

SCRUTINY COMMITTEE

Thursday, 11th June, 2015

10.00 am

**Darent Room, Sessions House, County Hall,
Maidstone**





AGENDA

SCRUTINY COMMITTEE

Thursday, 11th June, 2015, at 10.00 am
Darent Room, Sessions House, County Hall,
Maidstone

Ask for: **Joel Cook**
Telephone: **03000 416892**

Membership

- Conservative (6): Mr R J Parry (Chairman), Mr J E Scholes (Vice-Chairman),
Mr E E C Hotson, Mr A J King, MBE, Mr L B Ridings, MBE and
Mrs P A V Stockell
- UKIP (2) Mr H Birkby and Mr R A Latchford, OBE
- Labour (2) Mr G Cowan and Mr R Truelove
- Liberal Democrat (1): Mrs T Dean, MBE
- Church Mr D Brunning, Mr Q Roper and Mr A Tear
- Representatives (3):
- Parent Governor (2): Mr P Garten and Mr G Lawrie

Tea/coffee will be available 15 minutes before the start of the meeting

County Councillors who are not Members of the Committee but who wish to ask questions at the meeting are asked to notify the Chairman of their questions in advance.

Webcasting Notice

Please note: this meeting may be filmed for the live or subsequent broadcast via the Council's internet site or by any member of the public or press present. The Chairman will confirm if all or part of the meeting is to be filmed by the Council

By entering into this room you are consenting to being filmed. If you do not wish to have your image captured please let the Clerk know immediately.

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A - Committee Business

- A1 Introduction/Webcast Announcement
- A2 Substitutes
- A3 Declarations of Interests by Members in items on the Agenda for this Meeting
- A4 Minutes of the meeting held on 19th May 2015 (Pages 5 - 10)

B - Any items called-in

C - Any items placed on the agenda by any Member of the Council for discussion

- C1 Flood Risk Management Committee - Annual Report (Pages 11 - 44)
- C2 Commissioning Advisory Board update (Pages 45 - 62)
- C3 Select Committee Work Programme (Pages 63 - 70)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services
03000 416647

Wednesday, 3 June 2015

Timing of items as shown above is approximate and subject to change.

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 19 May 2015.

PRESENT: Mr R J Parry (Chairman), Mr H Birkby, Mrs T Dean, MBE, Mr E E C Hotson, Mr A J King, MBE, Mr R A Latchford, OBE, Mr S C Manion (Substitute), Mr L B Ridings, MBE, Mrs P A V Stockell and Mr R Truelove

ALSO PRESENT: Mr J D Simmonds, MBE, Mr M A C Balfour, Mr D L Brazier, Mr N J D Chard, Mr B J Sweetland and ACC R Price

IN ATTENDANCE: Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Mr J Burr (Director of Transformation and Commercial Services), Mr G Wild (Director of Governance and Law), Mr R Wilkin (Interim Director of Highways, Transformation and Waste), Mr P Sass (Head of Democratic Services) and Mr J Cook (Scrutiny Research Officer)

UNRESTRICTED ITEMS

75. Minutes of the meeting held on 4th of February 2015 (Crime & Disorder Committee)
(Item A4)

RESOLVED that the minutes of the Crime and Disorder Committee meeting held on 2 February were an accurate record and that they be signed by the Chairman.

76. Street Lighting Review
(Item C1)

1. Assistant Chief Constable (ACC) Price provided an update to the Committee in terms of Kent Police's view on Street Lighting and KCC's Safe and Sensible Street Lighting programme (SSSL).

- Street Lighting has been a significant issue for some people of Kent, with the Police being aware of strong feeling around the county.
- Crime figures are generally positive at present, even with the increases resulting from improved crime recording accuracy.
- Burglary was down by 850 incidents that last year.

2. ACC Price explained that research conducted by the Police had shown that there was no direct correlation between crime and street lighting, with varying outcomes observed in different districts. ACC Price noted that the perception of crime and safety was affected by street lighting despite the lack of supporting evidence. The specific figures showed a greater reduction in crime in areas of part night lighting rather than all night lighting, while anti-social behaviour (ASB) had dropped slightly more in all night lighting areas.

3. While responding to questions from Members, ACC Price explained that the Police's contribution to the KCC consultation was based on a simple risk assessment using crime figures to identify areas where all-night lighting should remain in place. The Police have continued and were maintaining ongoing assessments. ACC Price stated the Kent Police was the best placed organisation to conduct the risk assessments.

4. Roger Wilkin, one of the review authors, explained that Dover was the first area to be changed over to part-night lighting and that as a result it was the only area suitable for initial review. Plans for further research and reviews were underway; to be conducted as additional data becomes available.

5. In response to Member questions about Kent Police's view on the whether a pilot of SSSL would have been beneficial and whether the Police were supportive of the programme, ACC Price explained that there would be positives and negatives in any alteration to Street Lighting. He explained that managing area specific pilots would have created its own problems and he appreciated that such a delay limited the savings options; however he noted that the follow up work in Districts had mitigated any negative results of not running a pilot. In terms of Kent Police's view of SSSL as a whole, ACC Price commented that his letters included in the constitution could have better laid out Kent Police's position.

6. ACC Price outlined the Police's view as follows;

- Kent Police would prefer all street lights to be run all night due to their impact on fear of crime.
- Kent Police appreciated that budget constraints demand that very difficult decisions had to be taken by KCC.
- Kent Police did not believe it was its place to influence KCC's decision regarding street lights.

7. A Member gave an example of local crime and ASB in their Division, stating that the residents strongly felt that the change to part-night lighting was responsible for their negative experiences of criminal damage and ASB. In light of the research showing no direct correlation between crime and street lighting, the Member questioned how best to evidence that the negative impact on residents was linked to SSSL. In response, ACC Price stated that the street lighting was not the answer to all cases of crime and ASB and that local community safety arrangements should be able to effectively address such concerns. These arrangements should include activity from the Police, District and County Council staff (Police Officers, PCSOs, and Wardens etc.).

8. The Chairman and Members thanked ACC Price for his contribution to the meeting.

9. Mr Wild introduced the Street Lighting Review report, explaining that it detailed both good and poor practice undertaken by the directorate. Geoff Wild stated that the Committee should recognise that KCC's processes had improved since the SSSL project was developed and implemented and that further improvement was ongoing, with the majority of identified governance issues already addressed.

10. Roger Wilkin, co-author of the report, explained that the Review examined the processes leading to the adoption of the Street Lighting Policy and did not seek to

consider the outcome of the policy. The Review had shown that there had been some weaknesses in the processes but noted that KCC's governance arrangements had since improved. He commented that in the course of development and implementation of SSSL, Officers were trying their best to deliver against the wishes of Elected Members.

11. The Chairman thanked that authors for their report and commended its quality, inviting Members to seek clarification on any elements of the report.

12. Members asked questions of the report authors regarding the following;

- Why did Members not always have access to all relevant facts during the SSSL development?
- Why was the full cost of project not made clear to Members early enough for the outcome to be reviewed?
- Has new guidance arising from the identified governance issues been developed (particularly the requirement for Officers to keep Members informed)?

13. The report authors explained that the Review had highlighted several areas of learning and improvement. Specific pieces of work were underway to develop guidance on appropriate recording of information and processes for key decisions. Examples of improvements included the inclusion of consultation information to form part of key decision reports. Mr Wild explained that while the full costing details were not reported as part of the decision process, they had been included in the Budget and business plans which were accessible to all Members. The process followed represented Officers doing their job under normal delegation principles with the expectation of Members making final significant decision.

14. Mr Wild reassured the Committee that the governance processes had changed since the SSSL project and decisions of similar scale follow different pathways now with improved rigour and greater Member involvement. Mr Wild confirmed that the Equality and Consultation Teams were developing reports that evidence embedded processes to support relevant guidance.

15. John Burr, responding to financial questions, explained to the Committee that the funding referred to in the report was made up of £3.2m of capital expenditure and £2.3m was revenue expenditure used on the column removal programme.

16. A Member raised questions regarding the inadequacy of the Equality Impact Assess (EqIA) developed for SSSL and the limitations of the consultation process; specifically why advice to improve the processes was not taken. Mr Wild explained that mixed advice was provided regarding the requirements for EqIA detail and that some of the consultation and equalities advice had been acted upon by the service. The decision to progress with the consultation, made by the service, could be considered a risk but was balanced against the need to achieve the outcomes of the SSSL project. With the new processes in place, Mr Wild stated that it could be expected that a different approach would be taken in the future. Mr Wild accepted that there should have been records within the decision making process evidencing the decision to act on parts of the consultation and equality advice and not on others and that this was an example of identified improvements that have been or and were being made to relevant governance processes. Mr Wilkin commented that the Review examined the processes rather than individuals involved in the decision

making and that the desired outcome of any changes would be improved governance systems that would ensure that any mistakes made previously could not be made again.

17. Mr Burr explained that the relevant staff working the project at the time, acting under officer delegation, had made decisions based on sometimes conflicting advice. There had been no intention to ignore processes and the final outcome was the result of relevant officers' best judgement in balancing the consultation and equalities advice with the Member led decision to proceed with SSSL. Mr Burr clarified that the service did not believe that there was a requirement for an EqIA in 2010 when the Street Lighting Strategy and Policy was developed and that he believed that information relating to the proposed policy was available to Members as there had been no intention of withholding it – it had been to Policy and Overview Committees at the time. In 2012/13 details of the proposed implementation of SSSL was shared across the county at Joint Transportation Boards, the consultation in 2013 also being on the implementation rather than the Policy adopted in 2010.

18. A Member commented that learning lessons from SSSL and the review was key. Mr Simmonds responded to specific questions from the Member regarding the value for money of the project, the speed of the project implantation and the perceived resistance to criticism of the project. Mr Simmonds explained that he was pleased with the project return; saving £1.12m in one year and that as the implementation had been progressed from 2010, he did not believe that it represented undue haste. In terms of resistance to criticism of challenge, he noted that Members had ample opportunity to consider the relevant spending earlier via KCC's budget processes. Mr Simmonds commented that SSSL had proved frustrating from the Executive's point of view, in that it was fully accepted that lessons had to be learned and that some processes needed improvement but that he still believe that the decision was correct based on the information available to KCC at the time, most notably that it was not at all expected that LED options for street lighting would become affordable in the near future.

19. Members questioned the appropriateness of not consulting on the basic policy of part-night lighting within SSSL as the 2013 consultation and JTB engagement only focused on exclusion criteria. Members asked for clarification on whether a full consultation process was planned for the implementation of LED street lighting.

20. Mr Wilkin and Mr Burr explained that the transition to LED did not require consultation at current stages, with procurement already underway for the relevant stock. Replacing all Street Lights with LED bulbs was already KCC policy but the improved flexibility that the new LED project would offer, via remote management systems, meant that reconsideration of part-night lighting policies would be possible in the future. They assured the Committee that when any changes to policy were considered, a consultation would take place.

21. Mr Balfour reminded the Committee that he had provided an assurance at County Council in March that a decision about how to consult on revised policy for use of LED street lighting would be informed by discussion at Environment & Transport Cabinet Committee to be held in July.

22. Responding to Member questions about project costs, Mr Burr explained that the consultation exercise had not been fully costed but represented a reasonable

amount of Officer time, though not to an unacceptable level. Additionally he reassured the Committee that appropriate contracts were in place with the relevant suppliers for street lighting technology that meant the suppliers were liable for all costs arising from faults. He explained that a transition to LED street lighting had been KCC's plan for many years but the cost and reliability when previously considered made it unfeasible. Earlier than anticipated technical improvements and reductions in cost had presented the opportunity to proceed with LED, so the directorate were working hard to achieve this as soon as possible.

23. A Member commented that as one of the named objectives of SSSL was the reduction of carbon emissions, it would have been useful to receive information on progress against this goal.

24. Responding to a question on the process to be used for requesting reversal of part-night lighting, Mr Balfour explained that a paper considering appropriate methods of evaluating part-night lighting policy would be going to the July Environment & Transport Cabinet Committee.

25. A Member commented that they believed SSSL had been a good project that had received only a small number of complaints and that it was generally welcomed in their Division. They added that considering the scale of the project, the implementation had been relatively smooth.

26. Mr Balfour stated that he believed that the fear of crime concerns raised by the public and noted by the Police had to be considered and that he would be taking this into account when the matter was considered in July. He added that Mr Pearman had recommended that Victim Support be approached to provide guidance on appropriate part-night reversal criteria.

27. Members commented that the needs of late night and early morning travellers needed to be considered in terms of part-night lighting reversals. A Member also commented that the public in their Division had strongly indicated a preference for a return to all-night lighting. The Member raised a concern that without evidence of a causal link between street lighting and crime levels, it was difficult to make a case for reversal and the public were confused as to how to go about making such requests.

28. Mr Balfour invited all Members with evidence of relevant issues, to submit this to him for consideration at the July Cabinet Committee.

29. A Member expressed concerns that people in rural parishes did not support part-night lighting. The Member also expressed dismay that SSSL had been implemented now that savings would not be achieved and that it had exposed KCC to a lot of criticism. The Member asked that Mr Balfour ensure that all requests for part-night reversal to be considered thoroughly.

30. The Chairman proposed that the meeting move into private session to allow for consideration of the exempt appendices;

RESOLVED that that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on grounds that it involves the likely disclosure of exempt information as defined in paragraph 5 of part 1 of Schedule 12A of the Act.

Exempt summary:

31. The Committee briefly discussed the legal advice provided to the project team prior to the implementation of SSSL. Mr Wild reassured the Committee that there had been nothing unlawful in KCC's actions.

Meeting re-opened to the public:

32. The Committee returned to public discussion with a Member commenting that the discussion had provided a useful insight onto both good and poor practice evidenced during the development and implementation of the current Street Lighting policy. The Member cautioned that hindsight was very useful but must be considered with care, that judgements must be made based on what information was available at the time. The Member commended the Review report, noting that it highlighted many issues and areas of improvement and that it had been well worth considering at the meeting.

33. The Chairman thanked the officers and Members attending as witnesses for their informative answers, stating that the Committee had had a productive discussion. The Chairman proposed successfully the following recommendation;

RESOLVED that the Committee notes that the development and delivery of the 2010 Street Lighting Strategy was undertaken to benefit the people of Kent and also to meet KCC's strategic objectives, including cost and carbon emission reductions.

Having examined the detailed review provided to the Committee it is noted that some of the due process could have been better observed. The Committee notes that elements such as use of Equality Impact Assessments, appropriate consultation practices and effective Member-led decision making processes could have been more robust.

The Committee recommends that the relevant governance processes be reviewed and strengthened as may be required.

