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Dear Member

COUNTY COUNCIL - THURSDAY, 18 JULY 2024

Agenda Item No

6 County Council Questions (Pages 1 - 10)

Questions put and answers given at the meeting.

Yours sincerely

A handwritten signature in black ink, appearing to read "Ben Watts", is written over a faint circular stamp.

Benjamin Watts
General Counsel

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Question No. 1

COUNTY COUNCIL MEETING

18/07/2024

Question from Alister Brady to the Cabinet Member for Highways and Transport

Vision and validate is a transport development strategy which puts people rather than traffic first. The aim is to visualise the safest, most environmentally friendly, most user friendly, direct and reliable travel routes for people, walking, cycling and wheeling, and for the use of public transport. It is being championed by the Royal town Planning Institute, Homes England, Department for Transport, and aligns with Framing Kent's Future objectives. Why is it not a priority for Kent County Council?

Alister Brady, County Councillor for Canterbury City North

Answer

Vision and validate is a relatively new policy concept. Its objective to create sustainable communities designed around people, with facilities which are accessible by walking, cycling and public transport fits well with the KCC priorities of Creating Infrastructure for Communities and Environmental Step Change within Framing Kent's Future.

The KCC Infrastructure First Group, comprising Cabinet Members and senior officers, recently considered a presentation on how it is being incorporated within District Local Plans and for significant development sites. The policy is also under consideration for inclusion in KCC's Local Transport Plan 5 which, following a consultation this year, will be considered by the Council.

COUNTY COUNCIL MEETING

18/07/2024

Question from Mel Dawkins to the Cabinet Member for Environment

A year on since Conservationists described the outlook for Kent as 'alarming' regarding Kent's insect numbers and with the knowledge that pesticides can have negative impacts on human health and wildlife, does the Cabinet Member for Environment think it is now time to introduce a pilot ban on the use of pesticides and glyphosates in public spaces, such as playgrounds, parks, and streets?

Mel Dawkins, County Councillor for Canterbury City South

Answer

In the UK, pesticides are approved by the Health and Safety Executive and their use is strictly controlled. We only use products which are authorised for use and comply with UK legislation, codes of practice and industry best practice. The pesticide Glyphosate is widely available to the public from retail outlets and is approved safe to use in gardens, parks, amenity areas and highways by the UK Government Health and Safety Executive. We may use other pesticides where there is an overriding public safety reason but very rarely. We do not use neonicotinoids.

However, recognising some residents' and members concerns, we have a rolling review on the use of pesticides on our estate and continue to carry out trials, discussions and work with our partners to find suitable methods to minimise their use and find effective alternative solutions which enable us to maintain our infrastructure and green spaces safe for everyone. If new products or techniques do become available, we will review them as part of our ongoing programmes.

COUNTY COUNCIL MEETING

18/07/2024

**Question from Susan Carey to the Cabinet Member for Community and
Regulatory Services**

Would the cabinet member please provide an update on the pilot schemes for community run libraries and say when other communities in Kent might be able to take forward such schemes?

Susan Carey, County Councillor for Elham Valley

Answer

KCC is committed to delivering and evolving our library service for the future. Community libraries are a feature in many parts of the country. I recognise that there are some communities in Kent that are interested in this model and where that interest has been expressed, engagement has taken place between the community group, typically the parish council, the library service and KCC Infrastructure.

A key element of this initiative involves examining and researching the various models for community libraries elsewhere. Some community libraries remain part of the local authority's statutory network of libraries, whilst others operate independently, sometimes as charitable organisations. Regardless of the model chosen, there are many factors to consider, including the relationship with the local authority, the roles and responsibilities of volunteers, support to enable the community to manage a library, including book stock and ICT, building maintenance, and health and safety. Careful consideration is needed to create a sustainable model that suits the local environment and community.

I understand the desire of some parish councils to explore the possibility of managing their local library, especially when linked to broader community hub projects, offering co-located services or enhanced amenities to residents. We already have an excellent record of co-locating services across the county, such as the Gateways, Southborough Hub and Tunbridge Wells Amelia. We remain committed to exploring similar opportunities.

I believe in supporting the ambitions of our local communities and will continue to engage and collaborate with all interested parties, ensuring a careful and measured approach to developing the right model for Kent.

COUNTY COUNCIL MEETING

18/07/2024

Question from John Wright to the Cabinet Member for Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

Can the cabinet member provide an update on the implementation of the asset management strategy, setting out the current situation with asset disposals and associated capital receipts, along with setting out where that income is being directed?

