the transport sector, and in particular driver shortages, which are now having a significant impact on school transport not only in Kent but nationwide, applications are taking longer than usual to implement. Parents are therefore being contacted to advise that any transport arrangements they are required to make outside of published timescales will be refunded via the mileage payment scheme.

Where parents indicate that they are unable to make their own arrangements to take their child to school, their case is being prioritised by Transport Officers in Public Transport who oversee implementation. This does not necessarily mean that they can be quickly assigned to a vehicle – largely due to the national shortage of drivers as previously mentioned. Work is ongoing to bring more providers into the tendering framework and to identify local schools that can provide short term support. Training sessions are also being organised to help with the related reduction in availability of Passenger Assistants.

Parents who have previously expressed a preference for a Personal Transport Budget, but for whom it was historically not cost effective for KCC, are now being offered an opportunity to join the scheme until the end of the current academic year and make those spaces available to other pupils. Route optimisation software is also being implemented to allow a full review of the transport network, ensuring as many pupils as possible can be supported by available vehicles.

COUNTY COUNCIL

Thursday 4 November 2021

**Question by Jackie Meade to Clair Bell,
Cabinet Member for Adult Social Care and Public Health**

Given that the new Adult Social Care Strategy is encouraging our clients to take up the Direct Payment method to organise their care, could the Cabinet Member for Adult Social Care and Health please outline exactly what checks and balances are undertaken by KCC to ensure that our clients receive not just value for money in their care packages, but are also charged fairly and correctly for the time logged and charged to their accounts.

Answer

Individuals who have been assessed as having social care needs under the Care Act have a choice. They can have a service arranged by the Council or they can have a Direct Payment where they receive a Personal Budget which they can spend as they choose as long as it is used for what has been agreed in their Care and Support Plan. This means that the person takes on the responsibility for purchasing what they require to meet their needs, in a way which suits them. If a person needs help with this the Direct Payment Team has Support Workers who can give advice or there is a Direct Payment Team Helpline: 03000 413600 direct.payments@kent.gov.uk.

The Direct Payment Team also undertake monitoring to ensure the Direct Payment is spent on what is agreed in the Care and Support Plan. If there are any concerns or issues these are highlighted during monitoring and acted on accordingly.

As part of the monitoring process, advice and support is offered. Serious concerns may be referred to safeguarding or to the fraud office. Insurance is included in the direct payment arrangement to cover legal protection should a case need to be brought under employment legislation.

If the Kent Card is used to receive the direct payment, the system is set up to trigger an alert should unusual spending be detected.

COUNTY COUNCIL**Thursday 4 November 2021****Question by Harry Rayner to David Brazier,
Cabinet Member for Highways and Transport**

HS1 International Passenger Rail Services calling at Kent Stations

It was established at the recent KCC Rail Conference that Eurostar, having ceased international passenger traffic calling at Kent Stations from 2020, has advised that it will not recommence such services before 2023. Trade press reports indicate that RENEF, the large Spanish rail operator, is proposing to commence an alternative international high speed passenger rail service over the HS1 trackbed. Does the Cabinet Member welcome this prospective competition for Eurostar? Will he encourage RENEF in this endeavour, and in particular ensure that such international passenger train services, resume stopping at Ebbsfleet and Ashford International Stations please?

Answer

We welcome the news that RENFE is exploring introducing new services through the Channel Tunnel between London and Paris. Competition between passenger services through the Channel Tunnel has long been an aim, with other operators formerly having considered operations. If competition can lead to lower prices and more choice for times of travel for passengers that is a positive thing.

We understand these proposals from RENFE are at an early stage and will face a number of tests and challenges before getting approval to commence operations. Should they progress further, we will be keen to understand how their introduction could affect the potential for stopping international services in Kent. We view the proposed competition as a good sign of the future recovery in demand for the important low carbon international travel link between the UK and the European continent. Our focus in the short term is on understanding from the current operator (Eurostar), their plans for returning these benefits to Kent by re-introducing stopping services at Ashford International and Ebbsfleet International stations at the earliest opportunity.

COUNTY COUNCIL

Thursday 4 November 2021

**Question by Lauren Sullivan to Roger Gough,
Leader of the Council**

Can the Leader of the Council confirm that KCC has a culture, amongst members and officers alike, that is non-sexist, non-misogynistic and takes affirmative decisive action to ensure this is the case; yes or no?

Answer

Dr Sullivan will know from her membership of Personnel Committee that we aim to be an organisation in which all colleagues, both Members and Officers, are able to feel accepted for who they are and for the insights, qualities and backgrounds they bring to the work they do. This should go beyond our duty as a public authority to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics and those who do not.

I am sure she would accept that we have a collective responsibility to support and develop this culture to ensure we treat each other and our service users with compassion, understanding and respect. I expect the organisation and all the people in it to embrace this, and, in general, we do – KCC is a self-aware and positive organisation. In reality in an organisation of this size there will be examples where behaviours sometimes fall short of the standards expected, which is why it is necessary to have measures in place to ensure that all types of unfair treatment and discrimination are understood to be unacceptable and to support continuous improvement in our Equality, Diversity and Inclusion agendas.

