

SCRUTINY COMMITTEE

Friday, 27th November, 2020

10.00 am

Online





AGENDA

SCRUTINY COMMITTEE

Friday, 27th November, 2020, at 10.00 am
Online

Ask for: **Anna Taylor**
Telephone: **03000 416478**

Membership

- Conservative (9): Mr A Booth (Chairman), Mr J Wright (Vice-Chairman), Mr M A C Balfour, Mr P V Barrington-King, Mrs P M Beresford, Mrs R Binks, Mr G Cooke, Mr R C Love, OBE and Mr A M Ridgers
- Liberal Democrat (2): Mr R H Bird and Mrs T Dean, MBE
- Labour (2) Mr D Farrell and Dr L Sullivan
- Church Representatives (3): Mr D Brunning, Mr J Constanti and Mr Q Roper
- Parent Governor (2): Mr K Garsed and Mr A Roy

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.

UNRESTRICTED ITEMS

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

A - Committee Business

- A1 Chairman's Introduction
- A2 Apologies and Substitutes
- A3 Declarations of Interests by Members in items on the Agenda for this Meeting
- A4 Minutes of the meeting held on 6 October 2020 (Pages 1 - 6)
- A5 20/00105 - Issuing Direction under Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 - Hop Farm, Paddock Wood (Pages 7 - 34)

A6 Response to Affordable Housing Select Committee implementation plan (Pages 35 - 44)

B - Any items called-in

None for this meeting.

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

None for this meeting.

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)

Benjamin Watts
General Counsel
03000 416814

Thursday, 19 November 2020

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held Online on Tuesday, 6 October 2020.

PRESENT: Mr A Booth (Chairman), Mr J Wright (Vice-Chairman), Mr M A C Balfour, 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 and Dr L Sullivan

ALSO PRESENT: Mr P J Oakford (Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services) and Mr M D Payne (Cabinet Member for Highways and Transport)

IN ATTENDANCE: Ms Z Cooke (Corporate Director of Finance), Mr S Jones (Director of Highways, Transportation and Waste), Mrs N Floodgate (Schemes Planning & Delivery Manager), Mr G Romagnuolo (Scrutiny Research Officer) and Mrs A Taylor (Scrutiny Research Officer)

UNRESTRICTED ITEMS

8. Apologies and Substitutes

(Item A2)

Apologies were received from Mr Ridgers.

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

(Item A3)

1. Dr Sullivan declared a non-pecuniary interest in Item C3 and noted that her husband held the Community & Leisure Cabinet Portfolio at Gravesham Borough Council.
2. Mr Farrell declared an interest in Item C3, as an employee of Deltic Group.

10. Minutes of the meeting held on 7 July 2020

(Item A4)

RESOLVED that the minutes of the meeting held on 7 July 2020 were a correct record and that they be signed by the Chairman.

11. Minutes of the meeting held on 24 July 2020

(Item A5)

RESOLVED that the minutes of the meeting held on 24 July 2020 were a correct record and that they be signed by the Chairman.

12. Financial Update

(Item C1)

Mr P Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services and Ms Z Cooke, Corporate Director of Finance were in attendance for this item.

1. Mr Oakford presented a Financial Update to the committee. He addressed central government grant funding and outlined the expected timeline and sources of future funding, including how Covid-19 government grants had been spent. The financial impact of Covid-19 and projected net shortfall for the next financial year were highlighted, as were the grounds for the amended County Council budget.
2. A Member asked whether KCC would be able to levy a 2%, adult social care precept, council tax increase, following the conclusion of the authority's original three-year arrangement. Ms Cooke confirmed that further adult social care precept arrangements could be made following the initial period and that the financial settlement with government was anticipated in mid-December 2020, she agreed to update the committee following a formal indication of the settlement date.
3. Two Members emphasised that council tax increases should be a last resort, when the financial impact of the Covid-19 pandemic on Kent residents was considered.
4. In reference to the NHS hospital discharge grant for care homes, a Member asked what impact it had had on the authority's finances and whether any portion of the ring-fenced grant had been consigned to test and isolate patients. Mr Oakford confirmed that the discharge grant had been received to cover the cost of transferring patients from hospitals to care homes, on behalf of the NHS and that there had been no negative financial impact on KCC as a result of the arrangement.
5. When asked by a Member to what extent KCC would be financially resilient in the event of a second Covid-19 wave or Kent-wide lockdown, Mr Oakford emphasised that the authority's resilience was dependent on the extent of future government support packages and commended the financial support previously given by government. He reassured the committee that the authority's reserves would be used to fund services in the event sufficient government financial support were unavailable on the basis that these would need to be replenished.
6. Mr Oakford was asked how Kent compared to other neighbouring and similarly sized local authorities, financially. He confirmed that KCC's key services had been benchmarked with peer councils by Finance and that a departmental level comparison would be available in the future. Ms Cooke added that county treasurers met on a regular basis and financial differences were apparent primarily where local policy choices relating to levels or methods of service differed.