From: **Mike Harrison, Chairman of the Kent Flood Risk Management Committee**

To: **Scrutiny Committee – 11 June 2015**

Subject: **The work of the Kent Flood Risk Management Committee**

Classification: **Unrestricted**

Summary: This report provides the Scrutiny Committee with an overview of the work of the Kent Flood Risk Management for the period May 2014 to March 2015.

Recommendation(s): The Scrutiny Committee is asked to note the contents of the report.

1. Introduction

- 1.1 The Kent Flood Risk Management Committee last reported to this Committee on 12 June 2014 when it was agreed that there should be an annual report back. The Committee has met on three occasions during the intervening year.
- 1.2 The Committee's Terms of Reference are set out at **Appendix 1** to this report. The membership of the Committee consists of 8 Members of the County Council. There is also a standing invitation to each of the District Councils, the Internal Drainage Boards in Kent, Kent Fire and Rescue Service and KALC to send representatives to the meetings. All these representatives are treated as though they are full Committee Members except for the formal items of business.
- 1.3 Officer support to the Committee is provided by Tony Harwood (Resilience and Emergencies Manager) and Max Tant (Flood Risk Manager). Senior Officers from the Environment Agency also report and contribute to the meetings.
- 1.4 The Committee Members' minds were very focused on the 2013/14 major flooding events. The response to this and the lessons learned gave our meetings a greater sense of urgency, particularly during the Autumn 2014 period which saw heavy rainfall and the likelihood that recommendations arising out of post-incident debriefs by KCC and partners would be tested during a further episode of severe weather. The Minutes of the Committee's three meetings are set out at **Appendix 2**. These are very detailed. I summarise the main areas of activity from each of the Committee's events.
- 1.5 Each meeting received a standing report entitled "*Environment Agency and Met Office Alerts and Warnings and KCC flood response activities since the last meeting.*" Max Tant also reported regularly on what everyone expected would become KCC's role in approving and adopting SuDS schemes. The Scrutiny Committee will be aware that this is now not expected to materialise in the form that was originally envisaged.

2. Committee meeting of 21 July 2014.

- 2.1 The meeting was preceded by a visit to the Leigh Barrier, which enabled Members to see a key component of Kent's Flood Management strategy at first hand.
- 2.2 The Committee received a report on the Cabinet's response to the Storms and Floods, noted the recommendations and agreed that it would consider progress against the targets set at future meetings. It then discussed a presentation from the Drainage Manager, Katie Lewis on highway drainage infrastructure repairs, renewals and improvements. It was concluded that the current level of investment needed to be maintained and potentially increased in the future.

3. Committee meeting on 17 November 2014

- 3.1 The meeting was held in The Guildhall in Sandwich. Members visited the Sandwich Flood Defences in the morning, accompanied by KCC and Environment Agency Officers.
- 3.2 The main item of business was a presentation by Mr Paul Kent from Southern Water on its response to the previous winter's floods. This was a very detailed presentation. The Committee Members carefully questioned Mr Kent on both Southern Water's broad strategy and raised individual local matters of concern. The Committee had specifically asked that Southern Water be invited and was pleased to receive a full and frank response to all issues raised.
- 3.3 Mr Paul Crick presented a Winter 2013/14 Storms and Floods progress report which stressed the efforts being made to enhance the inter-agency (and inter-Directorate) resilience in preparation for all eventualities during the coming winter.
- 3.4 It was during this meeting that the Committee was warned that a smaller storm event than had occurred in the previous winter would lead to the same level of emergency in 2014/15 as a consequence of prevailing groundwater levels.
- 3.5 Members of this Committee will recall that during discussion of last year's report, I raised my concerns over the effect of flooding on the fate of livestock and other animals. It was a personal pleasure that the Committee received a report on the work being undertaken to deliver Kent and Medway *Animal Evacuation and Shelter Plan*. This document has now been nominated for an RSPCA award.

4. Committee meeting on 10 March 2015.

- 4.1 The report on the Winter 2014/15 Flood Alerts and Warnings detailed the greatly reduced number of incidents in comparison with the previous year as well as enhancements to community resilience and partners' inventory of flood response assets and equipment - which had enabled an improved response to those flooding events which had occurred. The Committee was also made aware that there were still lessons which needed to be learned, and that these were being progressed through the Kent Resilience Forum Pan Kent Flood Group (which is chaired by the environment Agency with KCC holding the vice chair role).
- 4.2 Max Tant reported on the latest round of consultations by Defra and the DCLG on SuDS provision. The Minutes of this particular item set out that the Committee was not best pleased with developments. Broad support was given to KCC's response. An invitation has been extended to the LGA (which is negotiating with DCLG on behalf of local authorities) to speak to the Committee on the new Burdens Assessment.
- 4.3 This meeting also considered reports on the Kent Resilience Forum Pan-Kent Flood Group, Flood Risk Mitigation in Faversham and the CPRE Flood Conference.

5. Conclusions

- 5.1 Kent Flood Risk Management Committee has carried out an important oversight and scrutiny function in terms of scrutinising the work carried out by KCC and its partner agencies. Its Members have raised issues which have been gratefully followed up by the organisations which have reported to u, notably including works to the River Stour and

evacuation and shelter for livestock and other animals. The Committee's influence has been increased by the positive engagement by those local authorities who regularly attend and by the positions of authority that their representatives hold within their organisations.

5.2 There are, however, some local authorities who do not send representatives to the Committee's meetings. I intend to encourage them to do so in future because they will find the community leadership, experience and networking opportunities in this important area of activity very worthwhile. I also believe that if we can maximise attendance, this will reap greater rewards for the County as a whole in terms of influence, understanding and joined-up working to mitigate the risks arising from all forms of flooding in Kent.

6. Recommendation

6.1 The Committee is invited to note the content of this report

Mike Harrison
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KENT FLOOD RISK MANAGEMENT COMMITTEE

TERMS OF REFERENCE

7 Members

Conservative: 4; UKIP: 1; Labour: 1; Liberal Democrat: 1.

1. In accordance with the Localism Act 2011 (Schedule 2), this committee is responsible for reviewing and scrutinising the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.

2. This Committee is responsible for:-

a) the preparation, monitoring and review (in conjunction with the Flood Risk Management Officer) of a strategic action plan for flood risk management in Kent taking into account any Select Committee recommendations, the Pitt Review and relevant requirements of the Flood and Water Management Act 2010;

b) reporting annually (and more often if necessary) to the Scrutiny Committee and to the Cabinet Member for Environment, Highways and Waste;

c) reviewing and responding to any consultation on the implementation of the Pitt Review and the future development of the Flood and Water Management Act 2010;

d) receiving reports from the Southern Regional Flood and Coastal Committee and responding as appropriate;

e) the investigation of water resource management issues in Kent.

3. A risk management authority must comply with a request from this committee for information and a response to a report.

4. The committee may include (non-voting) persons who are not Members of the authority, including representatives of district Councils, the Environment Agency and Internal Drainage Boards.

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KENT COUNTY COUNCIL

KENT FLOOD RISK MANAGEMENT COMMITTEE

MINUTES of a meeting of the Kent Flood Risk Management Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Monday, 21 July 2014.

PRESENT: Mr M J Harrison (Chairman), Mr D Baker, Mr A H T Bowles, Dr M R Eddy, Mr L B Ridings, MBE, Mrs P A V Stockell and Mr M J Vye

IN ATTENDANCE: Mr M Tant (Flood Risk Manager), Mr T Harwood (Senior Resilience Officer), Ms K Lewis (Drainage and Flood Manager) and Mr A Tait (Democratic Services Officer)

ALSO IN ATTENDANCE: Mrs J Blanford (Ashford BC), Mr P Vickery-Jones (Canterbury CC), Mr A Hills (Shepway DC), Mr G Lewin (Swale BC), Mr D Elliott (Tunbridge Wells BC), Ms G Brown (KALC), Mr M Tapp (River Stour IDB), Mr M Dobson (Upper Medway IDB) and Mr P Flaherty (Kent Fire and Rescue).

UNRESTRICTED ITEMS

8. Membership and Introductions (Item 1)

(1) The Committee welcomed the appointment of Cllr Mrs Geraldine Brown (KALC) and Mr Paul Flaherty (Kent Fire and Rescue).

(2) The Chairman briefly reported that Members of the Committee had visited the Leigh Barrier before the meeting. He said that the visit had been very worthwhile and that the Environment Agency would be arranging a series of Open Days in September when those Members who had not been able to take part in the visit would be able to do so.

(3) Following the meeting, the Open Day dates were notified to the Democratic Services Officer as follows:-

9. Minutes of the meeting on 11 March 2014 (Item 4)

RESOLVED that, subject to the amendment to paragraph 24 of Minute 3 to indicate that Mr Bird had said that no serious flood warning had been received in Yalding, as well as some other minor textual amendments, the Minutes of the meeting held on 11 March 2014 are correctly recorded and that they be signed by the Chairman.

10. Report Back from Scrutiny Committee (Item 5)

(1) The Chairman reported his attendance at the Scrutiny Committee meeting on 12 June 2014, where he had been accompanied by the Flood Risk Manager, Max Tant, the Senior Resilience Officer, Tony Harwood and Andrew Tait from Democratic Services.

(2) RESOLVED that the report be noted, together with the assurance that the Committee is carrying out its work to the Scrutiny Committee's satisfaction.

11. Report to Cabinet on the Christmas/New Year 2013/14 Storms and Floods
(Item 6)

(1) The Chairman introduced the report on the decision of the Cabinet meeting on 7 July 2014 in respect of how KCC, in collaboration with its partners, could be better prepared to manage storm and flooding events in the future. He stressed the 17 recommendations which had now been agreed by Cabinet and underlined the role of the Committee in considering progress against the targets set.

(2) Dr Eddy noted that some of the recommendations had been given a start date of April 2014. He asked for an update on their implementation.

(3) Mr Harwood said that a Cross-Directorate Steering Group (or Delivery Group) was in the process of being established. It would be chaired by Paul Crick, Director of Environment, Planning and Enforcement. Meanwhile, work had started on Recommendation 4 ("Implement a strategy to encourage greater flood awareness and individual/Community resilience") through road shows in different parts of the County.

(4) Mr Vye asked whether consideration had been given to the use of social media and whether Community Wardens could be utilised to give out the message in areas that were prone to flooding. He also offered to put forward a list of matters which could be scrutinised by the Committee.

(5) Mrs Brown said that the parish councils of Yalding, East Peckham and Collier Street had permanent direct access to the Environment Agency control rooms and that discussions had also recently taken place between these parishes and the EA on how best to provide a consistent form of flood warning in the locality. She considered that Community Wardens should not be diverted from their task of looking after vulnerable people and that the risk of using them to deliver flooding messages was that they would do so in a manner which was not consistent with an overall strategy. She then said that one of the difficulties with using social media to convey warnings was that it provided the mainstream media with the scope and temptation to portray the entire system as though it were a farce.

(6) Mr Flaherty said that one of the lessons learned during the winter events was that people had not searched for available information. It was considered that one reason for this was that they did not know how and where to look for it. Kent Fire and Rescue was therefore working on a training programme for Flood Wardens. He would be able to update the Committee and provide more details at a future meeting.

(7) RESOLVED that:-

- (a) the report to Cabinet and its 17 recommendations be noted; and
- (b) the progress against the targets set be considered at future meetings of the Committee.

12. Highway Drainage Infrastructure Repairs, Renewals and Improvements *(Item 7)*

(1) Ms Katie Lewis, Drainage Manager introduced the report, which had originally been intended to focus on the capacity of the highway drainage system. She explained that this report had been expanded to take account of the fact that capacity issues were not the only causes of flooding on the Kent highways. Other issues were the damaged and ageing infrastructure, including ingressive tree roots; damage by third parties, where utility services had laid their services through KCC's infrastructure; and the very large number of soakways that were now coming very close to the end of their twenty to thirty year life spans.

(2) The two main capacity issues were connections into the drainage system as a result of the development taking place across the county; and also the number of local residents who were paving over their driveways, leading to more surface water running onto the road instead of draining away through permeable land. The other issue arose when water had to be discharged into a third party sewer owned by Southern Water or Thames Water. She said that KCC had no power to require them to increase the capacity of their water drainage system. Consequently, the only alternative (and usually costly) option was to divert water elsewhere. The most cost effective option was to build up the capacity of the highway by, for example, raising kerbs or by erecting permanent flood warning signs.

(3) Ms Lewis said that land drainage had been a particular problem during the recent winter. Historically, KCC had tended to be over-lenient. A more robust approach was now being adopted. Although KCC would always seek to work with the landowners, it was now becoming increasingly necessary to use Highway Authority powers by taking enforcement action or by undertaking the work themselves and recharging.

(4) A one-off additional sum of £3m had been invested by KCC for work on drainage improvement schemes as well as 200 – 300 minor repairs, additional to the work that the County would normally undertake. Whilst this was good news, it should be born in mind that there had been some 3.5k drainage enquiries which would require investment.

(5) Mr Lewin referred to a very recent flash flooding event in Swale, Gravesham and Dartford. He suggested that the Kent Planning Officers Group could discuss the entire question of flooding arising out of short term causes in terms of design of residential and commercial development.

(6) Ms Lewis replied by saying that the Severe Weather Plan was in the process of being re-written to respond to flash flooding occurrences. It had been very fortunate on this occasion that senior officers had been available to assist. The follow up discussions were considering the causes in greater depth as well as how to improve liaison arrangements for a rapid response. This discussion would involve Southern Water, the EA and the Emergency Planning Team. In terms of planning development, much consideration was being given to sustainable drainage. KCC would soon be in a position to require developers to have their drainage schemes approved. This would help to alleviate the current problems.

(7) Mr Harwood said that there was a widely held view (which had been particularly evident during the recent flash flooding event) that the creation of dropped kerbs enabled water to follow gravity and seep into people's houses. Although dropping kerbs might seem like a relatively minor change, more diligence would be needed to ensure that their design did not produce this result.

(8) The Chairman expressed concern that many flood warning signs were too small and flimsy to be effective and put the view forward that they should be resistant to the effects of heavy winds.

(9) Mr Vickery-Jones said that Ashford BC had undertaken a lot of work on retaining water on site, so that it did not discharge anywhere near the natural flow. This might be worthy of more general consideration. He added that there were occasions when what appeared to be a question of lack of capacity actually turned out to a matter requiring minor adjustments to the layout of pipes. This had been the case at the Street Roundabout in Herne Bay.

(10) Dr Eddy asked what financial arrangements were being made for the repair of those parts of the infrastructure for which KCC had responsibility. He then alluded to the work of the Select Committee which had looked into the 2000 floods. It had expressed strong concern that farmers were ploughing up and down a slope rather than across it, increasing run-off in terms of amount and quality of water.