These actions are in place and range from clear statements in our cultural attributes and values, through our codes of conduct, data monitoring, and complaints procedures to our leadership frameworks and training provision, and much more. As Chair of Personnel Committee, I have arranged for a detailed paper on Equality, Diversity and Inclusion approaches to be prepared for discussion at our January meeting and I would invite Dr Sullivan to help shape the topics she would like to see included in both the paper and the discussion. This is an important issue which should transcend party politics.

COUNTY COUNCIL

Thursday 4 November 2021

**Question by Karen Constantine to Roger Gough,
Leader of the Council**

The youth justice failed inspection has followed the failure twice of UASC children and young people, the damning Ofsted review of our SEND provision therefore demonstrating that the vulnerable young people of Kent are being let down by KCC. As an alternative to meaningless action plans and nothing changing, what steps will the Leader be taking to ensure there is proper accountability for these continued failings?

Answer

Vice-Chairman, there are many premises behind this Question that I do not begin to accept, and in one case - that of unaccompanied asylum seeking children - an utter misrepresentation of the position. I will return to that at the conclusion of my answer.

The Question speaks of meaningless action plans which result in nothing changing. The reality is that the Improvement Plans are a statutory requirement, with measurable objectives and accountability for delivering them. And there are real changes as a result.

Let me address each of the examples cited:

The SEND Inspection of 2019 was, as I have always emphasised, deeply disappointing albeit in line with the experience of many areas across the country, as Mrs Chandler pointed out in her answer earlier. It was an inspection of the whole area and SEND system in Kent, not just KCC services but health services and schools also.

In the nearly 3 years since that inspection and written statement of action, those statutory partners have worked together to address the many areas of concern across the system identified in the report. Progress has been monitored externally by the Department for Education and the Department of Health, and within KCC by an Improvement Board and by CYPE Cabinet Committee, for which it is now a standing item. While 18 months of COVID has undoubtedly impacted on the pace of progress, clear improvements in outcomes are visible and are recognised by government in its monitoring.

To take just two examples, the proportion of EHCPs completed within the statutory timescales of 20 weeks rose from 28.2% in October 2020 to 48.4% in October 2021, in spite of a near doubling in the number of applications for EHCPs in that time, and when most local authorities declined on this measure. Secondly, the percentage of parents that agree or strongly agree with the confidence statements about the SEND Local Offer within the parental survey has gone up from a baseline of 30.4% in the 2019 parent survey to 66% (July - September 2021) and the percentage of parents that agree or strongly agree that they found information on the Local Offer useful has gone up from a baseline of 19.2% in the 2019 parent survey to 55% (June 2021).

I do not accept Mrs Constantine's description of the recent HMIP inspection of Youth Justice Services in Kent as "failed". The full HMIP report and the Improvement Plan

approved by them will be considered by CYPE Cabinet Committee next week. However the 12 judgements show a range of different outcomes, including two “inadequate” judgements and two “outstanding” judgements – one of which was for our partnership with other organisations. The two “inadequate” judgements related to aspects of individual case planning and assessment and limited the overall judgement to “Requires Improvement” as it had been in the previous inspection. This is obviously not the outcome we would have liked, but we have a robust plan in place to address the improvement needed in those areas , and the Inspectors judged Leadership and Management to be “Good” overall.

Finally, I turn to the issue of Unaccompanied Asylum Seeking Children. The reality here - which I remain baffled that Mrs Constantine, pretty much alone as far as I can see, fails to acknowledge - is that our service has taken the brunt of a national and international issue. If there are failures, they are of border control across the Channel, and of the refusal to implement the mandation provisions of the 2016 Immigration Act.

We have twice had to suspend delivery of some of our statutory duties - for reasons which have been reported to, and accepted by this council. We did so under advice from the Director of Children’s Services that we could no longer provide a safe and efficient service, and our duty to deliver that - to asylum-seeking young people, and to other young people in our care - overrode our obligations under the Children Act. There is no council, even of our size, that can take 60, 80, 100 young people into its care month on month on month without it having a grievous effect on those services and the welfare of young people. I didn’t have Mrs Constantine down as an advocate of massively increased caseloads for social workers and foster placements miles outside the county, but that is the logical consequence of the position she seems to advocate.

We are proud of the service that we have provided to hundreds of asylum seeking young people over the years. And when it comes to leadership, it is the political and officer leadership which has taken this issue to national government, and delivered major change. A financial settlement that eliminates the historic funding gap for the council. A revised National Transfer Scheme launched last autumn which, while not delivering the mandation that we believe is required, has placed large numbers of young people with other local authorities. And an innovative agreement with government for us to provide a Safe Care and Reception Service before UASC young people move on to other local authorities, while keeping the number of those to whom we provide longer-term care and support to acceptable levels.