RESOLVED that the Scrutiny Committee note the update.

13. Pop Up Cycle Lanes - Verbal Update

(Item C2)

Mr M Payne, Cabinet Member for Highways and Transport; Mr S Jones, Director of Highways, Transportation and Waste and Mrs N Floodgate, Schemes Planning and Delivery Manager were in attendance for this item.

1. Mr Payne provided a verbal update. He outlined the timeline of KCC's active travel bid and receipt of £1.6m in funding from the Department for Transport for the scheme's first tranche. He emphasised that the Department for Transport had mandated a 4 week deadline for projects to begin, from the receipt of funding, and an 8 week deadline for project completion, from initiation. It was specified that 24 trial schemes had been implemented, 5 schemes had concluded.

2. Mr Payne addressed community relations, he cited the use of emergency Traffic Regulation Orders, which had been required to meet the scheme deadlines, as the primary factor for the lack of public consultation and engagement. He noted that a longer deadline for the scheme's second tranche was desired, to permit wider community and business consultation. Members agreed that greater community engagement would have been constructive, though noted the constrain the strict deadlines had placed on public consultation.

3. When asked if figures indicated in local media, that a third of projects had ended were accurate, Mrs Floodgate confirmed that the actual figure had been far lower and cited Mr Payne's previously mentioned figure that 5 of the 24 schemes had ended. She further noted that Public Rights of Way improvements had also been made with the funding.

4. A Member asked how the performance of schemes had been monitored. Mrs Floodgate confirmed that monitoring had depended on the type and maturity of projects, with levels of walking, cycling and traffic as well as the availability of Vivacity cameras significant factors. Regarding Vivacity cameras she confirmed that the Department for Transport had funded the units and that they formed part of a nation-wide trial of live labs.

5. Mrs Floodgate confirmed that members of the public had been able to provide their feedback via a dedicated active travel mailbox. A Member requested that they be copied into correspondence between the active travel mailbox and constituents or local businesses, when related to project notice, changes, or other significant updates.

6. Mr Jones stated that modifications to projects had been made following resident feedback and that community benefit was the core factor in judging the success of individual projects funded by the scheme.

7. Members suggested that scrutiny of the deployment of Vivacity live lab cameras be considered at a future meeting. Mr Jones agreed that Vivacity and himself could provide the requested information at a future meeting. He further confirmed that KCC did not conduct any public enforcement based on information gathered from the cameras and that information had been used purely for data analysis.

RESOLVED that the Scrutiny Committee note the update and the following action be taken:

a) Information related to the use and specification of Vivacity live lab cameras be circulated to the committee.

POST MEETING NOTE: A briefing on Vivacity cameras along with a broader overview of the Live Labs project has been suggested for the Environment and Transport Cabinet Committee in January 2021.