John Wright, County Councillor for Sittingbourne South

Answer

The new Asset Management Strategy (AMS) is currently being drafted and finalised with ongoing engagement across KCC services about the strategy. The new AMS will be presented to Policy and Resources committee on 10th September following which it is intended that the strategy will be finalised and a key decision progressed.

Capital receipts are used to fund projects in the capital programme which is agreed by County Council as part of the funding for the overall programme. In certain circumstances they can also be used to fund particular types of revenue expenditure in accordance with the national direction for 2022 to 2025 to continue to allow authorities flexible use of capital receipts under the strategy agreed by County Council in the 2024-25 budget approval. Decisions over the use and quantum of capital receipts used are made through the budget process each year, taking into account expected receipts, planned capital expenditure and other funding streams available.

Properties are considered for disposal once alternative KCC uses have been considered. We have a number of disposals currently being marketed and expect a solid pipeline of additional assets to be filtered throughout the course of the year.

There is a mixture of assets which are surplus to requirements, which include community, educational and KCC properties and the aim is to reduce the holding costs within the portfolio and optimise the sale values by way of sound estate management. The performance of the capital receipts that are achieved are reported to the Policy and Resources Committee. Infrastructure is targeting a return of £12.427m (excluding high risk sites transactions) in 2024/2025 and achieved £12.324m in 2023/2024.

COUNTY COUNCIL MEETING

18/07/2024

Question from Jenni Hawkins to the Cabinet Member for Education and Skills

Given the controversy over the number of EHCP applications in the county, please would the Cabinet Member let us know how many appeals have taken place at the Special Educational Needs and Disability Tribunal over the period April 2022 – April 2024. In how many of these cases did the Tribunal find in the favour of the parent/carer, and what was the cost of the appeals to KCC for this period?

Jenni Hawkins, County Councillor for Hythe West

Answer

There is a discrepancy between the proportion of children identified as having such complex needs that they require an Education, Health, and Care Plan in Kent when compared to that same proportion across England. That discrepancy has grown to Kent having around 20% more than the national average over the last two years, although that discrepancy has now reduced in the very latest figures. However, I would regard that discrepancy as an ‘anomaly’ rather than a ‘controversy’.

Local Authorities are required to advise parents of their right to appeal any decision to refuse any of the following:

- To assess a child or young person’s educational, health, and care (EHC) needs
- To reassess their EHC needs
- To issue an EHC plan
- To change what’s in a child or young person’s EHC plan
- To maintain the EHC plan.

In addition, parents can also contest the granular detail of many of the main sections of their child’s EHC Plan.

This means that for every child and young person, there are 5 decision points where an appeal can be lodged. Between April 2022 and April 2024, Kent County Council (KCC) processed somewhere in the region of 8000 assessment requests, and completed around 40,000 annual reviews. It follows that there are hundreds of thousands of individual decisions made each year that are subject to the potential for appeal. Over the two-year period under consideration, 440 tribunal hearings were considered against the Kent Local Authority. Of those, 309 went fully in parents’ favour following a decision. That equates to 70% of cases heard. The relatively small overall number of

appeals that are lodged against the potential number of appeals suggests KCC officers are making appropriate decisions in the overwhelming majority of cases.

Delivery of KCC's tribunal responsibilities requires the combined efforts of staff members across the education service, as a part of their wider duties. For that reason, it is not possible to disaggregate the cost of delivery of tribunals as a distinct figure.

Question No. 7

COUNTY COUNCIL MEETING

18/07/2024

Question from Chris Passmore to the Cabinet Member for Highways and Transport

A planning application has been lodged for up to 1300 houses on land between Hermitage Lane and Kiln Barn Lane. It contains a proposal for a spine road to link the development across NIAB/EMRS to New Road East Malling potentially opening up many more acres for development. Residents have told me that this road is being promoted by Kent County Council Highways Department in order to provide a relief road for general traffic on A20/London Road. Can the Cabinet Member for Highways please confirm or deny that this is the case?

Chris Passmore

County Councillor for Maidstone Central

Answer

Thank you for your question. The link road and other scheme proposals are being promoted by the landowner; these schemes are not being promoted by Kent County Council Highways.

COUNTY COUNCIL MEETING

18/07/2024

Question from Trevor Bond to the Cabinet Member for Economic Development

Can the cabinet member outline how this authority can better work with Kent police and other agencies to tackle waste crime?