(11) Ms Lewis replied that the process for improving drainage was that an inquiry from the public would be followed a check for defects and the cleansing of the system. If a defect was found, the site would be risk assessed. The outcome of the risk assessment would determine where the defect was placed in the priority list. The current budget for repairing drainage systems was £4.5m. The current state of the network meant that KCC had to be more reactive in its approach. KCC's approach to run off as a result of farming activities was to write with an explanation that they were causing water to drain onto the highway and that they needed to stop. Farmers were invariably happy to change their practice once its consequences had been drawn to their attention. The next step was to work with the NFU to publicise the problem to a greater extent and help keep the highway safe.

(12) Mr Vye said that he had recently attended a meeting of the Little Stour and Nailbourne River Management Group who had provided him with details where they considered that failures in highway drainage had contributed to the winter flooding events. He asked for reassurance that highways drainage was being considered by the numerous multi-agency technical groups. He also asked for the Committee to

receive regular highways drainage updates so that it could be reassured that as much as possible was being done to ensure that this was not a contributory factor to flooding events in the future. Ms Lewis replied that she would be happy to provide such update report. She confirmed that representatives from her team attended many of the meetings and worked closely with the EA, IDBs and others.

(13) In response to a question from the Chairman, Mr Tant confirmed that KCC did have enforcement powers, outside of IDB Districts, to ensure that drainage systems were unblocked. It could not, however, carry out the work itself (as it would have been able to do if it were a Unitary Authority). In Hildenborough, these powers rested with the Upper Medway IDB. KCC would only be able to use enforcement powers at the point where internal drainage problems were actually causing flooding.

(14) Mrs Brown said that Yalding PC had worked closely with Ms Lewis' Team. She asked whether it would be helpful if a representative of the Parish Councils in each area were to identify highways drainage problems and report them to the Team. Ms Lewis replied that this would be a beneficial initiative, particularly in respect of minor roads. She agreed with the Chairman that the most effective way to do this would be through liaison with the Highways Stewards.

(15) RESOLVED to note the need for the current level of investment in highway drainage infrastructure to be maintained and potentially increased in the future.

13. Environment Agency and Met Office Flood Alerts and Warnings and KCC flood response activities since the last meeting
(Item 8)

(1) Mr Harwood reported that the Committee papers had been published before the previous weekend's flooding events. As a result, the figure of 1 Flood Alert set out in Appendix 1 of the report had now become 4. The latest events had occurred in the Shuttle and Cray catchment area; the upper River Stour; and the Isle of Sheppey.

(2) There had also been further significant surface water flooding events in Swale (Sittingbourne, Upchurch and Teynham) and Gravesham. This had included storm damage to the Civic Centre, resulting in communication network failures which, in turn, had made it difficult for the Borough Council's officers to respond to a lightning strike on a residential property which had required an evacuation and homelessness response. There had also been a power outage failure in Canterbury affecting some 200 properties as a result of a lightning strike on an overhead power cable. Another power outage failure had occurred in New Romney affecting a number of residents.

(3) Mr Harwood then said that it was essential that any lessons to be learned were identified and acted upon promptly.

(4) Mr Harwood drew the Committee's attention to the graph in Appendix 2 which showed that the number of KCC resilience and emergency severe weather related incident alerts had been steadily low for much of the previous decade, but had risen sharply over the previous two years. This could be related to global weather patterns and work should be undertaken to see whether this was the case.

(5) Mr Hills said that the weather patterns were becoming ever more volatile as evidenced by the increased number and variety of severe weather warnings issues by the Met Office in his own area of New Romney.

(6) Mrs Brown stressed the need to examine the question of how people could remain in contact with one another when the communications network had been damaged by the weather.

(7) The Chairman suggested that one method of alternative communication that had been used in the past had been the air raid sirens. In Whitstable, these had been removed even though they might have been able to provide some measure of flood warning.

(8) Mrs Stockell stressed the need for alternative communication methods to be explored. One possibility might be the use of the old analogue phones.

(9) RESOLVED that the level of alerts since the previous meeting of the Committee be noted (as updated at the meeting) together with the longer term trend.

14. Sustainable Drainage Oral Update

(Item 9)

(1) Mr Tant said that there was provision in the Flood and Water Management Act 2010 for sustainable drainage to be delivered as a matter of course in all new development. The provision for KCC to become responsible for approving and possibly adopting SuDS schemes had not yet been commenced. Civil Servants had visited KCC as well as a number of other authorities and had underlined that the Government was committed to full implementation of the Act, including SuDS. The most likely course of events was that there would be an announcement towards the end of the current Parliament that commencement would take place early in the next Parliament.

(2) Mr Tant replied to a question from the Chairman by saying that the legislation would only apply to new development that took place after the date of commencement.

(3) RESOLVED that the report be noted.

KENT COUNTY COUNCIL

KENT FLOOD RISK MANAGEMENT COMMITTEE

MINUTES of a meeting of the Kent Flood Risk Management Committee held in the Council Chamber, The Guildhall, Cattle Market, Sandwich CT13 9AP on Monday, 17 November 2014.

PRESENT: Mr M J Harrison (Chairman), Mr D Baker, Mr A H T Bowles, Dr M R Eddy, Mr C R Pearman (Substitute for Mrs P A V Stockell), Mr M J Vye, Mrs J Blanford (Ashford BC), Mr P Vickery-Jones (Canterbury CC), Mr A Hills (Shepway DC), Mr H Rogers (Tonbridge and Malling BC), Mr M Tapp (River Stour IDB) and Mr P Flaherty (Kent Fire and Rescue)

IN ATTENDANCE: Mr P Crick (Director of Environment, Planning & Enforcement), Mr M Tant (Flood Risk Manager), Mr T Harwood (Senior Resilience Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

15. Site Visit

Prior to the meeting, some Members of the Committee had participated in a site visit to the Sandwich Flood Defences which had been arranged by the Environment Agency.

16. Minutes of the meeting on 21 July 2014 (Item 3)

(1) Mr Vye asked in respect of Minute 12 (4) what mechanisms were in place to ensure that Members' views on the priorities within the list of drainage schemes were taken into account. He suggested that this question could be considered at a future meeting.

(2) RESOLVED that the Minutes of the meeting held on 21 July 2014 are correctly recorded and that they be signed by the Chairman.

17. Southern Water response to Winter 2013/14 Floods (Item 4)

(1) Mr Paul Kent from Southern Water gave a presentation on Southern Water's response to the Winter 2013/14 floods. The accompanying slides have been incorporated with the agenda papers on the County Council's website:

(2) Mr Kent's presentation covered Southern Water's role in flood management, the impact of the 2013/14 flooding, general improvements such as flood alleviation schemes, infiltration reduction and total care plans. He also addressed Southern

Water's role in the coming Winter, bearing in mind that the water levels were already higher than they had been at this point in 2013.

(3) Mr Kent said that Southern Water engaged with Lead Local Authorities such as KCC, the District Councils, the IDBs, the Environment Agency and local communities in order to develop holistic solutions to flooding problems instead of working in isolation as had been the case in the past. An example of close work with community organisations was that undertaken with the Stour and Nailbourne River Management Group. Southern Water also participated actively as a member of the steering group on flood and coastal erosion projects and was involved in Surface Water Management Plans.

(4) Mr Kent moved on to consideration of the Winter 2013/14 floods which had first impacted with the St Jude storm event of 28 October 2014 through tidal flooding, particularly in the Dover area where the sea wall had been breached. As the Winter progressed, the problems faced by Southern Water were the same ones faced by local authorities. There had been power outages as a result of trees and cables falling down, pluvial and fluvial flooding, tidal flooding.

(5) By far the biggest issue had been that of groundwater flooding, particularly at Nailbourne and Petham. This had been a very protracted process which had started in the New Year and, in some cases, lasted into May. The problems created by groundwater filling the sewage system were usually alleviated through the use of tankers. There was only a limited number of tankers that could be used in the South East (some 120 in total), and they were limited by the volume that they could take out of the sewer. This meant that over pumping needed to take place in order to alleviate sewage discharge.

(6) Mr Kent said that the response had been 24 hours a day at a peak cost of £150k per day. It had involved 330 staff and the total cost to Southern Water had been in the region of £15 – 20m. This money had come out of existing budgets rather than being charged to existing customers.

(7) Mr Kent went on to give some examples of issues that Southern Water had tackled. He said that one of the key priorities was to address those areas that were known to flood (particularly internally). These were delivered following a cost benefit analysis to those properties where the cost of protection was lower than that of the damage caused to them. In the five year period from 2010 to 2015 a total of 46 properties would be protected from internal flooding at a total cost of £7.5m.

(8) Another important area of work was infiltration reduction. Progress had been made in reducing the volumes of water that had got into the groundwater system. Over the previous few years, Southern Water had inspected 10km of sewers and 250 manholes. In 2014, 3.5km of sewers had been repaired, complementing the 4km of repairs in previous years.

(9) Mr Kent said that Southern Water operated 40,000 km of sewers in the South East which were regulated by 2,400 pumping stations. These were now the subject of a total care package whereby the pumping stations were inspected and everything that would shortly need replacing was done at the same time, rather than leaving

parts of it to a later date. This had resulted in a dramatic improvement. To date, 1,000 had been repaired, having been prioritised in 2013.

(10) Mr Kent then gave examples of improvements that had taken place at Bishopsbourne and Bekesbourne before turning to the flooding issues which had arisen three times in the previous 14 years in Canterbury Villages along the Nailbourne. It had also been necessary to tanker and over pump during three other winters during this period. Water along this river from the Village of Barham and those to the north was pumped pumped into Newnham Valley WTW. During the Winter floods of 2013/14, the tankers had been deployed in this area but had quickly run out of capacity. Over pumping had therefore been installed at Barham, Bishopsbourne, Patribourne, Bekesbourne and Littlebourne. Each of these locations had discharged between 20 and 50 litres per second. Even so, there had still been bottlenecks at some of these locations where tankers had needed to assist. This had also been the case in Bridge.

(11) Mr Kent said that the southern part of the Nailbourne between Elham and Ottinge was where water flowed towards the pumping station in Hythe from where it was discharged into the sea. This part of the catchment had not suffered as badly and there had only been two events over the past fourteen years. One of these events had been during the 2013/14 Winter Floods. Groundwater infiltration had led to restricted toilet use. It had also been necessary to protect the source of affinity water at Ottinge by over pumping. Southern Water would be undertaking some further work before the winter of 2014/15 including jetting, root removal, sealing/covering of manholes, and the protection of Water Farm.

(12) Mr Kent went into detail about over pumping, which was a last resort to be used when groundwater levels were very high that they were causing surcharge of the sewerage system, causing flooding and restricted toilet use. The water pumped out of the system was 90% clean water rather than the type of sewage that was usually found in the system. Permission was always sought from the Environment Agency before any over pumping commenced. The quality of the water was (due to the way it was treated) similar to some of the effluent that was found in the WTWs. This ensured that any adverse impact on the watercourse was minimal and of a purely temporary nature.

(13) Mr Kent described the Bio –treatment units, showing examples of units which had been delivered in Barham. They worked by pumping sewage across the top of the tanks and were filtered through bacteria which grew on the plastic media, treating the sewage. This process removed some 30% of the polluting load before discharge into the water course. This represented a big improvement over past practice which had seen sewage pumped direct into the water course.

(14) Mr Kent described two other methods of waste water treatment which had recently been utilised. These were suction screening and effluent screening. The main problem in respect of the latter was that the bags filled within half a day and were not re-usable. Consequently a new system had been developed with the supplier which did allow the bags to be used again.

(15) A great deal of time and effort had been spent on sealing the fluid along the Nailbourne. This had been effective as demonstrated by the graph entitled "Nailbourne Improvements". During the winter of 2012/13, the pumps had needed to be turned on when the groundwater level had reached 78m AOD and had been turned off again when it had dropped to 75m AOD. In 2013/14, the pumps had been turned on at 81m and off again at 80m. This suggested that the sewage had been sealed and had been able to withstand a much higher level of ground water.

(16) Mr Kent said that Southern Water had often been asked how it measured success. He said that this would have been retrospectively achieved if over pumping had only been needed in 2000/01 and 2013/14 and not on the other three occasions in between. He was hopeful that the investment recently made by Southern Water would result in over pumping not being needed in the coming winter.

(17) At Petham Bourne, there had been problems in 2000/01 and again in the previous winter. Petham Bourne did not have a natural bed and therefore formed its own bed as it began to flow. The biggest problem had been the overflowing manholes in the grounds of the Stierer School which had resulted from water infiltration into the system. The manholes had been sealed and the pumping station had been refurbished with new pumps being installed. This meant that with a threefold capacity, pumping could now get rid of the water three times more quickly than before. Mr Kent said that he did not anticipate flooding at this location in 2014/15 but, if there was, it would be far less severe than in 2013/14.

(18) Mr Kent said that in Five Oak Green there had historically been a number of flooding instances as a result of the unreliability of the Larkfield pumping station. Southern Water had spent £300k refurbishing it and it was now working satisfactorily. In the winter of 2013.14 there had been other issues. The surface water system had suffered blockages by tree roots, whilst significant amounts of grit and sediment had built up in the attenuation tank. These issues had been fully addressed, as had the issue of the restrictions on surface water flowing into a ditch. This latter issue had seen a collaborative solution involving the EA and the local IDB.

(19) Mr Kent said that there had been significant flooding in Danvers Road/Barden Road in Tonbridge. This had mostly been due to the capacity of the road drainage. This was not the responsibility of Southern Water but the company had assisted by jetting the surface water sewers to remove sedimentation.

(20) Mr Kent briefly summarised work in other locations such as Alkham Valley (garden flooding and restricted toilet use), Preston and Elmstone (replacement of manhole covers), Ickham and Wickhambreaux (protection of Drill Lane pumping station from fluvial flooding).

(21) Mr Kent then set out how Southern Water was preparing for the winter of 2014/15. Consideration of the previous winter's lessons had now taken place and the outcome was that every area's potential problems had been centrally identified in Operational Incident Plans, which would assist greatly in the event that tinkering or over pumping would need to be deployed. Southern Water continued to work with the Management Group for the Nailbourne to ensure continuous improvement through the Infiltration Reduction Plan (IRP). This had come about because

Southern Water had permission from the EA to over pump from the sewers into the watercourse provided that it set out how it intended to deal with the infiltration issue. The IRP was being shared with other parties, including the Management Group which demonstrated that progress was being made. Other work involved protecting properties through the installation of non-return valves, refurbishing pumping stations or replacing pumps (as at School Lane). This was essential as the data showed that water levels were as high as they had been 6 weeks earlier in the calendar year of 2013.