14. Short Focused Inquiry - Visitor Economy *(Item C3)*

1. The Chairman thanked Members for their contributions towards the Short Focused Inquiry report. Members paid tribute to the witnesses who had been involved in the inquiry.
2. Members discussed the contents of the report. A Member noted that in relation to Recommendation 2 of the inquiry report, care should be taken to time television advertising which promoted Kent as a safe and attractive visitor destination at a point where national or local Covid-19 social restrictions allowed tourism.
3. A Member requested that the Short Focused Inquiry membership, as documented in the report, include only Members who had contributed to the inquiry.
4. In relation to Recommendation 6 of the inquiry's report, a Member highlighted the need to prioritise small business recovery. Hospitality sector training and transparent ratings were also noted as areas for sector focus. The change in working arrangements was mentioned as an aid in the support of rural high streets and retail when the reduction of tourist figures had been considered.
5. It was noted by a Member that different areas of Kent had been affected to different extents and that the themes outlined in the inquiry did not persist in all areas.
6. Members noted that whilst all sectors had been negatively impacted by the Covid-19 pandemic, the hospitality sector, especially in Kent, had been the most impacted.
7. A Member noted that the high street retail operating model had begun its evolution prior to the Covid-19 and that online retail had had a greater impact on the sector than the pandemic in the change of customer habits.
8. Public transport accessibility was raised by a Member as an area of significant impact for the tourism sector in Kent. Flexible ticketing was highlighted as a means of increasing accessibility and ease of use.
9. The Chairman agreed to reflect the committee's concerns regarding the timing of tourism promotion and the scale of the impact of Covid-19 on Kent's Visitor Economy in his covering letter to the Leader and Cabinet Member.
10. Mr Romagnuolo updated the committee on the progress of the proposed Kent Farming Economy Short Focused Inquiry, he outlined his initial research which

regarded the impact of the pandemic on the industry and noted that it was unclear what support farmers would receive before parliamentary bills had passed.

11. Mr Farrell moved and Dr Sullivan seconded an amendment to the recommendation to include the words **'KCC Scrutiny Committee:-**

- a) recognises the importance of the visitor, hospitality and creative sector to the Kent economy in both providing skilled employment and enhancing the quality of life of residents and visitors;**
- b) notes that many businesses are being adversely affected by current restrictions, while some are being made unviable through their enforced closure. The Committee believes all sectors should have a roadmap for reopening;**
- c) commends the Government on the introduction of the furlough scheme but Calls on it to create a dedicated furlough scheme for the hospitality and creative sectors that should operate until national and locally imposed restrictions on their businesses are lifted;**
- d) further, believes that the Government should urgently review the 10pm curfew and present the scientific evidence for its imposition, should it continue; and**
- e) the committee requests the Leader and Cabinet Member urgently write to relevant Government ministers outlining what this committee has identified as key issues.'**

12. Members voted on Mr Farrell's amendment. The amendment was lost.

13. Mr Love moved and Mr Wright seconded an amendment to the recommendation to include the words **'That the Scrutiny Committee ask the Leader and relevant Cabinet Members to consider how they might bring to the attention of local, regional, and national policy-makers the devastating impacts of both Covid-19 and the responses to Covid-19 that are outlined in this report.'**

14. Members voted on Mr Love's amendment. The amendment was won.

RESOLVED that the Scrutiny Committee:

- a) Approve the Short Focused Inquiry Report into the visitor economy;
- b) that the Report be submitted to the Leader and relevant Cabinet Members along with a request for a formal response to the recommendations within two months; and
- c) that the Scrutiny Committee ask the Leader and relevant Cabinet Members to consider how they might bring to the attention of local, regional, and national policy-makers the devastating impacts of both Covid-19 and the responses to Covid-19 that are outlined in this report.

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From: Anna Taylor, Scrutiny Research Officer

To: Scrutiny Committee – 27 November 2020

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

Classification: Unrestricted

1. Introduction

On 4 September 2020 the Scrutiny Chairman confirmed with Scrutiny Committee Members that in instances where local lockdown decisions needed to be taken urgently this decision, once taken, would be reported to the Scrutiny Committee at the next meeting of the Committee. The purpose of this was to allow the Scrutiny Committee to assess whether the use of these powers had been reasonable and proportionate to the situation and whether the decision achieved the outcome intended by it.