Trevor Bond

County Councillor for Deal and Walmer

Answer

I recognise the impact that waste crime can have on our communities and the environment I am working with officers to ensure that all options are explored to halt and disrupt these unacceptable activities.

The complexities of waste crime, however span the remit of a number of regulatory bodies including Borough and District Councils and the Environment Agency, in addition to controls held by the County Council.

The national body responsible for the protection of the environment is the Environment Agency and in the most serious cases, this Agency has the most effective powers.

To address the broader enforcement challenge of waste crime requires a collaborative effort from multiple agencies, working together and thinking creatively to deploy their powers and resources to best effect.

To this end, I have recently met with the Police and Crime Commissioner to discuss the importance of tackling waste crime and sought his assistance. I can also confirm that discussions at Director level have also taken place with the Environment Agency to agree how this issue can be effectively tackled.

It is also important to note that Cross regulatory parties already exist and options are being explored to strengthen and widen this collaboration. While I am not at liberty at this time to disclose the detail of the proposed approach as it will require the support of other Kent partners, I am confident that I will be providing a comprehensive update by the end of the summer.

COUNTY COUNCIL MEETING

18/07/2024

Question from Richard Streatfeild to the Cabinet Member for Adult Social Care and Health

During the election I spoke to people in receipt of Personal Independence Payment (PIP) who will now have that considered as income and taxed by KCC to fund their care because of the Cabinet Member's recent decision.

Can the Cabinet Member explain what he is going to do in response to the comments and concerns raised about this decision by the Scrutiny Committee on 10 July?

Richard Streatfeild

County Councillor for Sevenoaks Town

Answer

Thank you for your question.

The decision considers how the council will use its discretion to support the principles of care and support charging including that, after charging, a person must be left with no less than the minimum income guarantee (MIG), as set out in the Care and Support (Charging and Assessment of Resources) Regulations 2014. In addition, where a person receives benefits to meet their disability needs, the charging policy ensures that people keep enough money to cover the cost of meeting these disability-related costs.

Analysis of the data received from other councils, October 2023, with regards to whether they include the higher or enhanced rate of AA, DLA or PIP within their financial assessment, shows that Kent's current policy is more generous than the majority of other councils and the proposed changes are in line with current charging policies for many other councils. Councils have had the option to make changes since the introduction of the Care Act 2014.

As set out at Scrutiny Committee, all people financially affected by the changes to the charging policy will be sent a letter which sets out a breakdown of their new charge. Accompanying this letter will be frequently asked questions which provides further information about the Disability Related Expenditure Assessment [DREA].

Disability related expenses [DRE] are extra costs that a person may have to pay due to their disability or care need. A DRE only relates to non-residential care and for people who have been assessed to contribute towards the cost of their care.

When we work out how much a person can afford to pay towards their care and support, we automatically apply £17 per week allowance for every person towards any disability related expenses. We call this, a Standard DREA.

Following the discussion at Scrutiny Committee work has begun to ensure that contingencies are put in place to support any increase in DREA requests above and beyond what has already been identified. A supplementary briefing will be shared with members once this has been completed and will also address the additional concerns raised.

COUNTY COUNCIL MEETING

18/07/2024

Question from Rich Lehmann to the Cabinet Member for Highways and Transport

In a briefing note sent out on 8th July, members were advised that a number of changes to the Kent Karrier service in recent months as well as some upcoming changes to the charges would help to reduce the net cost of running this service from £570k per annum to £214k per annum. Could the Cabinet Member for Highways please provide a breakdown of how much of this saving is expected to come from the reduction in service provision, how much will be from increasing the annual membership charge from £0 to £50m, and how much will be from increasing (in some cases doubling) the fares?

Rich Lehmann

County Councillor for Swale East

Answer

Kent County Council has long supported the Kent Karrier service, ensuring weekly access to local town services. Following a review into KCC's bus subsidy budget in 2021/22, a decision was made to retain these services owing to the impact that their withdrawal would have on residents however it was also identified that to continue, future services must be put on a more sustainable financial footing.

To achieve financial sustainability, officers have optimized service levels through integration with other alternative services, reviewed membership fees and adjusted fees, and looking at potential to repurpose vehicles for peak-time SEN transport, which has contributed to cost reductions.

The net costs quoted by Councillor Lehmann are estimates. Estimates can vary annually due to changes in membership numbers, usage, and school days in the academic year. Typically, membership fees could yield £41,750, fare income around £38,200, with remaining cost reductions generated via service adjustments and SEN transport utilisation."