(22) Mr Kent moved on to the topic of flood protection methods for properties. In some properties, the cost of providing complete protection could be as high as £1m. In these instances, flood mitigation methods were deployed. These included garden re-profiling, the installation of water tight doors, airbrick covers, purpose-made flood barriers such as wooden gates or non-return valves to prevent flood water flowing back into the property from the main sewer. These were not seen as a permanent solution as they could not permit water from the property to escape once the sewer was blocked. They were fitted on a priority basis and only when they would provide benefit. This meant that they should not be installed if the outcome was that the flooding problem was simply transferred to the neighbouring property.

(23) Mr Vye asked whether Southern Water could provide the Members of the Committee with a list of the improvements carried out in order that they could make any pertinent comment on the priorities identified. He then said that there were three concerns for Southern Water. These were reputational damage, legal requirements and financial considerations. He then asked what Southern Water's investment plans were for the solution of the basic problem, which was lack of capacity in the sewer due to water infiltration.

(24) Mr Kent replied that Southern Water was well aware of the risk of reputational damage. Its legal responsibility was to operate a sewage system that was fit for purpose. Groundwater infiltration was dealt with using the Best Available Technology Not Involving Excessive Cost (BATNIEC) Principle. This meant that it would not be possible to replace the entire system because this would cost between £50 – 60m and there were other competing major priorities. Had all the current measures been in place from 2000 onwards, three of the flood events would probably not have required tankering and over pumping, however the events of 2000/01 and 2013/14 would still have needed these measures because Southern Water could not invest against such extreme events. In fact, Southern Water's flood defence measures were effective for 98/99% of the time.

(25) Mr Vickery-Jones asked whether the biotanks were making a meaningful contribution. Mr Kent replied that analysis showed that there had been 30% reduction in the polluting load going back into the watercourse. Trials would be taking place at Aylesford WWTW to fully identify their effectiveness under test conditions. Southern Water had also lent some of its biotanks to Thames Water as they, too believed that they represented an effective way forward. Furthermore, the Environment Agency had assessed the quality of groundwater which had been through the biotanks and found it to be superior to water which had simply been over pumped without any further treatment.

(26) Mr Vickery-Jones then reported that he had attempted to contact a Waste Water engineer but had been told that there was a corporate instruction from Southern Water that engineers should not respond to Councillors. He had been informed two weeks earlier that Southern Water would return the call to Canterbury CC's Engineering Department but no response had yet been received. Mr Kent replied that if an individual rang Southern Water's 0845 number they would get a response at any time of the day or night (24/7). If the issue was identified as requiring immediate attention, there was sufficient capacity (including engineers being on standby) for this to happen. If, however, someone was asking the backroom staff for a response on a technical issue, this would be more problematic. He agreed that a response should have been made to the original call (as would normally be the case). He undertook to follow up the individual incident described.

(27) Dr Eddy noted that the slide on the Total Care Plans stated that they had commenced in 2013 "stripping and inspecting every pump and valve – repairing/replacing where necessary." He asked how many had been dealt with in this way so far. He then asked the more general question of what contingency plans Southern Water had in the event that groundwater levels continued to rise, potentially exceeding those of the previous winter.

(28) Mr Kent replied that Southern Water had 2,400 wastewater pumping stations. Just over 1,000 had been completed to date. These were the highest priority pumping stations. In response to the general question, monitoring of groundwater levels was taking place twice each week. Statistical modelling was also taking place to identify when pumping might need to commence. This model was updated on a weekly basis. Once the trigger level was reached, Southern Water would begin to talk to its contractors and partners so that pumps and tankers could be employed at the right time with the minimum of delay. Meanwhile standby rotas were being developed to ensure that sufficient numbers were available when they were needed.

(29) Mrs Blanford said that maintenance did not appear to be a high priority for Southern Water. She asked whether there was a programme to put things right before a major flooding event occurred. She said that another concern was that the EA often complained about the quality of water being pumped into the River Stour.

(30) Mr Kent replied that Southern Water did carry out a lot of maintenance work. There were 40k km of sewers, 2,400 pumping stations, 368 WWTWs. Southern Water annually spent some £20 – 30m on maintenance on sewers, £15 – 20m on pumping stations and £20 – 30m on WWTWs. In terms of water quality in the Stour, it was the EA which granted the permit to Southern Water, which was not allowed to simply discharge into the river without permission.

(31) Mr Pearman said that the Met Office's weather projections were not promising. It was essential that the water level data was accurate. He said that the Emergency Planning Committee in Edenbridge would have been far more prepared at this time in 2013 if it had been aware of the water table levels at that time. They had learned during the winter that responding to EA alerts needed to be supplemented by planning *before* the alerts were issued. He asked whether there was commonality between the water table levels identified by the EA and Southern Water.

(32) Mr Nunn said that the data was jointly compiled by the EA and Southern Water. He added that since the 2013/14 flooding events, a great deal of additional maintenance work had been carried out by all the agencies. As a result, preparations were in advance of where they had been a year earlier. Although there had been a relative dry spell in September/October, groundwater levels were still higher than he would have liked them to be. The EA would be undertaking modelling on a daily basis to establish actual rainfall and groundwater levels as well as filtration rates. Meanwhile, all agencies were on a heightened state of alert. The EA had already prepared its Christmas “double up” rotas. He agreed with Mr Pearman that organisational preparedness needed to be communicated to the public and volunteers on the ground at the appropriate time.

(33) The Chairman commented that the Met Forecast was only available on mobile phones rather than on iPads.

(34) Mr Kent said that it was essential that all organisations were prepared and that none of them attempted to work in isolation.

(35) Mr Hills said that the work of the EA, Southern Water and the IDBs was very praiseworthy. The need was to ensure that communication between them and with the District Councils was effective in order to promote pre-planning. For example, there was a big capacity problem at the sewage works in Littlestone where there was nevertheless, a 400 house development plan.

(36) Mr Kent said that Southern Water recognised that this was a period of greater extremes of weather conditions. These were catered for in the design standards. An example of this was that whenever a new sewage pipe was laid, it was substantially bigger than it would have been five years earlier.

(37) Mr Kent added that Southern Water had a duty to allow all property owners to connect into the sewage system. This gave Southern an imperative to recommend to planning authorities where this connection should take place. In recent weeks, consideration had been given as to how this work could be undertaken more speedily and effectively.

(38) RESOLVED that:-

- (a) Mr Kent be thanked for his detailed and informative presentation;
- (b) the content of the presentation be noted, together with the letter from Southern Water set out in the Appendix to the report; and
- (c) copies of the presentation be sent to all Members of the Committee.

18. Christmas/New Year 2013/14 Storms and Floods - Progress Report
(Item 5)

(1) The Chairman informed the Committee of correspondence from Mrs Brown, Chairman of Yalding PC giving her apologies for the meeting. She had written to say

that the Flood Warning Areas had been launched, the communities were all working together, the Flood Warden scheme had been launched (Yalding PC had its own bespoke system). She, like a number of other Parish Councillors had acquired a power solar-powered mobile phone charger. Personal Emergency Plans were now being encouraged in addition to the Community Plans.

(2) Mr Crick referred to the report to Cabinet on 13 October 2014 (Appendix 1) which was an update to the more detailed report which had been endorsed by Cabinet on 7 July 2014.

(3) Mr Crick said that a series of internal and partnership debriefs had been carried out and that management structures had been established to implement the recommendations. KCC itself has set up a cross-directorate Corporate Resilience Steering Group (which he chaired). The object was to ensure that sufficient staff were available, trained and placed on a rota to cover any flooding emergency. The Kent Resilience Forum (KRF) had established a Pan-Kent Flood Group chaired by the EA. The very recent KRF seminar in East Malling had covered a whole range of issues which would be taken forward by the Kent Resilience Team.

(4) The Chairman said that he had attended the seminar. He agreed that it had been very rewarding and that it had imparted a great of information. He asked how this information was to be disseminated to those who had not attended. Mr Crick replied that this would be one of the tasks of the KRF.

(5) Mr Flannery confirmed that every partner agency had been represented at the seminar. Each of the partners would be expected to ensure that it communicated the information internally.

(6) Mr Crick went on to say that there had been comprehensive reviews of the existing emergency plans, followed by their republication. A number of training sessions and exercises had been held during the year and 15,000 copies of the newly-published booklet "*What should I do in an emergency?*" had been distributed. Updated information was now available on all the partner websites. A series of "flood fairs" had been held across the County and a far greater number of people were now signed up to the EA's "Flood Warnings Direct." The rise had been very significant, seeing an increase from 25 to 90% in flood risk areas.

(7) Mr Crick went on to say that KCC, Maidstone BC and Tonbridge and Malling BC had contributed funding to a feasibility and design study for a Leigh flooding storage area. This scheme was being progressed with the support of the EA.

(8) Dr Eddy referred to Recommendation 9. He noted that work was being progressed "over the coming months" and asked which months were being referred to. He also asked in respect of Recommendation 16 how much the bid for European Funding was for and how close this bid was to submission.

(9) Mr Crick replied that, in respect of Recommendation 9, most of the websites had been updated, whilst the Flood Warnings Direct system was now far more widely used by local residents.

(10) Mr Tant replied to Dr Eddy's question on Recommendation 16 by saying that the Coastal Communities Project was looking to expand on its current remit. There was also a potential project for the River Beult. One of the criteria for European Funding was the establishment of partnerships, so the EA was leading on the process of identifying appropriate partner organisations. KCC was also looking at developing water resource projects which would have local flooding benefits.

(11) Mr Tant added that KCC was looking at other funding as well. An example of this was that KCC had put forward two bids to Local Growth Fund 2 (the Leigh Flood Storage Area and a scheme at East Peckham). All bidding deadlines would be met providing that appropriate partners could be identified.

(12) Mr Vye said that the EA's report on flooding in the Medway Valley was due to be published by the end of November 2014, together with an independent audit of the EA's performance during the winter of 2013/14.

(13) Mr Vye added that he had asked the Cabinet Member for Environment and Transport to list the measures already put in place by agencies, including KCC, to prevent flooding in each of the locations where it occurred last winter, and to also list those measures judged to be essential to prevent flooding in each of these locations. He had also asked which locations were considered to be important but for which the funding had not been identified, and for an assessment of risk of flooding, in terms of red/amber/green ratings, in each of them. He had received the response that it was extremely difficult to categorise these locations in this manner. The Cabinet Member had also provided a list which did not match that in the Annex to the report.

(14) Mr Harwood replied that he would be able to respond to Mr Vye's points at the next meeting.

(15) Mr Crick confirmed that there had been a second Appendix to the Cabinet report which had not been sent out with the agenda papers for this meeting. This Appendix had consisted of a list of 10 strategic flood defence schemes requiring partnership contributions at a total cost of some £113m (£26m of this to be provided by partners), protecting 922 businesses and 9,235 properties. It was agreed that this Annex would be sent to all Members of the Committee with the minutes.

(16) Mr Rogers said that out of the hundreds of properties in Tonbridge and Malling which had been flooded in 2013/14, 80 were still uninhabitable. This demonstrated the long term nature of each major flooding event.

(17) Mr Pearman said that there was a strong case for approaching the Housing Associations in respect of their responsibilities to protect their tenants from flooding. Mr Flannery confirmed that this had already occurred and that active steps were being taken to address the needs of vulnerable people in social housing.

(18) Mr Tapp referred to paragraph 23 of the report to Cabinet and asked for an update on the new consultation process in respect of Sustainable Drainage.

(19) Mr Tant said that Defra had released a new round of consultation on SuDs shortly after the previous meeting of the Committee. This was now looking at

delivery exclusively through the planning system rather than by lead authorities such as KCC, as had previously been the case. This consultation had now closed and Defra's response was now awaited. KCC had misgivings about the proposal because it did not appear to address the long term maintenance problem.

(20) Mr Tant agreed to provide a copy of KCC's response to the consultation, together with an update on this before the next meeting of the Committee.

(21) RESOLVED that:-

- (a) the report be noted; and
- (b) the additional Annex to the Cabinet report be sent to all Members of the Committee together with appropriate details on the latest Defra consultation on Sustainable Drainage Systems.

19. Evacuation of Animals Task and Finish Group

(Item 6)

(1) Mr Harwood reported that the Kent Resilience Forum had formed a Task and Finish Group to produce an Evacuation of Animals Emergency Plan, using a document produced by Somerset CC as its template. The Plan was due for completion by the end of December 2014.

(2) Mr Harwood agreed to send Members of the Committee a copy of the Somerset document and the Kentish draft once it was finalised.

(3) Mr Flaherty confirmed that Kent Fire and Rescue had sufficient specialist equipment to enable its Water Resource Teams to fulfil the provisions set out in the Plan.

(4) RESOLVED that the establishment of the Kent Resilience Forum Evacuation of Animals Task and Finish Group be noted together with the timetable for the production of the emergency plan.

20. Environment Agency and Met Office Flood Alerts and Warnings and KCC flood response activities since the last meeting

(Item 7)

(1) Mr Harwood provided updated figures. Since publication of the report, the number of EA flood alerts had risen from 30 to 38. 1 warning had now been issued. The figure for yellow Severe Weather Alerts and Warnings had gone up from 10 to 11. The Thames Barrier had now been closed on 4 occasions for test and operational purposes. The total of flooding related incidents reported to the KCC Emergency Planning Duty Officer had risen from 18 to 21. The updated figures in the report demonstrated that groundwater levels were as high as they had been six weeks later in the calendar year of 2013. This meant that a smaller storm event than

had occurred the previous winter would lead to the same level of emergency. It was therefore essential that vigilance was retained.

(2) In response to comments from Mr Bowles, Mr Harwood said that the figure of 21 flooding related incidents reports to the KCC Emergency Planning Duty Officer only took account of those where there had been significant consequences such as water ingress into properties or even evacuations, requiring multi-agency input. The overall figure for less serious flooding incidents reported to KCC as a whole would, of course, be considerably higher.

(3) RESOLVED that the level of alerts and operational response since the last meeting of the Committee be noted with concern, together with the need to maintain vigilance.

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KENT COUNTY COUNCIL

KENT FLOOD RISK MANAGEMENT COMMITTEE

MINUTES of a meeting of the Kent Flood Risk Management Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 10 March 2015.