2. Urgent Decision

- a. On 23 October 2020, the Cabinet Member for Adult Social Care and Public Health took an urgent decision in relation to Circus Zyair at the Paddock Wood Hop Farm. The record of decision and other decision papers are attached to this report.
- b. Subsequent to this, an officer decision was taken on 27 October 2020 to revoke decision 20/00105.

3. Recommendation

The Scrutiny Committee is asked to note this report.

4. Background Documents

[Record of Decision](#)

[Record of Decision appendix 1 – Direction issues](#)

[Decision Report](#)

[PH Risk Assessment – Advice for decision to issue Direction 20/00105](#)

[Director of Public Health confirmation of advice](#)

[Coronavirus Regulations – Revocation of Direction – Officer Decision](#)

5. Contact details

Anna Taylor, Scrutiny Research Officer
03000 416478
Anna.taylor@kent.gov.uk

KENT COUNTY COUNCIL – URGENT RECORD OF DECISION

DECISION TAKEN BY:

Clair Bell – Cabinet Member for Adult Social Care and Public Health

DECISION NO:

20/00105

For Publication

Key decision: YES

DECISION TITLE:

Issuing Direction under Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 – Hop Farm, Paddock Wood

As Cabinet Member for, I agree to:

Make a Direction under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 (or any replacement or amended version of these regulations which may be valid and appropriate while this Direction remains in effect).

This Direction comes into force on 23/10/2020 and further details of the Direction listed in Appendix 1 of this Record of Decision.

- I delegate authority to the Corporate Director of Growth, Environment and Transport to undertake the review of this direction, required under s2 of the Regulations and the related authority to, subject to consultation with the Cabinet Member for Adult Social Care and Public Health and the Director of Public Health, to revoke this Direction as appropriate and to issue the relevant notices (including notification to all those consulted as part of this Key Decision). This review shall take place a minimum of once every 7 days while the Direction remains in effect, in accordance with s2(2)(a) of the Regulations.
- I also delegate authority to the Corporate Director of Growth, Environment and Transport, in consultation with the Corporate Director of Finance, the Monitoring Officer and Cabinet Member for Adult Social and Public Health, to take necessary actions, including but not limited to entering into contracts or other legal agreements, as required to implement and enforce this decision.

In making this decision, I confirm that the conditions set out for the making of such a Directions in s2 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 have been met and that this direction is necessary and proportionate. I can also confirm that I have read and considered the KCC Urgent Decision Local Lockdown Guidance.

Reasons for decision:

The decision is required for the implementation of a necessary public health response, as permitted under the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020.

Taking into account advice from the Director of Public Health, and referring to relevant data and risk assessments, the conditions for making a Direction to give effect to 'local lockdown' arrangements are met and necessitate a Key Decision.

The detailed rationale for this decision is set out in the associated Decision Report which includes advice from the Director of Public Health.

Background:

Provisions for appealing this direction to a magistrates' court or making representations to the Secretary of State are contained within the relevant regulations.

Reason for Urgency:

It is necessary to implement the restrictions outlined in the Direction immediately due to the events starting at 17.00 on the 23/10/2020 and continuing until the 1/11/2020

Therefore it is not possible follow the normal decision timeframes as required under the KCC and legal governance arrangements, requiring it to be progressed under the urgent decision provisions as set out in the Constitution and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The Direction comes into effect immediately when issued, notice of the intention to seek a direction having already been issued; and

Will cease to be in effect on 2/11/2020 unless revoked earlier as a result of the mechanism set out in the Direction and may only be extended beyond this time and date by the issuance of a new Direction.

Member and other consultation:

No Cabinet Committee consultation possible due to urgency process.

The below list of Members were contacted in writing and notified of the decision but due to time constraints related to the public health risk, the decision had to be progressed with minimal notice. Consequently there was insufficient time to include comments prior to publication of the Decision. However, any comments received in response to the written notification from Democratic Services will be published alongside the ROD in due course.

