

KENT COUNTY COUNCIL

CABINET SCRUTINY COMMITTEE

MINUTES of a meeting of the Cabinet Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Wednesday, 12 December 2007.

PRESENT: Dr M R Eddy (Chairman), Mr D Smyth (Vice-Chairman), Ms S J Carey, Mr A R Chell, Mr A D Crowther (Substitute for Mr A H T Bowles), Mr B R Cope, Mrs T Dean, Mr C Hart, Mr G A Horne MBE, Mr E E C Hotson, Mr P W A Lake, Mr C J Law, Mrs M Newell, Mr M J Northey (Substitute for Mr A R Bassam), Mr J D Simmonds (Substitute for Mr J R Bullock, MBE), Mrs P A V Stockell and Mr R Truelove

IN ATTENDANCE: Mr J Wale, Assistant to the Chief Executive and Mr S C Ballard, Head of Democratic Services.

UNRESTRICTED ITEMS

30. Minutes - 24 October 2007
(Item. A3)

RESOLVED that the Minutes of the meeting held on 24 October 2007 are correctly recorded and that they be signed by the Chairman.

31. Informal Member Group on Libraries and Archives' Unit Business Plan - 19 November 2007
(Item. A4)

RESOLVED that, subject to note 1(18)(c)(i) being amended to read "need to develop a **suitable** Archives facility within the next 5 years", the notes of the Informal Member Group on the Libraries and Archives' Unit Business Plan held on 19 November 2007 be noted.

32. Informal Member Group on Budgetary Issues - 29 November 2007
(Item. A5)

RESOLVED that:-

- (a) The recommendation in note 3(4) be agreed and the future risks of a waste disposal strategy which relies on incineration as a significant element be referred to the Environment and Regeneration Policy Overview Committee for investigation.
- (b) The remaining notes of the Informal Member Group on Budgetary Issues held on 29 November be noted.

33. Cabinet Scrutiny Committee - Standing Report to December 2007
(Item. A6)

(1) Concern was expressed by some Members that, at its meetings, Cabinet did not appear to be giving any consideration to the Committee's recommendations.

Mr Law offered to raise this concern with the Leader of the Council with a view to arranging a discussion between the Leader and the Committee's Chairman and Spokesmen.

(2) RESOLVED that the report on the actions taken as a result of the Committee's decisions at previous meetings, and the updated report on progress with Select Committee Topic Reviews, be noted.

34. Webcasting of Meetings
(Item. A7)

RESOLVED that arrangements be made for all future meetings of the Committee to be webcast.

35. Draft Proposal for a Public Health Observatory for Kent
(Item. C1)

(1) Mr G K Gibbens, Cabinet Member for Public Health; Dr D O'Neill, Assistant Director of Public Health, West Kent Primary Care Trust; and Mr M Lemon, Policy Manager, Department of Public Health, Chief Executive's Directorate, attended the meeting. Following an introduction by Mr Gibbens, Members questions covered the following issues:-

Reason for County Council Involvement

(2) In answer to questions from Mr Horne, Mr Simmonds and Mr Truelove, Dr O'Neill and Mr Lemon explained that KCC's involvement in the Observatory proposal was as part of its public health remit. A key part of this remit was to improve the general health of Kent residents in order to reduce the number suffering long-term illnesses, and the information provided by the Observatory would assist in identifying the factors directly or indirectly affecting people's health (eg housing conditions, environmental issues, etc), so that appropriate action could be taken by the County Council and the other partners.

Cost to County Council

(3) In answer to questions from Mr Horne, Mr Simmonds, Mr Chell and Mr Smyth, Mr Gibbens, Dr O'Neill and Mr Lemon explained that much of the information was already being collected by the NHS, KCC, or by the other partners in the Observatory project. The purpose of the Observatory was to bring all the information together so that more effective use could be made of it by all the partners. The Observatory would not therefore, of itself, result in any additional cost to KCC.

