

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held Online on Friday, 27 November 2020.

PRESENT: Mr A Booth (Chairman), Mr J Wright (Vice-Chairman), Mr P V Barrington-King, Mrs P M Beresford, Mrs R Binks, Mr R H Bird, Mr G Cooke, Mrs T Dean, MBE, Mr D Farrell, Mr R C Love, OBE, Mr R A Marsh (Substitute for Mr M A C Balfour) and Dr L Sullivan

ALSO PRESENT: Mrs C Bell (Cabinet Member for Adult Social Care and Public Health) and Mr M Whiting (Cabinet Member for Economic Development)

IN ATTENDANCE: Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Mr A Scott-Clark (Director of Public Health), Mr D Smith (Director of Economic Development), Mr D Godfrey (Policy Advisor), Mr M Rolfe (Head of Kent Scientific Services and Interim Head of Kent Resilience Team), Mr B Watts (General Counsel) and Mrs A Taylor (Scrutiny Research Officer)

UNRESTRICTED ITEMS

15. Apologies and Substitutes

(Item A2)

Apologies were received from Mr Ridgers and Mr M Balfour. Mr A Marsh substituted for Mr M Balfour.

16. Declarations of Interests by Members in items on the Agenda for this Meeting

(Item A3)

No declarations were made.

17. Minutes of the meeting held on 6 October 2020

(Item A4)

RESOLVED that the minutes of the meeting held on 6 October 2020 were a correct record and that they be signed by the Chairman.

18. 20/00105 - Issuing Direction under Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 - Hop Farm, Paddock Wood

(Item A5)

Mr M Balfour, Member for Malling Rural East; Mrs C Bell, Cabinet Member for Adult Social Care and Public Health; Mrs B Cooper, Corporate Director Growth, Environment and Transport; Mr A Scott-Clark, Director of Public Health; Mr B Watts, General Counsel and Mr M Rolfe, Head of Kent Scientific Services were in attendance for this item.

1. Mrs Bell provided a verbal overview of the decision timeline and justification. Mr Scott-Clark outlined the public health requirements which had resulted from new government regulations. He contextualised Kent's Covid-19 position in early October, when the decision was taken.
2. Mr Scott-Clark summarised the work and cooperation which had taken place with the Hop Farm and event organisers to raise issues and seek assurances. He confirmed that adequate assurances had not been received prior to the decision.
3. Mr Watts outlined the public health regulations which had permitted the Cabinet Member's decision, the impact the regulations had on KCC as an authority and the subsequent Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 which had come into force on 5 November 2020. He confirmed that the powers had been used and governed within the scope of KCC's existing urgent key decision governance framework.
4. The Chair asked whether local engagement with Tonbridge and Malling Borough Council had taken place prior to the decision. Mrs Cooper confirmed that there had not been direct engagement with Tonbridge and Malling Borough Council prior to the decision, the urgent nature and short timeframe for the decision-making process were highlighted. Mrs Cooper assured the committee that local engagement would be stronger before future decisions of the same nature were taken.
5. A Member asked how KCC had been made aware of the issue with the event organiser's public health measures. Mr Scott-Clark confirmed that Kent's district, borough and city councils had provided KCC with lists of licensed public events, the event in question had been highlighted through this means by Tonbridge and Malling Borough Council. He furthered that the Kent multi-disciplinary cross enforcement information cell had met and the Public Health advice to issue the order was given following the meeting. Mr Rolfe added that the multi-disciplinary cell was a component of the Kent Resilience Forum.
6. The consideration of Covid-19 case rates in the decision Risk Assessment was discussed. A Member asked how local rates in Tonbridge and Malling as well as the wider area had influenced the Risk Assessment. Mr Scott-Clark confirmed that rates in Tonbridge and Malling, adjacent areas in Kent and south London had been considered as the event had been judged to attract individuals from a wide area and that the transfer of the virus by cross community transfer was a core concern.
7. Clarification was sought by a Member regarding the decision to rescind the order. Mrs Cooper confirmed that KCC had continued to engage with the event operator following the imposition of the order and that once assurances were received the decision to rescind the order was taken. Mr Rolfe noted that both decisions were made based on the Public Health Risk Assessment exclusively.