The Chair of the Scrutiny Committee (agreed that the decision could not be reasonably deferred)

Andy Booth - Conservative

The Group Spokespeople of the Scrutiny Committee

Rob Bird – Liberal Democrats

Dara Farrell – Labour

The Chair and Group Spokespeople of the Health Reform and Public Health Cabinet Committee

Geoff Lymer (Chair) – Conservative

Dan Daley – Liberal Democrats

Barry Lewis – Labour

Any alternatives considered and rejected:

Voluntary cancellation of the event in the light of the Public Health advice was sought but rejected by the event organisers

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

None



23 October 2020

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signed

.....
date

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Direction issued under regulation 5 of the The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020

Kent County Council, in its capacity as an upper tier local authority, hereby directs that circus performance events being organised by Circus Zyair Ltd. of registered office B3 Kingfisher House Kingsway, Team Valley Trading Estate, Gateshead. NE11 0JQ at The Hop Farm, Maidstone Road, Beltring, Tonbridge TN12 6PY from 23rd October 2020 at 18:45 until and including 1st November 2020 23:59 are prohibited.

Appealing against this direction

A person on whom this direction imposes a prohibition—

(a) appeal against the direction to a magistrates' court by way of complaint for an order and the Magistrates' Courts Act 1980 applies to the proceedings, and

(b) make representations to the Secretary of State about the direction.

The regulations do not specify a time limit during which an appeal may be made. The Magistrates Courts Act 1980 places a 6 month time limit for the laying of information to hear a complaint

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From: Barbara Cooper, Corporate Director, Growth, Environment and Transport

To: **Clare Bell, Cabinet Member for Adult Social Care and Public Health**

Decision No: 20/00105

Subject: **Direction under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020**

Classification: **Unrestricted**

Electoral Division: Paddock wood

Summary:

Recommendation(s):

The Cabinet Member for Adult Social Care and Public Health is asked to: .

Make a Direction under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 (or any replacement or amended version of these regulations which may be valid and appropriate while this Direction remains in effect) specifically to:

Delegate authority to the Corporate Director of Growth, Environment and Transport to undertake the review of this direction, required under s2 of the Regulations and the related authority to, subject to consultation with the Cabinet Member for Adult Social Care and Public Health and the Director of Public Health, to revoke this Direction as appropriate and to issue the relevant notices (including notification to all those consulted as part of this Key Decision). This review shall take place a minimum of once every 7 days while the Direction remains in effect, in accordance with s2(2)(a) of the Regulations.

Delegate authority to the Corporate Director of Growth, Environment and Transport, in consultation with the Corporate Director of Finance, the Monitoring Officer and Cabinet Member for Adult Social and Public Health, to take necessary actions, including but not limited to entering into contracts or other legal agreements, as required to implement and enforce this decision.

1. Introduction

1.1 On 12 January 2020, it was announced that a new coronavirus had been identified. COVID-19 is highly contagious and the World Health Organisation has declared the risk and spread of the disease as a pandemic with Europe now at its epicentre. To protect Public Health the government has introduced restrictions to help control the spread and rate of infection.

2. Financial Implications

2.1 There are no financial implications arising from this report.

3. Report

3.1 Circus Zyair has proposed a run of events (shows) from the 23/10/2020 until the 1/11/2020 at the Paddock Wood Hop Farm.

3.2 A detailed assessment of the arrangements for this event has been carried out by Public Health Professionals. Their assessment is attached as appendix 2. In summary it concludes that the event should not go ahead and that a direction is necessary and proportionate in order to respond to a serious and imminent threat to public health and control the transmission of COVID-19 in Kent & Medway.

3.3 The Director of Public Health has confirmed by email, a copy of which is attached, that he agrees with the assessment and recommends that the event should not proceed.

3.4 Engagement has taken place with the venue and with the event organisers. The venue has voluntarily withdrawn its consent, but the event organiser, Circus Zyair Ltd., has refused to cancel the event. The direction sought, therefore relates only to the event organiser, Circus Zyair Ltd.

3.5 It is true that other circus events have run in Kent over recent weeks and this challenge was put to the Public Health professional carrying out the assessment. His response is that the current rising rates of infection in Kent mean that the circumstances prevalent at the time of those events are no longer prevalent now.