PRESENT: Mr M J Harrison (Chairman), Mr L Burgess (Substitute for Mr D Baker), Mr A H T Bowles, Dr M R Eddy, Mr L B Ridings, MBE, Mrs P A V Stockell, Mr M J Vye, Mr P Vickery-Jones (Canterbury CC), Mr L Croxton, Mr J Scholey (Sevenoaks DC), Mr A Hills (Shepway DC), Mr G Lewin (Swale BC), Mr H Rogers (Tonbridge and Malling BC), Mr D Elliott (Tunbridge Wells BC), Ms G Brown (KALC), Mr M Tapp (River Stour IDB) and Mr P Flaherty (Kent Fire and Rescue)

ALSO PRESENT: Mr M A C Balfour and Mr C Pearman

IN ATTENDANCE: Mr M Tant (Flood Risk Manager), Mr T Harwood (Resilience and Emergencies Manager) and Mr A Tait (Democratic Services Officer)

ALSO IN ATTENDANCE: Mr S Curd (Environment Agency)

UNRESTRICTED ITEMS

1. Minutes of the meeting on 17 November 2014
(Item 3)

(1) Mr Vye asked in respect of Minute 17 (23) whether a list of planned improvements by Southern Water could also be provided. Mr Tant replied that he would request this information from Southern Water. He asked the Committee to bear in mind that the water companies were just starting their new five year improvement programmes and that OFWAT had become less prescriptive about the order in which they needed to be undertaken and that the information provided might, in consequence, be less comprehensive than Members would wish.

(2) RESOLVED that the Minutes of the meeting held on 17 November 2014 are correctly recorded and that they be signed by the Chairman.

2. Kent Resilience Forum Pan-Kent Flood Group
(Item 4)

(1) Mr Harwood said that the Kent Resilience Forum had been set up in response to the Civil Contingencies Act 2004 which required Local resilience Forums to be established for key emergency planning partners and stakeholders to enhance planning and response for major emergencies within their operational areas.

(2) Mr Harwood continued that the Kent Resilience Forum had recently established the Pan Kent Flood Group whose role was to ensure the implementation

of all the outstanding actions arising out of the 2013/14 winter events and enhance local preparedness for flood emergencies.

(3) A key piece of work for the Group would be around coastal flooding planning and response. Kent had some 350 miles of coastline, and the South East was actually gradually sinking as a result of sea level rise linked to a warming planet and the geological phenomenon of glacio hydro-isostatic rebound. Part of the value of the Pan Kent Flood Group would be to act as a catalyst and advocate for the flooding agenda across the other groups which made up the Kent Resilience Forum.

(4) The Chairman referred to a letter from Dan Rogerson MP, the Parliamentary Under Secretary of State for Water, Forestry, Rural Affairs and Resource Management which advised local authorities to put their draft flood risk management strategies out for public consultation by the end of March 2015. He noted that a number of Lead Local Flood Authorities had yet to publish their strategies and stressed the role of elected Members in ensuring that this happened in their authorities.

(5) Mr Harwood responded to a question from Dr Eddy by saying that the Pan Kent Flood Group was currently meeting monthly because of the significant workload and that an update report would be presented to future meetings of the Committee as a standing item.

(6) RESOLVED that the establishment of the Kent Resilience Forum Pan Kent Flood Group be noted and that progress reports be tabled at future meetings of the Committee.

3. Drainage Consultee Role

(Item 5)

(1) Mr Tant introduced the report by saying that the Flood and Water Management Act contained a Schedule which proposed to make KCC a drainage approval body, having the role of approving and potentially adopting drainage schemes from new developments. This role would have sat alongside the planning application process.

(2) Mr Tant went on to say that Defra had found it very challenging to bring about full implementation of this role due to concerns over how the adoption role would sit alongside planning and how long-term maintenance would be funded.

(3) In consequence, Defra had decided to consider different options to resolve the SuDS issue. In October 2014, Defra and DCLG had issued a consultation on an alternative approach. This involved strengthening the planning regime around SuDS in terms of maintenance and enforcement.

(4) Mr Tant referred to KCC's response document which supported the general direction of the proposal but did not consider that it would achieve any improvement to current SuDS provision, particularly in respect of maintenance. The consultation document had envisaged that maintenance of SuDS would be a planning condition

subject to perpetual enforcement (which would be at odds with the existing enforcement regime).

(5) DCLG had followed this with another consultation in December 2014. This had included making Lead Local Flood Authorities statutory consultees within the planning regime for surface water on major developments. This proposal was supported by KCC even though it was still considered that the proposal itself would not improve the type of SuDS or their long term maintenance.

(6) Mr Tant then said that KCC also had significant reservations about the New Burdens Assessment which set out what DCLG believed it would cost to implement and the revenue it would give to support it. It was considered that the amount of time needed to fulfil this role was being significantly underestimated and also because there was no assessment in the document of the additional burden that would be placed on planning authorities. One issue that had not been considered was that drainage details would often not be part of the original submission for a major planning application but would be submitted later as details in respect of a planning condition. The time required to undertake the enforcement role had also not been included.

(7) Mr Tant added that the DCLG consultation period had now closed. To date there had been no update from DCLG (even though it had been hoped that this would be published in time for oral communication to the Committee). It was now expected on 20 March.

(8) The Chairman commented that it had taken at least six years to reach this point and that maintenance remained a major issue. He referred to the visit to the SuDS scheme at Singleton Hill in Ashford that the Committee had undertaken in March 2014, where the scheme itself had been excellent but had clearly suffered as a consequence of multiple bodies having responsibility for different parts of it.

(9) Mr Rogers said that he had received a copy of a letter written by the LGA to Liz Truss, Secretary of State for Environment, Food and Rural Affairs. He read out one of the recommendations which was:-

“In the longer term our view is that the responsibility for approval, adoption and maintenance of SuDS should sit with water and sewerage companies within their existing regulatory regime. It is also our view that the cost of processing applications should be fully funded by the planning application scheme.”

(10) Mr Tant that KCC would have some misgivings about water companies adopting them, because a number of water companies were not interested in sustainable drainage, preferring more traditional methods. The concern was that this approach would not necessarily lead to the best sustainable drainage systems. Nevertheless, KCC was not completely at odds with the LGA's views because it did recognise the need for an adopting authority.

(11) Mr Scholey said that DCLG seemed to believe that the SuDS issues could be resolved through planning conditions. In his experience, planning conditions were effective up to the point where a property was transferred from the developer to the

resident. He asked how a planning condition could be enforced after the developer had left the site.

(12) Mr Tant replied that he was not sure what mechanism the DCLG had in mind. There would, he thought, be a charge for the wider use of the drainage system. He agreed that KCC considered the point Mr Scholey had made to be one of the grounds for its misgivings about the proposal.

(13) Mr Harwood suggested that it could work if there was a legal agreement for long term maintenance signed by the developer at the time.

(14) Mr Vickery-Jones said that developers were often close to dismissive of what planners required of them. There had been many instances in Canterbury where the planning authority had been completely overruled by the Inspector at the planning appeal stage. It was vital for the Districts that the strategic overview role (usually played by KCC) was clarified.

(15) Mr Bowles said that the seriousness of the matter in hand contrasted with the delays in implementation which were occurring because of the lack of clear direction at the national level. He did not believe that there was no solution to be found. A full, focussed discussion involving all interested parties would be able to put an end to the cycle of consultation documents, which simply led to yet another round of consultation. Meanwhile, sustainable drainage was being installed but not inspected or maintained. He suggested that the Chairman and Cabinet Member should write to the Secretary of State stressing the urgent need for a solution that worked.

(16) Mr Balfour said that KCC had written to the Secretary of State on a number of occasions over the previous six years whenever this topic had arisen. He was willing to do so again in his role as the new Cabinet Member for Environment and Transport.

(17) Mr Balfour went on to say that he was aware that it was perfectly simple to design a really good urban scheme with a SuDS element that was attractive and which could be maintained as it was part and parcel of the development. He agreed that responsibility was currently being passed from one body to the next and that it was not clear who was going to pay for it. He was also concerned over the practical problem of providing the designers of the schemes and the technical expertise within the planning authorities to analyse them.

(18) At the invitation of the Chairman, Mr Harwood described the new retail development on Bearsted Road near Junction 7 of the M20. Ever since the retail scheme had gone in, the long-established local highway flooding had disappeared as a result of reductions in run-off achieved by the SuDS approach utilised within the site. The drainage scheme utilised a void with stepped rock-filled gabions beneath the store which effectively reversed the flow of surface water within the site to facilitate more effective infiltration to groundwater. This demonstrated that SuDS did not necessarily have to be a visible feature within a development and that it could work in higher density urban situations.

(19) Mrs Stockell said that it was likely that many developments in Kent would be completed before any SuDS work was actually undertaken. She then said that the Water and Wastewater in Ashford Select Committee had met in 2000 and had recommended SuDS due to the high amount of concrete in Ashford which made effective water run-off difficult to achieve. She noted that KCC was already providing three half-day workshops and asked whether there had been any feedback from them.

(20) Mr Tant confirmed that KCC had undertaken training for the Districts in respect of the role that KCC had been expecting to fill. This would continue into 2015/2016.

(21) Mr Tant continued by saying that it was expected that the LLF Authorities would become statutory consultees for drainage schemes in new major developments. This role would probably commence in April 2015. There would also be consequential amendments to the NPPF in respect of sustainable development and its drainage.

(22) Mr Tant replied to a question from Mrs Stockell by saying that work had been undertaken with internal KCC functions such as Property and Infrastructure Support in respect of school buildings. It was very important that KCC was seen as setting a good example in drainage matters. He added that a SuDS scheme was currently being developed for an extension to a school and that it was hoped that this would lead to further similar projects.

(23) Dr Eddy said he was concerned about the number of substantial developments that were going through the planning process on the edge of Flood Plains or which were pumping water into systems that were already at full capacity. He identified three areas which he suggested the Cabinet member should take up with the Minister. These were: Training, particularly for those involved in the planning process who might well be inexperienced in this particular area of work; Burdens, as much of the work was not being funded; and Maintenance of the long term sustainability of the SuDS. He then said that he was interested in the relationship in thinking between that of KCC and that of the LGA and asked whether these two organisations were likely to be able to reach the point where they were a combined voice for Local Government. He believed this to be essential if the issues he had raised were to be addressed.

(24) Mr Tant replied that the only area of disagreement between KCC and the LGA was over whether the water companies were best placed to take responsibility. This was, however, not a fundamental difference. The LGA had been negotiating on behalf of the local authorities with the DCLG over the new Burdens Assessment. There were some differences as might be expected given the large number and diversity of local authorities involved. Nevertheless, KCC and the LGA were very much of one mind in respect of the current consultation.

(25) Mr Bowles said that Swale BC was desperately trying to recruit Planners. The training that was likely to be required for them would be at the expense of their ability to swiftly deal with issues that arose, causing delays in process and implementation, and potentially leading to decisions on applications being taken by planning

inspectors instead of local authorities. He believed that there were a sufficient number of Kentish representatives on the LGA who were in a position to influence that organisation's approach. He would be discussing with the Leader of the Council the most effective way of doing so.

(26) The Chairman suggested that someone in a position of authority within the LGA could be invited to speak to the next meeting of the Committee. Mr Bowles undertook as a member of the LGA to invite someone on the Committee's behalf.

(27) Mr Tapp commented on the proposed exemption of minor developments from the revisions to the planning policy and guidance. He said that in some areas this could lead to 150 houses being built in batches of ten, effectively leaving a large development which was exempt from policy and guidance on local drainage systems. He suggested that if there was to be an exemption the bar should be set at one or two rather than ten.

(28) Mr Tapp then said that in respect of major developments which needed long term maintenance, the specifications in Ashford and Canterbury were extremely good. He then asked whether there would be provision for KCC to request that charges be built into the registry deeds of people who bought the properties. He would be quite happy for this to be done through the rates but was not sure whether differential rates would be legal.

(29) Mr Bowles said that differential rates could not be applied by a billing authority. The IDBs were not answerable to a local authority and were entitled to put up their precept as they considered appropriate. In his view, the IDB precept should be included as a headline in the Council tax bill as this would enable them to be accountable for (and therefore able to explain) every increase.

(30) Mr Balfour said that it was theoretically possible to hold the owner of a property to account in perpetuity. This would, though, be a very complicated process, involving high legal fees.

(31) Mr Rogers commented on the minor exemptions provisions in the consultation document by saying that at District level, planning authorities made numerous efforts to encourage SuDS by, for example, conditioning permeable surfacing. He then said that a significant recent change in the planning process enabled pre-application consultation with the developers so that planning authorities could advise developers on a chargeable basis. He considered that this principle could be extended to Lead Flood Authorities to enable them to advise on SuDS at the pre-application stage.

(32) The Committee expressed its concern over the lengthy and time-consuming consultation process which was delaying effective SuDS implementation and also confirmed that it wished to invite a representative from the LGA to speak at its next meeting.

(33) RESOLVED that, subject to (32) above, the report be noted.

4. Environment Agency and Met Office Alerts and Warnings and KCC flood response activity since the last meeting.

(Item 6)

(1) Mr Harwood drew the Committee's attention to the variance between the Alerts and Warnings recorded in the past few months and those received during the corresponding period in the previous year. In 2013/14 (November to March) there had been 41 warnings and 5 severe warnings whereas this year there had been 9 warnings and no severe warnings. The comparison was even greater when the figures for Met Office Severe Weather Flood Alerts and Warnings were set against one another. There had been just 10 since the last meeting compared to 87 in 2013/14. The Thames Barrier had been closed on 4 occasions since the last meeting as opposed to 49 times in the corresponding period in 2013/14. A total of 11 significant flooding related emergencies had been reported to the 24/7 KCC Emergency Planning Duty Officer since the last meeting. The figure for 2013/14 had been 66.

(2) Mr Flaherty said that Kent Fire and Rescue had invested a considerable amount of time and work in communities, resilience and equipment and this had resulted in improved response to those events that had occurred. He confirmed that his service had also seen a far lower level of flood-related activity than during the previous year.

(3) Mrs Brown reported that Yalding had not even had to deal with water on the road during the winter. The only issue that her parish had taken up with the Environment Agency was that warnings had been given at a very early stage. These warnings were, by their nature, not accurate enough. It would be preferable if the warnings were given once it became clear that an event was actually going to occur. She was pleased with the revisions made to the warning zones as this now meant that warnings could be given to those actually affected rather than to an entire stretch of river.

(4) Mr Curd (Environment Agency) said that there had been some difficulties with the warning system in the Medway catchment area. Owing to the size of the warning zones, a number of communities had received warnings when it had not been appropriate for them to do so. As a result (and following consultation with the communities) these warning zones had been reorganised by increasing their number and reducing their size. Work was still being undertaken on identification and confirmation of the correct trigger levels.

(5) Mr Vickery-Jones informed the Committee of Mr Ted Edwards' imminent retirement after many years as Canterbury CC's Engineering Manager. The Committee formally expressed its appreciation for his outstanding service and wished him a very happy retirement.

(6) Mr Hills said that on 30 September 2014 Kent had seen the highest tide levels in 25 years (11 tides over 8 metres). It was therefore critical (particularly in the Romney Marsh area) that the EA and IDB carried out the re-cutting to a high standard this year. It was essential to avoid complacency.

(7) RESOLVED that:-

- (a) the level of alerts received since the last meeting of the Committee be noted; and
- (b) Mr Ted Edwards be personally thanked for his many years of outstanding service and wished a happy retirement.