Vice-Chairman, where we fall short we acknowledge it and work to improve. But what I cannot and will not accept is, in an effort to fabricate a picture of comprehensive failure, an utter misrepresentation of this vital area of work in which we have, against the odds, delivered better outcomes for the county and for the young people in our care.

COUNTY COUNCIL

Thursday 4 November 2021

**Question by Mel Dawkins to Susan Carey,
Cabinet Member for Environment**

We must take the Climate Emergency seriously and do all we can within our capabilities to combat the unnecessary emissions of CO₂ and particulates. KCC has previously committed to achieving its Net Zero targets for its own estate and services by 2030, but also to reducing greenhouse gas emissions from the whole County to net zero by 2050.¹ One area I have observed where progress should be explored is vehicle idling, including buses. Unfortunately many buses continue to run their engines when idle, despite concerted efforts to encourage them not to. For example, I recently visited a level crossing at the Sturry Junction (which is known for having particularly long wait times) and noticed that many buses were idling for over 10 minutes whilst waiting for the level crossing to open.

Can the Cabinet Member for the Environment explain what actions she is taking, in support of the longer term KCC objective to reduce overall greenhouse gas emissions in Kent, to encourage other sectors in Kent such as Bus Companies, to address practices such as vehicle idling so as to reduce their emissions? In answering the question, can the Cabinet Member or their Colleague with responsibility for Highways and Transport, confirm whether any current contracts KCC have with Bus Companies already stipulate particular practices to reduce emissions?

Answer

As I mentioned in my response to the earlier question regarding this Council's action to reduce air pollution, the statutory duties to monitor and take action to improve air quality rest with the Medway Unitary and the 12 District and Borough Councils.

The Kent and Medway Energy and Low Emissions Strategy which KCC developed jointly with Medway and the 12 Kent districts/boroughs includes air quality reports from Medway and the districts/boroughs as one of the ways we will monitor progress in delivering the strategy and many of the actions by KCC and partners will have an impact on air quality.

KCC has an important role to play in taking action to address this type of health and environmental concern and we can help influence travel behaviours. Where we have the ability to do so, KCC seeks to improve traffic flows on key routes to minimise stationary traffic and idling. Engine idling has been the subject of annual Clean Air Day campaigns and we continue to find ways to support activity, in particular targeting school traffic working with our District Partners to promote Clean Air for Schools campaign activity. Our active travel work also encourages people to walk or cycle.

Electric Vehicles have zero emissions both when moving and stationary so, as more people make the switch, problem of pollution from idling engines will reduce. The Government's grant of £9.5m to make our Fastrack bus services electric shows how public

¹ <https://www.kent.gov.uk/environment-waste-and-planning/climate-change/climate-emergency-statement>

transport is also starting to make the switch. KCC's Kent REVS scheme to lend electric vans to businesses is also helping more people appreciate the benefits of electric and encouraging them to switch.

Use of public transport is a significant action itself, providing a sustainable alternative to the private car, (with lower emissions per passenger when compared to petrol/diesel cars), helping to reduce congestion and queues and the need for idling. A review of the Government's published data on emissions for transport during 2019 shows that only 2.4% of emissions were due to buses compared to 56% from cars and taxis, 19% from HGVs and 19% from vans.

Use of public transport understandably declined during the pandemic. However, as we now come out from the pandemic, plans are in place to promote public transport once again and we expect use of public transport to return to increase.

Whilst KCC does not specify a requirement around vehicle idling in our supported bus contracts, we do regularly advise operators to ensure that drivers are not idling engines unnecessarily. And we will report incidents of unnecessary idling to operators.

COUNTY COUNCIL

Thursday 4 November 2021

**Question by Alister Brady to David Brazier,
Cabinet Member for Highways and Transport**

The 2nd - 5th June 2022 marks the Queen's Platinum Jubilee Weekend, with an additional bank holiday scheduled for Monday 6th, to celebrate seventy years of service. Over the course of the Jubilee Weekend communities will be encouraged to celebrate the occasion, coming together in a spirit of fun and friendship.

In the past, Councils have decided to forego some of the charges involved in holding street parties to celebrate the Queen's Jubilee. For example, in 2012, during the run up to the Queen's Diamond Jubilee, Kent County Council waived charges for parties in quiet, residential roads in a bid to encourage neighbours to organise an event to mark the historic occasion. Similarly, Canterbury City Council recently approved a motion to waive the fees charged by the Council to charities and community organisations applying to run a public event on Canterbury City Council land over the course of the Queen's Platinum Jubilee Weekend.

Keeping the above in mind, will the Cabinet Member for Highways and Transport consider waiving road closure fees for the Queens Platinum Jubilee celebrations between 2nd – 5th June to allow communities to come together to celebrate this historic event?

Answer

In line with usual procedures for events of this nature fees will be waived and a block temporary traffic regulation order will be published that will include all the affected roads. Exact details will be confirmed with application details closer to the time and contain any Government guidance that may be published.

It is also important to note that events of this nature can only take place on quiet residential roads, busy and main roads will not be included.

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