4. Legal Implications

4.1 The decision is being taken under the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020.

4.2 The Director of Public Health, has assessed relevant risk assessments and has advised that the conditions for making a Direction to give effect to 'local lockdown' arrangements are met and necessitate action to prevent a serious and imminent threat to public health. .

5. Conclusions

5.1 Circus Zyair has proposed a run of events (shows) at the Paddock Wood Hop Farm. A detailed assessment of the arrangements for this event has been carried out by Public Health Professionals. The Director of Public Health has assessed the relevant risk assessments and has recommends that the event should not proceed. Circus Zyair has refused to comply with advice and a key decision is needed to make a Direction under Regulation 5 of the Health

Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 to cancel the planned shows to protect public health

6. Recommendation(s)

Recommendation(s):

The Cabinet Member for Adult Social Care and Public Health is asked to: .

Make a Direction under Regulation 5 of the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 (or any replacement or amended version of these regulations which may be valid and appropriate while this Direction remains in effect) specifically to:

Delegate authority to the Corporate Director of Growth, Environment and Transport to undertake the review of this direction, required under s2 of the Regulations and the related authority to, subject to consultation with the Cabinet Member for Adult Social Care and Public Health and the Director of Public Health, to revoke this Direction as appropriate and to issue the relevant notices (including notification to all those consulted as part of this Key Decision). This review shall take place a minimum of once every 7 days while the Direction remains in effect, in accordance with s2(2)(a) of the Regulations.

Delegate authority to the Corporate Director of Growth, Environment and Transport, in consultation with the Corporate Director of Finance, the Monitoring Officer and Cabinet Member for Adult Social and Public Health, to take necessary actions, including but not limited to entering into contracts or other legal agreements, as required to implement and enforce this decision.

7. Background Documents

- Draft Record of Decision
- Public Health Assessment
- Email from KCC Director of Public Health

8. Contact details

Report Author:

Mark Rolfe

Mark.rolfe@kent.gov.uk

Head of Kent Scientific Services/Interim Head of Kent Resilience Team

Tel: 03000 415100

Relevant Director

Barbara Cooper, Corporate Director, Growth, Environment and Transport

Barbara.cooper@kent.gov.uk

03000 415981

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**Kent & Medway Public Health Risk Assessment
Circus Zyair - Hop Farm**

Maidstone Road – Paddock Wood

TN12 6PY

23rd October 2020

This area is in Local [COVID Alert Level: Medium](#)

Review Register

Summary of changes	Issue number & date	Presented to	Action
Risk assessment of event based on an 8-page assessment titled "Circus Zyair - COVID-19 Statement' document" and a 2-page document titled 'Covid Statement Circus Zyair'.	Version 1.0 22/10/2020	ASC by exception on 22/10/2020 by email	Initial decision for circus not to proceed
Update draft incorporating clarifications from Adam Ingham, organiser of Circus Zyair	Version 1.1. 23/10/2020	Teleconference with public sector stakeholders at 12:30pm on 23/10/2020; Gill Hall (Kent Police), Mark Rolfe (GT EPE), Ruth Parker (Kent Police), Sian Deller (Kent Resilience Team), James Whiddett, Simon Alland (Kent Police), Andrew Scott-Clark (Kent Public Health), Logan Manikam (Public Health), Yasmin Bou Karim (Public Health)	Direction to be set out by KCC for circus & confirmed by ASC

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Summary

Circus Zyair is a 1hr event with an estimated attendance of 200, set to take place between 23rd October - 1st November. On Friday, 23rd, there will be two performances, one at 5pm and another at 7:30pm. From Saturday, 25th October – Sunday, 1st November, there will be three performances each day, 11am, 2pm and 5pm.

The risk assessment provided by the organisers of Circus Zyair as well as additional information gathered on 23rd October do not strongly support the organisers' request for approval of the event as it is not evident how social distancing will be maintained at all times and how crowds will be managed during and between performances.

As of October 23rd, 2020, Kent is classified under the 'Medium' COVID alert level, however, the rolling rate in Marden is of 81.7 and there is a rise in number of cases in the region. Given what is known about the event and the COVID context in the area where the event will take place, Circus Zyair should not go ahead with immediate effect.