5. Oral Update by the Environment Agency on Flood Risk Mitigation in Faversham

(Item 7)

(1) Mr Curd said that 22 properties and 2 businesses in Faversham had been badly affected by the North Sea tidal surge of December 2013. The EA had been working with KCC, Swale BC and the local residents Association to develop a scheme that would help protect these properties. He was pleased to be able to confirm that sufficient funding contributions had been secured for the scheme to be taken forward. He thanked Mr Bowles for his assistance in this matter and added that he had been informed shortly before the meeting that Faversham TC would also be making a financial contribution.

(2) Mr Curd continued that the design of the scheme had been passed to the East Kent Engineering Partnership. The detailed design and cost estimates for the works were expected by the end of March 2015 and construction was expected to commence during the summer months.

(3) Mr Bowles thanked Mr Curd and Mark Douch as well as the EA generally for the pro-active way in which they had helped bring the scheme into fruition. He also acknowledged the contribution made by Mr Balfour at the meeting where funding had been secured.

(4) RESOLVED that the report be noted.

6. CPRE Flood Conference 2015 - Oral report by Paul Flaherty (Kent Fire and Rescue)

(Item 8)

(1) Mr Flaherty informed the meeting that he had recently become the Resilience Director for the Channel Tunnel. He then reported on the recent CPRE Flood Conference. He said that it had engaged itself in issues such as Planning and building on Flood Plains and some of the measures that needed to be considered in the light of the need for housing. There had been a number of high level speakers such as Damien Green (MP for Ashford) and Helen Grant (MP for Maidstone and the Weald). The Conference had been well received and well attended but had taken place in isolation from many of the agencies that had carried out work in the County.

(2) Mr Flaherty went on to update the Committee on other significant events that had recently taken place. Exercise Wade had been held on 9 December 2014 at the Tonbridge and Malling Council Offices. This had been a Resilience Forum table top

exercise to try out all the changes that had been made to the various Plans and procedures as a result of the previous winter's experience. Following this exercise, both the Pan-Kent response and the Recovery Plan were being reviewed.

(3) A joint seminar had been funded by Defra for the East Kent Flooding Groups. This involved the Resilience Forums from Kent and Essex working together to discuss East Coast flooding. The outcome of this seminar was that it would lead to closer working between the two Resilience Forums. Examples of this would be joint training, joint exercising and harmonisation of procedures.

(4) Mr Flaherty then said that the Kent resilience Team had drafted an Animal Evacuation and Shelter Plan which was currently going through the consultation stage within the Kent Resilience Forum. It was expected to be operational by the time of the next meeting of the Committee in July 2015.

(5) Mr Vickery-Jones said he had attended the South East Architects presentation. This had mainly focussed on anti-social behaviour but had also discussed designing out flooding. He added that he had attended the CPRE Conference and had been left asking the question why there was no great emphasis on designing properties to withstand flooding issues. He believed that the best solution for new development was to design it to be flood-resistant rather than by seeking to build perimeter defences that would require a long term maintenance commitment. This was particularly important given Canterbury CC's recent experiences where Planning Inspectors had overturned the Council's refusal of developments on flood plains.

(6) Mr Pearman said that in the Kent Fire and Rescue Service had performed an absolutely invaluable task in Edenbridge during the 2013/14 flooding events. Although the river had not overflowed, the town had been flooded by standing water. This effort had been hindered because the Edenbridge Depot had undergone a staffing crisis making it impossible for anyone to be deployed from there. If there had been severe weather in 2014/15, the Edenbridge Unit would not have been operational. He said that no one should underestimate the reassurance to the community that uniformed Fire and Rescue staff could provide in times of flooding. Fortunately, the Unit was expected to become operational again in April 2015 once all the volunteers had completed the necessary training. He believed that any reductions in staffing levels or redeployment needed to be communicated to the Kent Resilience Forum itself.

(7) Mr Harwood said that a key issue was the need to avoid complacency. Resilience and preparedness needed to be increased year-on-year by refining emergency planning and response, improving engineering solutions and enhancing spatial and planning management and practice. He then informed the Committee of a multi-agency off-site emergency planning exercise that was taking place for the Dungeness B Nuclear Power Station. The scenario would be a focused around severe weather/tidal flooding event, and would involve some 200 participants.

(8) Mr Flaherty said that it was not the case that the appliance at Edenbridge was not operationally available. Most of the pumps in Kent were crewed by on-call staff and were utilised when needed on the basis of risk data. Staffing issues at some

stations were being addressed. Kent Fire and Rescue's stations were strategically located around the County and were not for the exclusive use of the village in which they were based. He said that the Committee could be re-assured that the Service would always be able to meet the need to place sufficient staff in any location where they were needed. Kent Fire and Rescue also had arrangements with each of its neighbouring counties to provide or receive cross-border support. All the appliances that the Service needed were available for deployment whenever the need arose.

(9) Mrs Brown underlined Mr Harwood's point about the need to avoid complacency. Whilst she had nothing but the highest praise for the work of the EA and Kent Fire and Rescue, there was a limited number of staff to carry out all the necessary tasks. Each community needed to avoid the pitfall of over-reliance on these Services. They needed to ensure that the necessary plans and individual property plans were in place, and that seemingly insignificant issues such as the availability of operational mobile phones and chargers were addressed.

(10) RESOLVED that the report be noted.

By: Joel Cook (Scrutiny Research Officer)

To: Scrutiny Committee – 11th June 2015

Subject: Commissioning Advisory Board

Summary: This report briefly explains the background of the Commissioning Advisory Board (CAB) and contains information to compliment the Committee's consideration of the verbal update being provided by the CAB Chairman.

1. Background

- 1.1 The Commissioning Advisory Board (CAB) was instituted in 2014 following agreement at the 23 October 2014 County Council meeting. The specific recommendations that were endorsed may be found in the report presented to County Council (Appendix 1 - A collaborative approach to Member involvement in Commissioning - Report of the Member Working Group)
- 1.2 The creation of the CAB is one element of KCC's Facing the Challenge programme, developed in 2013 to ensure the authority responded appropriately to the financial situation. A key component of the resulting Transformation programme was the decision to begin the process of developing KCC into a Strategic Commissioning Authority, a process expected to continue until 2020.
- 1.3 The goal of the CAB was to allow for Member oversight of the development of KCC as a strategic commissioning authority, providing an opportunity for engagement by all Members throughout the Commissioning cycle. This would involve engaging with the Leader, Cabinet Members, Senior Officers and Commissioning officers with a view to providing recommendations to Cabinet and Cabinet Members. Full details of the CAB's terms of reference may be found in Appendix 2 (CAB update to P&R Committee 12 December 2014).

2. Scrutiny interest

- 2.1 An item on Commissioning and Member involvement was added to the Scrutiny Committee work programme in March 2015.
- 2.2 The main areas of interest or questions to be raised, agreed by the Spokespeople, were as follows;
 - Clarification of member involvement – how Members are being involved in the management of ongoing contracts and the development of planned contracts.
 - Updates on work undertaken by CAB so far, its current status and its forward plan.

- Additional training for Members on contract management.
- Update on other Authorities that have not adopted Commissioning approach.

2.3 The Chairman of the Commissioning Advisory Board, Director of Strategic Relations and Director of Transformation were made aware of the issues raised by the Spokespeople with a view to arranging a discussion item to be brought to a future meeting of the Scrutiny Committee.

3. Attendance

- 3.1 The following Members and Officers are attending to provide updates and/or answer questions from the Committee;
- Mr Hotson – Chairman of CAB
 - Mr Whittle – Director of Strategic Relationships
 - Mr Burr – Director of Transformation

4. Recommendation

4.1 The Committee may note the update and express comments.

Appendices:

- Appendix 1: A collaborative approach to Member involvement in Commissioning - Report of the Member Working Group
- Appendix 2 - CAB update to P&R Committee 12 December 2014

Background Documents:

- Commissioning Select Committee 'Better Outcomes, Changing Lives, Adding Social Value', County Council, May 2014
- 'Facing the Challenge: Towards a Strategic Commissioning Authority', County Council, May 2014.

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By: Eric Hotson, Chairman of the Member Working Group on Commissioning
Paul Carter, Leader of the Council

To: County Council – 23 October 2014

Subject: A collaborative approach to Member involvement in Commissioning - Report of the Member Working Group

Summary: The report sets out the findings and recommendation of the Member Working Group on Commissioning, established by the Leader of the Council to consider the future role of non-executive Members in a Strategic Commissioning Authority.

RECOMMENDATIONS:

County Council is asked to:

- (1) Note and comment on the deliberations and findings set out in section 3 of the report.
- (2) Agree that a cross-party informal advisory board, chaired by a backbench Member, should consider commissioning decisions in depth and advise Cabinet Committees accordingly before Key Decisions are made, with the arrangement reviewed after a 12 month period
- (3) Agree that given the majority of significant commissioning decisions facing the council over the next 12 months will come from the Facing the Challenge transformation programme, that the advisory board should also take on the responsibilities of the Transformation Board, with the arrangement reviewed after a 12 month period
- (4) Delegate to the Head of Democratic Services, in consultation with the Group Leaders, the establishment of a cross-party advisory board as set out in this report

1. BACKGROUND:

1.1 The Commissioning Select Committee, chaired by Mr Angell and considered by County Council at its meeting in May, made a total of twenty-seven recommendations. Recommendation 26 stated that: *“Further work is undertaken to the member role and what mechanism would best strengthen member oversight of commissioning, procurement and contract management; and member involvement earlier in the process and pre market engagement; and members are supported through training”*

1.2 Subsequently, the Leader asked me to Chair a cross-party Working Group to consider the role of Members in a strategic commissioning authority and make recommendations.

2. MEMBERSHIP, TERMS OF REFERENCE AND ACTIVITY:

2.1 The Membership of the Working Group on Commissioning is set out below:

- Mrs A D Allen, MBE
- Mr M J Angell
- Mr M Baldock
- Mr A H T Bowles (Vice-Chairman)
- Mr N J D Chard
- Mr G Cowan
- Mr E E C Hotson (Chairman)
- Mr R A Latchford, OBE
- Mr C R Pearman
- Mr C Simkins
- Mr R Truelove
- Mr M J Vye
- Mr M E Whybrow

2.2 The terms of reference for the Working Group were:

- (a) *To consider and make recommendations as to:*
- (i) *The role of the Members at each stage of the commissioning cycle;*
 - (ii) *How the Member role in commissioning can be discharged including changes to the way Cabinet Committees and other council committees might change to support the member role in commissioning; and*
 - (iii) *The skills needed by Members to support their role in each stage of the commissioning cycle and any other subsequent training priorities for Members.*
- (b) *Link to the Market Engagement Reviews and ensure proposals coming forward clearly prioritise and embed the member role in commissioned services; and*
- (c) *Oversee the overall effectiveness of the member role in commissioning, and the process established to discharge that*

2.3 The Working Group has met four times through July to October 2014, considering a range of issues and receiving a number of presentations from officers. One of the meetings was a joint meeting held with the officers responsible for developing the Commissioning Framework for KCC. This was productive and allowed for a frank exchange of views from both the Officers and Members on the challenges that we face in becoming a strategic commissioning authority.

3. DELIBERATION AND FINDINGS:

3.1 From a hesitant start, the Member Working Group has supported cross-party discussion as to how KCC can become an *effective* strategic commissioning authority whilst ensuring the leadership role for all elected Members of the County Council is enhanced. Members have had the opportunity to give their own views and listen to the views of others. Strong opinions have been put forward from across the

party political divide with a significant degree of openness and honesty. Such engagement is a strong foundation upon which to build.

Strategic Commissioning as policy

3.2 There is clear recognition that it is the policy of this County Council to become a Strategic Commissioning Authority. The need for urgency is a response to the very significant challenges faced from increased demand for services against falling Government grant - a scenario which is expected to continue until at least 2019. This has been explained, considered and agreed upon by all Members through the papers brought to County Council by the Leader, and is reiterated by Cabinet Member for Finance at every possible opportunity.

3.3 In recognising the need for urgency, there is cross-party appetite to ensure that KCC becomes an effective Strategic Commissioning Authority, and recognition that all Members have a role to play in making this a success.

3.4 That is not to say that that we will always agree across party political lines on the final decisions that are made about the future commissioning of KCC services. Political differences will always exist, and it is right that they influence how Members vote when final recommendations are put to them for consideration. Political differences are the very basis on which the Kent electorate voted for each Member of this County Council, and it is right that they are aired and guide Members.

High levels of trust:

3.5 However, in becoming a Strategic Commissioning Authority the process by which decisions are made or arrived at regarding the future delivery of our services should be more openly debated, discussed and considered by all Members before recommendations are finalised. Making this happen in a practical and sensible way is the problem that must be solved. If we get it right, the opportunity exists to:

- Support Cabinet Members in undertaking their role more effectively
- Full consideration of all options open to the County Council in commissioning services
- Lead to better decisions being made, that have been rigorously discussed and debated
- Make better use of all the skills and extensive knowledge across all elected Members

3.6 To achieve the above and to become an effective strategic commissioning authority, there must be a collaborative approach to commissioning within KCC. A collaborative approach can only be built on high levels of trust between everyone involved in commissioning, including:

- Officers and Members trusting residents and services users to help co-design services, and that they can bring as much value to commissioning as the 'professional'
- Backbench Members trusting Cabinet Members to have an open mind and discuss the opportunities for shaping services in a different way
- Cabinet Members trusting that backbench Members can add value to the commissioning process, bringing personal, professional and local expertise

- Officers and Members understanding that providers of our services, whether from the voluntary, public or private sector can bring innovation and new ways of working to services, and that they have an important role in supporting commissioning decisions.

3.7 Increasing levels of trust can drive cultural change across the organisation between officers, Cabinet Members and backbench Members, in particular so that they increasingly work together. .

Earlier and better engagement:

3.8 A consistent issue raised across the party political divide was the need for backbench Members to be engaged far earlier in commissioning of services. Whilst the move to pre-scrutiny of Key Decisions through Cabinet Committees allows backbench Members to consider issues before formal decisions are taken, the general view was that by the time decisions do reach Cabinet Committee, it is difficult for Cabinet Members to row back from the recommendations given financial and non-financial resources already expended.

3.9 Backbench Members need to be engaged in the design of commissioning and procurement specifications as they are being developed, not once they are finalised. This engagement needs to occur as early as possible in the commissioning cycle, ideally at the analyse stage, when officers and Cabinet Members are first considering the fundamental options about how they might commission, de-commission or re-commission services.