8. A Member asked whether the regulations gave scope for the health and economic impact of orders to be considered. Mr Watts informed the committee that the regulations under which the Cabinet Member decision was taken concerned to public health risks exclusively, though he noted that the subsequent (No. 4) regulations considered economic and business risks to an extent.
9. Mr Scott-Clark was asked whether information derived from NHS Track & Trace had been used to inform the decision. He confirmed that NHS Track & Trace information had not been used, that the venue had not been implicated in an outbreak and that the key grounds for advising the order had been the venue layout.
10. The Chair recommended that Member briefings be offered to provide information on subsequent new regulations and powers which affect the County Council.
11. Members agreed that 'lessons learnt' should be actioned upon and included in future reports concerning similar decisions taken by Cabinet Members.

RESOLVED that the Scrutiny Committee note the report.

19. Response to Affordable Housing Select Committee implementation plan (Item A6)

Mr M Whiting, Cabinet Member for Economic Development; Mr D Smith, Director of Economic Development and Mr D Godfrey, Policy Advisor were in attendance for this item.

1. Mr Whiting provided a verbal overview of his written response to the Affordable Housing Select Committee's report and thanked Members for their recommendations. He noted the challenges highlighted in the report and agreed that encouraging the inclusion of information for each Kent district in the Growth and Infrastructure Framework echoed KCC's Infrastructure First policy.
2. Mr Godfrey informed the committee that responses to the Select Committee's report from the housing sector, notably developers and planners, had been overwhelmingly positive.
3. A Member highlighted the distinction made by the Select Committee, that genuinely affordable housing be encouraged, a difference in definition between the national definition of 80% of market value and a more affordable local rate was made. Mr Whiting acknowledged the distinction and noted that he had addressed the issue in his draft letter to the Secretary of State for Housing, Communities and Local Government. Mr Whiting stated further that the local adoption of a separate affordable housing definition, to the national definition, would leave planning authorities vulnerable to developer challenges.

4. When asked what could be done to support existing housing which had been built without adequate levels of infrastructure, Mr Whiting agreed that further infrastructure for pre-existing developments was necessary. Mr Godfrey added that community and health infrastructure, notably primary care facilities had been identified as an area for future focus.
5. A Member stated that there was a need to recognise a variety of affordable housing options in the future, which included shared equity, affordable housing of variable prices and rented accommodation. Mr Whiting assured the committee, with reference to Recommendation 1 of the Select Committee report, that the Kent Growth and Infrastructure Framework would consider a variety of housing options in its plans.
6. A Member asked whether KCC had consulted Kent's district, borough and city councils prior to its response to government concerning the 'Planning for the future' white paper. Mr Smith confirmed that the Leader of the Council had worked with all Kent districts and Medway Council to coordinate a response, though he noted that each authority made their own individual response submission to the Ministry of Housing, Communities and Local Government.
7. Mr Whiting was asked how KCC could help to support housing tenants who endeavoured to make home improvements. He agreed to meet with the Member privately to discuss the matter further.

RESOLVED that the Scrutiny Committee note the report.

POST MEETING NOTE: The Cabinet Member's letter to the Secretary of State of Housing, Communities and Local Government was finalised and sent following the committee meeting.

20. Any items placed on the agenda by any Member of the Council for discussion

(Item)

1. Mr Farrell moved and Dr Sullivan seconded a motion that **"An additional meeting of the Scrutiny Committee be held to discuss Coronavirus tiering in Kent and its implications."**
2. Members voted on the motion. The motion was won.

RESOLVED that an additional meeting of the Scrutiny Committee be held to discuss Coronavirus tiering in Kent and its implications.

POST MEETING NOTE: An additional meeting of the Scrutiny Committee was held on 10 December 2020.