In accordance with national guidance (<https://www.gov.uk/government/publications/containing-and-managing-local-coronavirus-covid-19-outbreaks/covid-19-contain-framework-a-guide-for-local-decision-makers>) & Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, it is necessary and proportionate to do so in order to respond to a serious and imminent threat to public health and control the transmission of COVID-19 in Kent & Medway.

Evidence Required	COMMENTS
REGULATIONS	
The event (gathering) organiser is complying with the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020 and must demonstrate that:	
<ul style="list-style-type: none"> The event (gathering) is being organised by a business, a charitable benevolent or philanthropic institution, a public body, or a political body 	
<ul style="list-style-type: none"> there is a risk assessment, including COVID-19, in line with regulation 3 of the Management of Health and Safety at Work Regulations 1999(1), whether or not they are subject to those Regulations 	
<ul style="list-style-type: none"> all reasonable measures to limit the risk of transmission of COVID-19 including following relevant government COVID-19 secure guidance, will be taken 	

Adapted with permission from the Surrey County Council Public Health.

RISK ASSESSMENT

The risk assessment is comprehensive and identifies what activity or situations may cause transmission of COVID-19

The risk assessment identifies the different groups and individuals that could be at risk of transmission of COVID-19 including:

- Staff
- Volunteers
- Suppliers/delivery drivers
- Performers
- Attendees – local, national, international
- Independent vendors

1. There is little mention of potential transmission pathways during the event.
2. There is no mention of the number of staff involved and their demographics.

The risk assessment includes how likely it is that someone could be exposed to COVID-19 and considers age, ethnicity, health status, and other factors that may give rise to increased risk of severe illness from COVID-19 for attendees, staff, volunteers, suppliers, performers, and that:

- Where possible, they have acted to remove any activity or situation that is at risk of transmitting COVID-19
- Where not possible, they have controls in place to mitigate the risk of transmitting COVID-19

The risk assessment includes travel to and from the venue including impacts on local transport hubs and public transport

The risk assessment includes the cumulative impact of other gatherings in the area at the same time or pre/post event (e.g. increase numbers in local food/drink outlets) where additional mitigation measures may be needed to reduce the risk of transmission of COVID-19

1. The risk assessment states; "Doors open 45 minutes prior to each performance and this timescale is intended to help manage arrivals and to avoid crowding and queuing." Organisers need to clarify how they will manage crowds in between performances. For example, when a 1hr 2pm performance ends, they will only have 1.25hrs between the end of one and the time the doors open for the next one. They need to consider the fact that exiting a venue with 200 people, when they are trying to social distance throughout might take longer than expected and although the entrance and exit are separate, what happens in the parking lot when crowds coming in and out at the same time?

Organisers could not explain how crowd management will be done in the parking lot. No evident mitigations for a parking lot crowd management have been put in place by the circus. According to the organisers, Hop Farm is the organisation that has control over that.

2. How many exits are there? Need to clarify how many staff will be by the doors at the end and before the start of a performance.
There are 3 exits and 1 entrance.

3. In the document titled 'Covid Statement Circus Zyair', it is said, "You will be required to select seat numbers when booking (these will aid with the social distancing requirements and do not necessarily represent where you will be seated)" It is unclear whether the seats are numbered and pre-assigned to attendees or not. If not pre-assigned, how will they manage the crowd. They should consider providing allocated seating and managing seating plans

through ticketing systems. If unallocated seating is provided, organisers should consider installing seat separation or labelling the seats that should not be used, or deploying staff to support the audience in adhering to social distanced seating.

Seats will be numbered and allocated.

4. The organisers should clarify how ventilated the venue is.

There will be fans at the top of the tent circulating air. The doors will be closed when people come in and out of a performance, but during the day it they are left open for ventilation.