Governance and Work Programme

(4) In answer to questions from Mrs Dean, Dr O'Neill said that the Observatory would report to the Kent Public Health Board, which comprised representatives from the NHS, KCC, District Council and other stakeholders. The Kent Public Health Board would determine the work programme for the Observatory so all partners, including KCC, would have a say in the contents of the Observatory's work programme and how these were prioritised.

Conclusions

- (5) RESOLVED that:-
- (a) Mr Gibbens, Dr O'Neill and Mr Lemon be thanked for attending the meeting to answer Members' questions;
 - (b) Cabinet's decision to agree to the establishment of the Kent Observatory of Public Health be supported subject to:-
 - (i) there being no additional cost to KCC arising from the setting up and operation of the Observatory;
 - (ii) all the partners in the Observatory agreeing to share their data with each other free of charge;
 - (iii) operation of the Observatory being regularly monitored by the Health Overview and Scrutiny Committee to ensure that the Observatory continued to deliver value for money for KCC, and Cabinet be advised accordingly.
 - (c) The Director of Public Health be requested to ensure that her Annual Report each year included details of the work of the Observatory.

36. Free Travel for 11-16 Year Olds *(Item. C2)*

(1) Mr R F Manning, Lead Member for Environment, Highways and Waste; Mr D Hall, County Transportation Manager; and Mr D Joyner, Sustainable Transport Manager, Environment and Regeneration Directorate, attended the meeting to answer Members' questions on this matter.

(2) In introducing the item, Mr Manning said that the pilot scheme had been launched successfully and was proving very popular, but it was a pilot and it had only been running for 5 months out of a planned 12. Experience from the pilot, and the views expressed by interested parties, would all be carefully considered before the scheme was rolled out further.

(3) Members' questions covered the following issues:-

Take-up of Freedom Passes

(4) In answer to a question from Mr Law, Mr Hall said that 4,800 passes had been issued (against an estimate of 3,000), of which approximately 10% had been bought for children who were entitled to free school transport.

Charge for Freedom Pass

(5) In answer to a question from Mr Hart, Mr Manning explained that the £50 charge was to meet the administrative costs of issuing each pass. As the scheme was extended to additional areas it was possible that economies of scale might allow the charge to be reduced.

(6) Mr Joyner said that his team were carrying out surveys throughout schools on barriers (including the cost) to take-up of the passes. In addition, a bid to the Government for Pathfinder status was being prepared. If successful, the funds obtained could be used to waive the £50 charge for low-income households.

Extension of Pilot Scheme

(7) In answer to questions from Mr Truelove, Mr Manning and Mr Hall said that discussions were taking place with bus operators about the next areas to be included in the pilot scheme but no decisions had yet been taken on where these should be.

16-18 Year Olds

(8) In answer to questions from Mr Truelove and Mr Horne, Mr Hall said that extension of the Freedom Pass scheme to 16-18 year olds was included as part of the bid for Pathfinder status.

Looked After Children

(9) In answer to questions from Mr Truelove, Dr Eddy and Mr Horne, Mr Manning said that the Freedom Pass scheme did not currently include Looked After Children. Mr Hall explained that it was an aspiration to include Looked After Children and efforts were being made to find a mechanism for this.

Inclusion of Rail Travel in Freedom Pass Scheme

(10) In answer to questions from Mr Horne and Mr Northey, Mr Hall said that there had been considerable discussions with Southeastern Railway, and these were continuing, but it had not yet proved possible to overcome the rail company's reservations about joining in the Freedom Pass scheme. Their main concern appeared to be policing the use of the Freedom Pass, given that train services typically covered long distances, well beyond the limits of the area covered by the Freedom Pass.

Measuring Impact of Freedom Pass Scheme on Traffic Congestion

(11) In answer to a question from Mrs Dean, Mr Joyner said traffic surveys were being undertaken on various roads in Canterbury, Tonbridge and Tunbridge Wells to measure the impact of the scheme in terms of journey time per km travelled. In Canterbury, the surveys benefited from use of Police number-plate recognition cameras. Survey results from Freedom Pass application forms showed that 27% of applicants travelled to school by car as their main mode of travel.