3.10 These discussions should be focussed on issues such as:

- Does the service contribute to the outcomes and priorities of the council
- What are we seeking to achieve through the delivery of this service and what is the best way of achieving those outcomes? Is there a different / better way?
- Whether services are better commissioned and delivered at a countywide or a more local level
- Whether services targeting the same residents or attempting to meet the same outcomes might be better jointly commissioned with other services in KCC and/or with our partners (e.g. District Councils, NHS)
- Whether sub-contracting is allowed or encouraged and what steps KCC would take to protect the supply chain, especially where Kent VCS or SME are involved
- How social value might be driven from the commissioning of services
- Understanding the market for external providers from the voluntary or private sector
- The benefits or otherwise of external or in-house of delivery of services
- Local intelligence and knowledge about local resident/community needs and potential smaller scale local providers

3.11 Earlier and better engagement in commissioning decisions will drive further benefits throughout the commissioning cycle, including:

- Members understanding of why services and contracts are designed as they are
- Stronger member understanding of who is providing services for their residents, whether in-house or from the wider voluntary, public or private sector

- Better understanding of contract performance requirements, including who to contact if they feel performance issues arise
- Greater ability to undertake contract and performance management further through the commissioning cycle

3.12 The lists above are not exhaustive, and it is not possible to predict all the issues that might need to be considered with a particular service or contract. However, it does give a flavour of the quality of conversation and discussion that needs to take place with backbench members in order to engage them appropriately.

3.13 In this, backbench Members are almost completely reliant on Cabinet Members and Officers to pro-actively engage them in such discussions at the appropriate time, and the quality of engagement crucially hinges on the commitment of Cabinet Members to lead high quality engagement of their Member colleagues.

3.14 Crucially, earlier and better engagement with backbench Members will likely entail the sharing of information which, if inappropriately used or distributed, may place the authority at increased risk, e.g. information which is commercially confidential or which has been shared with the authority in confidence. There will need to be discipline and commitment from all Members to use such information for the purposes of engaging in discussions about commissioning options and decisions, and not for narrow party political interests.

Social value:

3.15 The importance of social value, and the Member role in determining social value through commissioning was an important issue for all Members across the political divide. This builds on the Commissioning Select Committee recommendation that KCC should “...*maximise and give greater recognition to Social Value, incorporate consideration of social value questions in tender evaluation criteria and procurement decisions where possible...*”

3.16 Whilst KCC has a good track record in driving social value from its contracts and commissioned services, the authority must continue to ensure that it is fully meeting the requirements of the Social Value Act to consider social value through the commissioning of its services. In particular, KCC must become smarter at determining social value and being explicit about social value in our commissioning specifications, especially where the council may be seeking to gain specific added social value (such as providers taking on apprenticeships) from the contracts it provides, and there is a clear role for backbench Members to ensure the requirements of the Act are being met, and what added social value should be gained through effective commissioning.

3.17 However, the consideration of social value also needs to go beyond the definitions and requirements of the Act. At its heart, social value is considered by full consideration of the balance between the price the council is willing to pay for services vs. the volume of services required vs. the quality of services it wants. KCC is not simply a business, and the services which it provides have a social purpose. The cheapest may not be the best and the search for value for money must involve considerations about when it might be better for Kent for KCC to agree a more expensive contract, or to commission a smaller provider, or to split the contract into smaller local lots.

3.18 The fine balance between price vs. volume vs. quality fundamentally drives consideration of social value, and it should be the 'anchor' point around which Cabinet Members engagement with backbench Members is based.

Performance and contract review:

3.19 Whilst much of the discussion within the Member Working Group was focussed on how to improve Member engagement in the earlier stages of the commissioning cycle, there was also discussion about how to improve the Member role once services have been commissioned. In particular about how backbench Members can help support better contract management by KCC of commissioned and contracted services.

3.20 There was a clear acceptance that primary responsibility for performance and contract management sits with the Cabinet Member, appropriately supported by Officers. As the effective contract owner, they have responsibility for addressing specific issues or underperformance, whilst backbench Members have a performance scrutiny role through Cabinet Committees.

3.21 However, as we move to a commissioning authority with the aim for there to be little difference in the commissioning and performance management of external and internal providers of services, there was agreement that there should be a more direct line of sight between the providers of services, especially external providers, and backbench Members through Cabinet Committees. Specifically, Members should be able to hold to account external providers in the same way they do in-house services, and that this should be made clear through commissioning and procurement specifications.

3.22 There is actually nothing preventing Cabinet Committees from asking providers to attend to discuss their performance now, but simply that it is not current practice for Cabinet Committees to do so. However, in a commissioning authority, Members should actively engage both providers and commissioners of services, and there are emerging examples of good practice (such as the Property Sub Committee agreeing a six month contract review meeting with three providers for the new Total Facilities Management contract) which should increasingly be emulated.

Commissioning and transformation:

3.23 Becoming a strategic commissioning authority underpins KCC's transformation programme, *Facing the Challenge*. However, the pace at which Facing the Challenge has progressed since September 2013 has left some Members feeling left behind, struggling to understand how they can engage with the programme, even if no final decisions about the services under review have yet been made.

3.24 At the same time, there was recognition from across the party political divide that through the Transformation Board, there had been a genuine effort to brief Opposition Leaders on the progress of *Facing the Challenge*, and provide early warning of the issues, options and decisions that were likely to be put to Members.

3.25 However, concern was expressed about whether the Transformation Board in its current guise is working effectively, given the agenda was set by the Leader (who

also Chairs the meeting) which limits the ability to explore wider issues relating to the transformation programme, and some confusion as to what information provided to members of the Transformations Board can be shared with their colleagues. As a result, the Transformation Board is not acting as a conduit for information about the transformation to backbench Members.

3.26 Many of the most significant strategic commissioning decisions facing KCC over the next 12 months are being driven through the Facing the Challenge programme, and there is clear agreement across the Working Group that backbench Members must have a stronger voice in the delivery of the transformation programme.

Cabinet Committees role in commissioning:

3.27 There was significant discussion and debate about the role of Cabinet Committees and whether they are an appropriate mechanism for engaging Members in commissioning. There are some strong arguments in favour of focussing backbench Member engagement in commissioning through Cabinet Committees, including:

- The Cabinet Committee system is known and understood by Members and Officers
- It is inclusive, in that all Members attend Cabinet Committees
- They are already part of the Executive decision-making process

3.28 However, a number of concerns were expressed about whether Cabinet Committees could, given how they currently operate, be the primary mechanism for Member engagement in commissioning. Issues raised include:

- Limited meeting schedule in ‘fast-paced’ commissioning and transformation environment
- Too many ‘For Information’ and ‘For Noting’ items overloading the agenda
- Limited ability for backbench Members to set the meeting agenda
- Not all Members across Cabinet Committees have necessary skills
- Need to ensure that the Member engagement in commissioning does not become overly bureaucratic, given the Select Committee on Commissioning recommendation that “bureaucracy kills commissioning”

3.29 Given the volume of commissioning and transformation decisions facing KCC over the next 12 months, the unanimous view of the Working Group was that Cabinet Committees are not yet in a position to be the primary mechanism for ensuring Member engagement in commissioning.

4. RECOMMENDATIONS: AN ADVISORY BOARD ON COMMISSIONING:

4.1 Given the above, the unanimous recommendations of the Member Working Group are:

- that a cross-party advisory board, chaired by a non-executive Member, should consider commissioning decisions in depth and advise Cabinet Committees accordingly before they consider Key Decisions

- that given the majority of significant commissioning decisions facing the council over the next 12 months will come from the Facing the Challenge transformation programme, the advisory board should also take on the responsibilities of the Transformation Board

4.2 The new advisory board will:

- Be cross-party in membership and chaired from outside of the Executive
- Working with the Leader / Cabinet set its own agenda and meeting schedule necessary to discharge the volume of business
- Work on a non-partisan basis to support genuine debate and discussion
- Focus on the options, planning and oversight of service/contract specifications ahead of procurement
- Support consideration of how to maximise social value from contracted and commissioned services
- Be responsible for acting as a conduit for information on the transformation programme to backbench Members
- Ensure that Members involved are suitably trained to contribute effectively to the committee's business

4.3 To be clear, Key Decisions on commissioning of services will still go to the relevant Cabinet Committee for endorsement, however the in-depth scrutiny and consideration will be undertaken by the advisory board with its recommendations reported to the Cabinet Committee for consideration.

4.4 Importantly, the Council should commit to this arrangement for a period of 12 months before a review is undertaken to see whether they are still necessary. In particular, the aim throughout the year should be to embed the principles of early engagement in commissioning through the advisory board, and also further develop Member understanding and awareness of commissioning, with the aim of Cabinet Committees becoming the primary mechanism for Member engagement throughout the commissioning cycle in the future.

5. NEXT STEPS:

5.1 Given the necessary pace of transformation it is important that, subject to the agreement of the recommendations made in this report, that the advisory board is established quickly. The Head of Democratic Services will work with the Leader, the Chairman of the Working Group and Opposition Group Leaders to reach consensus on:

- Chairmanship
- Membership
- Terms of Reference
- Administrative support
- Work programme

5.2 The work programme will be particularly intensive in the short-term, as there will be a need for the advisory board to 'catch-up' on the issues and progress against the Phase 1 services within Facing the Challenge, before wider commissioning and transformation of services is built into the work programme.

Appendices: None

Background Documents:

- Commissioning Select Committee 'Better Outcomes, Changing Lives, Adding Social Value', County Council, May 2014
-
- 'Facing the Challenge: Towards a Strategic Commissioning Authority', County Council, May 2014.

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From: Eric Hotson, Chairman of the Commissioning Advisory Board

To: Policy & Resources Cabinet Committee – 12 December 2014

Subject: Commissioning Advisory Board Update

Classification: Unrestricted

Summary: The report provides an update on the work of the Commissioning Advisory Board and outlines a recommendation to the P&R Committee regarding the proposal to establish Property as a Local Authority Trading Company (LATCO).

Recommendations:

The Committee is asked to:

- (1) **Note** the update from the Commissioning Advisory Board
- (2) **Note** the recommendation in regards to the Property and Infrastructure Review for consideration at its January 2015 meeting, when P&R Cabinet Committee will consider the proposal in detail.

1. Introduction:

1.1 Members will be aware of the background to the establishment of the Commissioning Advisory Board (CAB) by County Council in October 2014, following the report of the Member Working Group on Commissioning. The first meeting of the Board was held on the 2nd November 2014, where I was elected the Chairman and Mr Bowles was elected the Vice-Chairman.

1.2 The membership of the Board and the Terms of Reference were agreed and are attached at Appendix 1 for information.

1.3 Meeting dates have been set for CAB every two weeks for the year ahead so as to keep pace with the transformation agenda and to support KCC move to becoming a strategic commissioning authority.

1.4 CAB meeting agendas have been confirmed until the New Year focusing primarily the progress to date and the business plans emerging through the *Facing the Challenge* review process. The agenda items for consideration until the New Year are set out in the summary table below:

Date of CAB Meeting	Substantive agenda items:
2 nd November	<ul style="list-style-type: none"> • Property & Infrastructure Support • Commissioning Framework
19 th November	<ul style="list-style-type: none"> • Legal Services • External Support to Transformation
2 nd December	<ul style="list-style-type: none"> • Back Office Competitive Dialogue • Commissioning / Outcomes Framework
16 th December	<ul style="list-style-type: none"> • Libraries, Registration and Archives (LRA)

1.5 The meetings to date have been highly productive, with strong attendance from the Members of the Board, as well as attendance from other Members as observers, who are always very welcome. The Leader has a standing invitation and has attended both meetings that have been held.

1.6 When establishing the CAB, it was agreed that regular updates should be provided to the Policy & Resources Cabinet Committee on its work and recommendations. This first update covers the 2nd November and 19th November meetings.

2. Meeting of the 2nd November 2014:

2.1 At its first meeting CAB considered the proposal to establish a Local Authority Trading Company (LATCO) as a result of the Facing the Challenge review.

2.2 The Board received a presentation from Rebecca Spore, Director of Property and Infrastructure Support on the business case that has been iteratively developed over a year to evidence the market rationale and benefits for KCC in establishing Property as a LATCO, as well as the detailed transition plan to establish an operational and competitive trading company from April 2015.

2.3 Members asked a number of questions relating to the business case, including the level of return to KCC as a result of the LATCO, optimizing local economic benefits, social value, the impact and incentives for staff, the Member role in the LATCO and the relationship between the LATCO and KCC as the shareholder. Mrs Spore was able to satisfactorily address and answer all the questions and points raised by Members.

2.4 It is anticipated that the Policy & Resources Cabinet Committee will consider the decision to establish Property as a LATCO in detail at its January 2015 meeting. As such, the Commissioning Advisory Board's recommendation to the P&R Committee is to:

- (a) unanimously recommend to the Policy and Resources Cabinet Committee the proposed establishment of a LATCO for the delivery of Kent County Council's Property Services; and
- (b) All Members of the County Council be provided with a training opportunity on the LATCO as a delivery model, the training to explicitly cover the role of the elected Member in the LATCO.

2.5 The training for Members of the County Council on LATCO as a delivery model will be arranged by Democratic Services.

2.6 The Board also considered the draft Commissioning Framework which is to be considered by County Council in December, and provided a number of comments to support its development.

3. Meeting of the 19th November 2014:

3.1 Two substantive agenda items were considered at the meeting on the 19th November.

3.2 The first was a background briefing in the form of two presentations from Steve Phillips (Newton Europe – the consultancy supporting the adults and children's social care

transformation programmes across KCC) and John Burr, Director of Transformation, on the external support being commissioned to support the delivery of transformation across the authority. The presentations were well received and led to a number of questions from Members regarding adult and children's social care transformation.

3.3 The second substantive agenda item was an update from the Facing the Challenge team and Geoff Wild, Director of Governance and Law, on the Legal Services Review. The proposal for Legal Services is to establish an Alternative Business Structure (ABS) trading vehicle as a joint venture with a commercial partner. The development of the full business case for the ABS joint venture is dependent on the outcome of competitive dialogue process with the market, which is now underway.

3.4 Members raised a number of substantive points about the proposed model that they would like further reassurance or clarification on as the full business case is developed, including future costs and inflationary protection, how any model could incentivise productivity as well as the ownership structure of any proposed ABS joint venture vehicle.

3.5 CAB will be considering the Legal Service review again in the New Year, as the results of the competitive dialogue with the market further shape the development of the full business case.

4. Recommendations:

4.1 The Committee is asked to:

(1) **Note** the update from the Commissioning Advisory Board

(2) **Note** the recommendation in regards to the Property and Infrastructure Review for consideration at its January 2015 meeting, when P&R Cabinet Committee will consider the proposal in detail.