Conclusions

(12) RESOLVED that:-

- (a) Mr Manning, Mr Hall and Mr Joyner be thanked for attending the meeting to answer Members' questions;
- (b) all involved be congratulated on the successful launch and operation of the Freedom Pass pilot scheme;
- (c) Cabinet be recommended that Freedom Passes should be provided immediately by the County Council, in its role as corporate parent, to all its Looked After Children in the pilot areas, with Looked After Children in other areas being provided with Freedom Passes by the County Council as the scheme was extended to those areas;

- (d) the Cabinet Member for Environment, Highways and Waste be requested to announce as quickly as possible the areas to be covered by the extension to the existing Freedom Pass pilot scheme in June 2008, and by any subsequent extension before full County-wide roll-out was achieved;
- (e) the intention to make a bid for Pathfinder status be welcomed, particularly if approval of such a bid would allow a reduced charge for the Freedom Pass to be made to disadvantaged households;
- (f) regardless of the outcome of the bid for Pathfinder status, the Cabinet Member for Environment, Highways and Waste be urged to consider the possibility of offering a reduced charge, or payment by instalments, to disadvantaged households;
- (g) the Cabinet Member for Environment, Highways and Waste be requested to provide regular reports to the Committee to enable it to monitor the costs, charges and take-up of the Freedom Pass scheme; and
- (h) the Cabinet Member for Environment, Highways and Waste be urged to pursue as strongly as possible the inclusion of rail travel in the Freedom Pass scheme (particularly in those areas where rail, rather than bus, provided the most important local public transport link), both directly and, in the context of the bid for Pathfinder status, by asking Government to put pressure on Southeastern Railway to participate.

37. Future of National Fruit Collection, Brogdale
(Item. D3)

The Chairman agreed to take this as an urgent item because it had only recently come to light that the Cabinet Member had submitted comments to DEFRA on this matter on behalf of the County Council, and the Minister's decision was expected to be taken within the next few days.

Mrs P A V Stockell declared a prejudicial interest in this item as a Director of East Malling Research and left the room for the entire discussion.

(1) Mr R W Gough, Cabinet Member for Regeneration and Supporting Independence, and Mr S Gibbons, Head of Rural Regeneration, Environment and Regeneration Directorate, attended the meeting to answer Members' questions on this item. Mr A Hillier, owner of the Brogdale site, and Dr Joan Morgan, representing the Friends of the National Fruit Collections at Brogdale, also gave evidence to the Committee in support of the principle of keeping the National Fruit Collections at the Brogdale site. Dr Morgan also submitted a written statement which was circulated to Members at the meeting.

(2) Mr Gough explained that, in January 2007, the Department for Environment, Food and Rural Affairs (DEFRA) put the future curation of the National Fruit Collections, currently located at Brogdale, Faversham, out to open competition. The original closing date for bids was in May. The published criteria against which the bids were to be judged did not include the views of local authorities, other interested parties or the public. As the closing date for bids approached, few details of any of the bids were available but it appeared that some may have

proposed removing the Collections from Kent. Mr Gough was very anxious to try to ensure that the Collections stayed in Kent but felt that simply telling DEFRA this would have no effect whatsoever, and he was concerned that if DEFRA eventually selected a bid that removed the Collections from Kent, the County Council would be criticised for not having done enough to prevent this. He therefore felt that the only way in which KCC could have any influence, and even then it would be very marginal, would be by supporting a particular bid on grounds which related to the published criteria. Mr Gough had details only of one bid. This was the bid submitted jointly by the Brogdale Horticultural Trust, Imperial College and East Malling Research, which proposed relocating the Collections to East Malling. This bid appeared to have a sound scientific basis, thus meeting one of DEFRA's criteria, and Mr Gough therefore wrote to DEFRA on behalf of the County Council supporting this bid on 10 May. Mr Gough was aware that various interested parties wished to retain the collections at Brogdale but had received no details of any bids which might have proposed this.

(3) Subsequently, in August, DEFRA had re-opened the tendering process but did not inform the County Council of this at the time. Mr Gough said that he only found out that the tendering process had been re-opened some time later. In early November, following discussions with a representative of the Friends of the National Fruit Collections at Brogdale, he considered whether to re-examine the view he had previously expressed to DEFRA. On being contacted, DEFRA made it very clear that, while the County Council was welcome to make further representations, these would not have any effect on DEFRA's choice of bidder. Mr Gough therefore decided not to make any further representations.

(4) Mr Gibbons added that the latest information from DEFRA was that a recommendation as to which bid should be accepted had been passed to the relevant Minister, Lord Rooker, on the previous day.

(5) Mr Hillier, as owner of the Brogdale site, said that he was anxious to preserve the Collections at Brogdale but he had not sought to support any individual bid. He saw keeping the Collections at Brogdale as a key part of the Swale Regeneration Initiative and was baffled that KCC could support moving the Collections away from Swale, particularly when they had not examined the three bids which proposed retaining the Collections at Brogdale.

(6) Dr Morgan, representing the Friends of the National Fruit Collections at Brogdale, explained the international importance of the Collections and that they had originally been located at the Brogdale site some 50 years ago because of its ideal soil and climatic conditions. She explained that moving the Collections in their entirety would be extremely difficult, expensive, could take up to 5 years, and would break the continuity of those records which related specifically to the Brogdale site. There was therefore a danger that, if one of the non-Brogdale bids was accepted, the Collections might be rationalised or dispersed, or some varieties would just be cryo-preserved.

(7) Members' questions covered the following issues:-

Status of Decision

(8) In answer to a question from Mrs Dean, Mr Gough explained that, because this was a matter over which KCC had very little influence, he felt that his decision to write to DEFRA in support of the East Malling bid was a matter of routine

business, which did not require a formal Cabinet Member Decision. However, he did accept that he could and should have consulted more with the local Members concerned before he sent his letter of 10 May 2007 to DEFRA.

Scientific Advice

(9) In answer to a question from Mrs Dean, Mr Gough confirmed that he had not sought any expert scientific advice before writing his letter of 10 May 2007 to DEFRA.

Conclusions

(10) RESOLVED that:-

- (a) Mr Gough, Mr Gibbons, Mr Hillier and Dr Morgan be thanked for attending the meeting to answer Members' questions;
- (b) a letter be sent on behalf of Committee to the Minister as a matter of urgency urging that he select a bid which would allow the Collections to remain at Brogdale;
- (c) Cabinet be recommended to urgently reconsider the Council's position on the future location of the National Fruit Collections, with a view to advising the Minister as a matter of urgency that, in the light of further information that had only recently become available, the Council now urged that the Collections should remain at Brogdale;
- (d) a reminder be issued to Cabinet Members and Managing Directors of the constitutional requirement to consult local Members before taking decisions under delegated powers or when preparing a report for consideration by the Council, Cabinet, Cabinet Member or a Committee; and
- (e) in issuing the reminder in (d) above, Cabinet Members and Managing Directors be requested to interpret the term "local Member" widely, so as to include, as appropriate, Members who represented neighbouring divisions, or divisions whose residents made significant use of the facility concerned.

38. KCC International Activities Annual Report 2006/07

(Item. C3)

(1) The Committee noted some further information which had been tabled at the meeting.

(2) RESOLVED that this matter be referred to the Corporate Policy Overview Committee for consideration of whether the expenditure on Kent/Virginia and Smithsonian represented good value for money

39. KCC Environment Policy

(Item. C4)

RESOLVED that that this matter be referred to the Climate Change Select Committee for consideration at its meeting to be held in January to monitor implementation of its recommendations.

40. Second Homes Money, Thanet (Decision 07/01074)
(Item. D1)

The Committee noted some further information which had been tabled at the meeting and decided to take no further action on this item.

41. Borough Green and Platt Bypass (Decision 07/01078)
(Item. D2)

RESOLVED that this matter be referred to the Environment and Regeneration Policy Overview Committee for that Committee to monitor implementation of Decision 07/01078.