Appendices: Appendix 1: Membership and Terms of Reference – Commissioning Advisory Board

Background Documents: *A collaborative approach to Member involvement in Commissioning* - Report of the Member Working Group – County Council, October 2014

Appendix 1: Commissioning Advisory Board Membership and Terms of Reference:

Membership:

- Mr M J Angell
- Mr M Baldock
- Mr H Birkby
- Mr A R Bowles
- Mr N J D Chard
- Mrs P T Cole
- Mr G Cowan
- Ms A Harrison
- Mr E E C Hotson
- Mr G Lymer
- Mr C R Pearman
- Mr M J Vye
- Mr M E Whybrow

Terms of Reference:

The Commissioning Advisory Board is established to:

(1) Provide Member oversight of the development of KCC as a strategic commissioning authority, in particular ensuring the opportunity for engagement by all Members throughout the commissioning cycle, and by maintaining strong links with Chairman of Cabinet Committees.

(2) Engage with the Leader, Cabinet Members, Senior Officers and commissioning officers, on a non-partisan basis, in the development of options and consideration of issues relating to the commissioning, decommissioning, redesign or transformation of KCC services.

(3) Provide recommendations to Cabinet / Cabinet Members on the development of options for the commissioning or transformation of services during the early stages of the commissioning cycle, including but not limited to:

- a. Whether options or proposals sufficiently meet the objectives and outcomes the council is seeking to achieve and / or the needs of the population or service users;
- b. Whether alternative ways of providing/commissioning services or delivery of outcomes have been sufficiently considered in the development of options – including more local commissioning of services;
- c. What opportunities have been considered for the joint commissioning of services within KCC and across the wider public sector in Kent, especially where our outcomes are shared with others;
- d. Consideration of the balance between price, quality and volume of services in commissioning and procurement specifications, including ensuring that the issue of social value is appropriately and explicitly considered; and
- e. Seek assurance on the adequacy of the contract management / performance management arrangements for commissioned services, including consideration of options for continued services delivery in the circumstance of provider failure

(4) Provide recommendations to the relevant Cabinet Committee on major commissioning or transformation Key Decisions that the Advisory Board has considered, before the decision is taken by Cabinet/Cabinet Member.

(5) Act as a conduit for information on the key commissioning and transformation issues to all non-executive Members and to provide a mechanism by which non-executive Members can request through the Chairman to raise or consider specific commissioning and transformation issues.

(6) The Leader will have a standing invite to attend the Board. Cabinet Members will be invited to attend the Board for commissioning / transformation issues that relate to their portfolio.

(7) The Head of Paid Service will be invited to attend meetings of the Board to:

(i) Ensure the provision of high quality and timely professional advice to all political parties;

(ii) Advise the Board on the discharge by the authority of its functions as a strategic commissioning authority and the arrangements for corporate management; and

(iii) Provide assurance on matters of internal control.

(8) Make recommendations to the Member Development Steering Group on any skills gaps or training needs for Members that emerge as a result of its work.

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By: Peter Sass, Head of Democratic Services
Richard Parry, Chairman of the Scrutiny Committee

To: Scrutiny Committee – 11 June 2015

Subject: **Select Committee Work Programme**

Summary: To receive an update on the Select Committee Topic Review Programme

1. Current Select Committee – Corporate Parenting

(1) This Select Committee under the Chairmanship of Mrs Z Wiltshire has been looking at the role of the Elected Member as a corporate parent.

(2) Due to the timescale, and as provided for in the Constitution, the terms of reference for the Select Committee were endorsed by the Chairman and spokesmen, with the comments made by them passed to the Select Committee (Appendix 1)

(3) The Select Committee, at its inaugural meeting, requested that the timescale of the Committee be extended to enable it to report to County Council in July instead of March, again in order to allow the Committee to hear evidence before this meeting of the Scrutiny Committee. Approval was obtained from the Chairman and spokesmen to this extended timescale.

(4) During February/March the Select Committee held evidence gathering meetings and heard from 17 witnesses and groups of witnesses including, former children in care, foster carers, social workers, health care professionals with specific responsibility for Children in Care, and colleagues from Essex County Council. In addition Members visited the Swattenden Centre to meet with children in care and also White Rocks Farm, to hear about schemes to support Children in Care. A survey of all elected members to gain an insight into their level of knowledge of their responsibilities as corporate parents has also been carried out.

(3) The Committee met on 14 May 2015 to consider the first draft of their report, and agreed minor amendments. The draft report is due to be shared informally with the Cabinet Member and Corporate Director at a meeting on 9 June 2015 and their comments invited for consideration by the Committee before they approve the final report. The report is due to be submitted to the Cabinet, for comment, on 6 July and to County Council, for consideration, on 16 July 2015.

2. Next Select Committee to be established – Energy Security - timescale

(1) At the meeting of this Committee on 12 December 2014 it was agreed that a Select Committee on Energy Security (see proposal attached as Appendix 2) be established when the Select Committee on Corporate Parenting had completed its work. This topic is particularly timely as this subject was specifically referred to in the recent Queen's Speech.

(2) Due to the change in timescale for the Corporate Parenting review the background research for the Energy Security review was not started until May. It is intended that the membership of the Committee will be established shortly so that informal cross party discussions to refine its terms of reference can take place, prior to the Select Committee

formally starting its work in July. The Select Committee would then submit its report to Cabinet for noting and County Council for consideration in December 2015.

3. Monitoring of Select Committee reports

(1) In accordance with the process set out in the Constitution, the two Select Committees (Kent's European Relationships and Commissioning) which completed their work in 2014 are due to hold a "one year on" review meeting to receive an update on their recommendations. These meetings are being arranged for June 2015 and the minutes from these minutes will be submitted to the following Scrutiny Committee meeting.

4. Recommendation: that

- (a) the progress of the Select Committee on Corporate Parenting be noted; and
- (b) the Select Committee on Energy Security be established to enable it to formally start work in July 2015 and submit its report to County Council in December 2015.

Peter Sass
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e-mail: peter.sass@kent.gov.uk

Background Papers – Nil

Select Committee – Corporate Parents

Terms of Reference

1. To consider the definition of “Corporate Parent” and the variety of roles and duties associated with it.
2. To engage with, amongst others, children and young people in care to better understand what works well for them and what KCC can do to improve the fulfilment of its corporate parenting responsibilities.
3. To investigate best practice across the country and abroad of how elected representatives within local government engage with and support children and young people in care.
4. To examine the extent to which the monitoring mechanisms available to KCC Members are effective in ensuring the safety and well-being of children and young people in care.

ASSESSMENT OF A SELECT COMMITTEE TOPIC REVIEW

*-sections to be filled in by the proposer of the topic

<p>*Subject of Proposed Review:-</p> <p>Energy security</p>
<p>*Reason for the Review:- (see Note 1 below)</p> <p>loss of spare capacity in energy production Failure to replace Dungeness C with a new nuclear power station Rush to cover farmland with solar panels Excessive subsidies for renewable energy Construction of inefficient unreliable wind turbines and their damage to wild life Danger of power cuts and their economic impact</p>
<p>*Issues to be covered by the Terms of Reference:-</p> <p>All the above</p>
<p>*Scope of the review:-</p> <p>County wide</p>
<p>*Purpose and objectives of the Review:-</p> <p>To ensure we have sufficient energy supply for our needs we avoid power cuts provide cheap energy and have sensible ways of reducing c02 emissions.</p>
<p>Proposer of the review - (Please print name and sign)</p> <p>.....Jim Wedgbury 03.11.1.</p>

To be completed by the Directorate/Cabinet Member(s)

Are there any reasons why this review should not be put forward for inclusion in the work programme for 2014/16? (see Note 2 below)

This work would serve to consolidate existing related KCC policy and strategies into an objective review on energy, energy security and energy generation. This will build on the earlier Renewable Energy Select Committee. Increasing energy prices across public, business and domestic sectors and limited spare energy capacity are making this an important agenda item both nationally and locally. In addition, in Kent and Medway with expected increase in both population and housing numbers together with economic growth the demand for energy will continue to increase.

The topic is frequently in the press and can be an emotive area of discussion – 'will the lights go out!', debate around wind turbines and solar farms, depletion in traditional fossil fuel supplies, the challenges of delivering new nuclear capacity and the recent debate around 'tracking' for shale gas.

The solution lies with no one technology but a balanced mix of low carbon energy generation. Kent already has a diverse energy mix and whilst new renewable solutions have come forward other energy plant is nearing the end of its life. For example Dungeness B is scheduled for decommissioning from 2018. The local impact of lost capacity, the implications for energy security and the opportunities for new generation solutions are issues worthy of consideration.

Energy supply and the operation of generation plant have a vital role in the well being of the Kent economy and support many jobs. New markets are also being created for the supply of low carbon and renewable technologies and associated services. The low carbon sector already has a strong foothold in the County and there is recognition nationally that Kent is an important location from which to support offshore renewables. The designation of key ports on the North Kent coast as part of a South East Centre for Offshore Renewables (CORE) recognises the County's capability to support the operation and manufacture of offshore wind turbines.

Having regard to the above, the review would provide an informative and objective basis for the development of a cross Kent and Medway energy security strategy, one which could form part of a revised Kent Environment Strategy and which encompasses both supply and demand issues.

Will the review support the achievement of "Facing the Challenge"? If yes, please identify aim(s) and give details:- YES:

- Assess security of supply issues for KCC and Kent and the measures that can be taken to mitigate and build resilience
- Assess alternative/local energy generation opportunities to tackle energy security issues, and the potential to provide cheaper energy and a reduction in carbon emissions for:

- o The KCC and schools estate, including the potential to use KCC owned land for community energy generation to generate an income and provide lower cost supplies.
 - o Residents with the view to reduce fuel poverty related negative health impacts which often result in an increase in the demand for KCC's services
 - o Businesses to increase competitiveness in the Kent economy and support the low carbon industry in Kent.
- Develop an energy strategy and appropriate energy policies for Kent to build future resilience and support the development of new appropriate energy generation whilst also protecting Kent's natural and historic environment.

How will the review contribute to corporate objectives and priorities?

As above

How will this review have an impact on KCC policy development and/or help to influence national policy?

It will inform the development of an energy strategy for Kent (incorporated in the Kent Environment Strategy) and the need for any related energy policies, as well as enable KCC to play a more effective role in lobbying on national energy policy and influence local planning and developments.

How will this review add value to the County Council and residents of Kent?

The review will add value to the County Council, local residents and businesses through:

- Increased energy security
- Opportunities for lower energy bills as a result of local energy generation
- Opportunities for community ownership and new incomes streams to support local services
- Opportunities for economic growth in the low carbon sector
- Reduced harmful emissions
- Reduction of negative health impacts due to fuel poverty
- Local leadership on the planning and development of new utility infrastructure
- Harnessing local resources
- Sustainable development and growth

Does the review need to be completed within a specific timeframe? If yes, please give details:

No, but rising energy prices and energy security is a growing issue and solutions often have a long lead in time and therefore the sooner action is taken, the better.

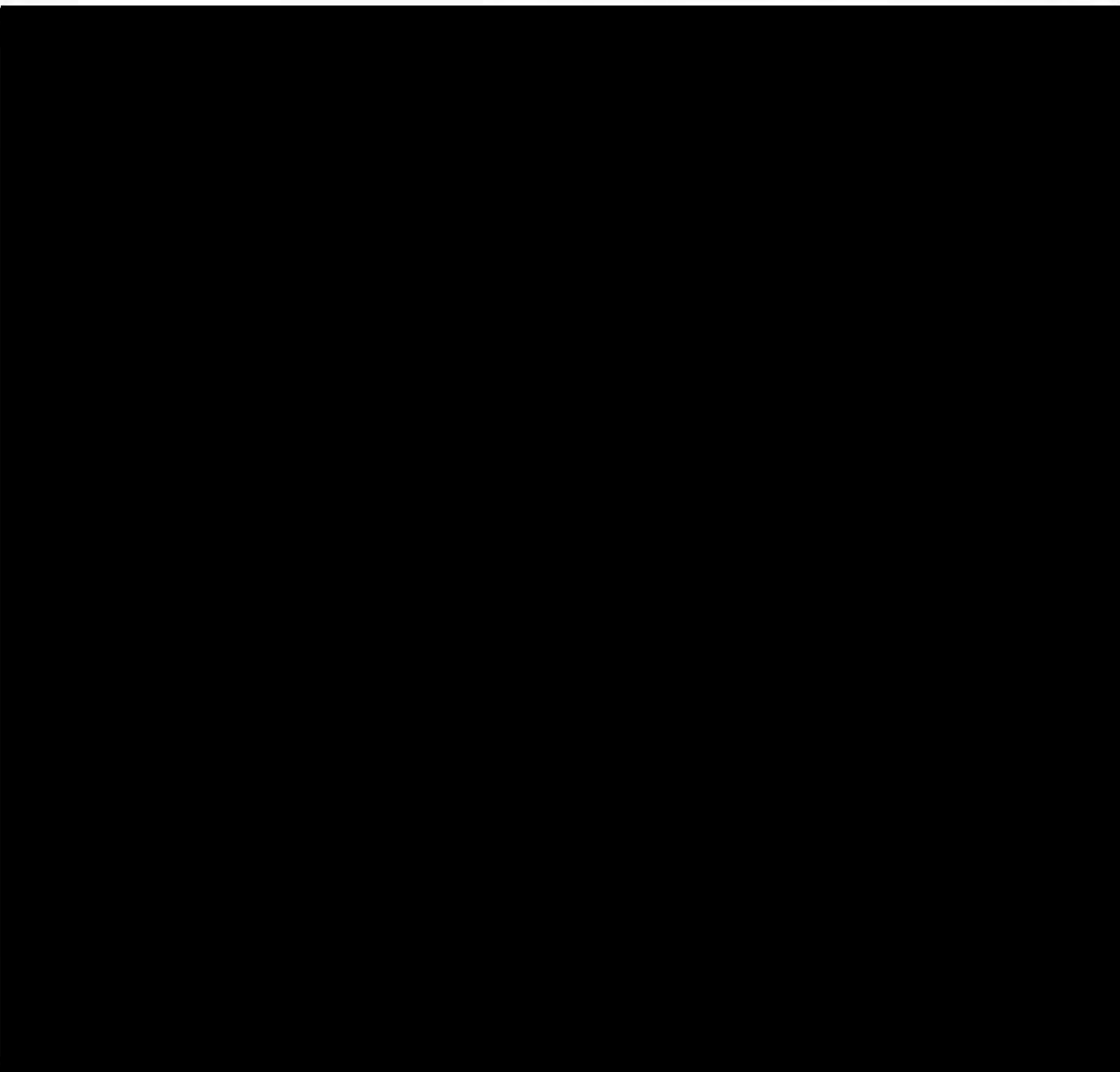
Any additional comments from the Portfolio Holder/Corporate Director:-

Portfolio Holder's Signature:



Strategic Director's Signature:-

Contact Officer:-



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