The risk assessment shows the event organiser engaged appropriately with neighbouring businesses and transport operators to assess and mitigate risks arising from pressure on local and public transport	No mention.
The risk assessment includes the risk to local population health taking into account prevailing trends in the prevalence of Covid-19	No mention.
The risk assessment considers additional risk factors created by attracting a national or international audience for the event	No mention.
EVENT PLANS	
<p>The plan includes:</p> <ul style="list-style-type: none"> ● site map ● duration of event ● maximum capacity based on COVID secure measures including social distancing ● numbers of staff/volunteers to ensure COVID secure measures are maintained at all times 	<p>1. The risk assessment states that "An additional 50 seats will be available to allow for changes, i.e. not for additional persons". It is unclear what they mean by this. Will the organisers allow for an extra 50 people to buy tickets if the situation arises? Organisers should clarify what they mean by 'changes' and how they will manage these changes.</p> <p>It was clarified by Adam Ingham that although they can “confidently” seat 250 people while maintaining social distancing, they will not sell out to a maximum.</p> <p>2. The number/type of staff present at the event is not mentioned in the assessment.</p>

The plan demonstrates how **SOCIAL DISTANCING** will be maintained **AT ALL TIMES** between:

- attendees who are from different households or support bubbles e.g. maximum capacity, zoning, circulation space, pinch points/congestion areas, entrances/exits, queues, toilets and wash stations, movement flows between areas, seating arrangements, popular activities./exhibits etc
- attendees and staff and performers e.g. staff areas, performance areas, movement flow through attendee areas, ticket and security bag check areas

1. Organisers need to clarify how many toilets there will be. It is important to remember that many children might attend the event and might need to use the toilet regularly.

There will be 5 toilets in total and they will be placed outdoors, outside the tent.

2. When discussing how to avoid transmission amongst staff when the circus is set up, the risk assessment says staff will be encouraged "to only work together up to 15 minutes at a time." Organisers need to clarify how this is feasible and how it will be done. Will they keep a record of which staff is doing what and when? Will there be a set rota?

2. Risk assessment states that staff will be "working in fixed teams to minimise exposure". Will these teams be allowed to mix with each other?

3. Organisers need to clarify their social distancing mitigations. How far apart are the seating areas for family 'bubbles'?

Adam Ingham (Circus Zyair contact), clarified there will only be 6 members of staff on the ground throughout each performance (excluding performers). Their responsibilities are as follows;

- One staff will conduct temperature checks on attendees.
- One will be at the entrance to point people to the direction they should go for their seats.
- One who will show attendees to their seats.
- One will operate the toilets.
- Two staff members will ensure compliance

to rules throughout the show. It does not seem realistic for only 6 staff to be monitoring the entire event during a performance. Although the venue is a circle, there will be 2 seating areas, separated by the 30m diameter of the 'stage'. Given the crowd will be so far apart, it seems unfeasible to only have 6 staff members onsite to ensure compliance to COVID-19 regulations.

It was also clarified by Adam Ingham that all attendees will be seated, and every other seating row will be blocked off (1m). There will also be a 1m space between bubbles. Organiser did not give much detail on the set up of the 'bubble areas'.

The plan shows how the contact details for ALL those present at the event will be recorded and stored for 21 days, to assist NHS Test and Trace with requests for the data if needed, and must:

- include first name, surname, address including postcode, contact phone number or contact email, date (for multiday events) at venue - for ALL attendees
- include first name, surname, address including postcode, contact phone number or contact email, role, date (for multiday events) at event - for ALL staff, volunteers, suppliers/delivery persons, performers, independent vendors
- demonstrate compliance with GDPR
- consider when and how this data will be collected e.g. in advance (mandatory online, linked to ticket purchase), on site for those not completing in advance (entry denied until contact details provided)
- consider additional data if systems allow e.g. time of arrival and departure, location on site (zoned areas, work stations, entrance gate numbers)

The plan demonstrates how **communication with attendees** will be made for:

- short notice cancellation in a way they would prevent large numbers of people 'crowding' near the venue site
- ensuring ALL attendees provide contact details to organiser to assist NHS Test and Trace e.g. under terms of booking
- providing POSTCODE OF VENUE to enable attendees to provide this to NHS Test and Trace should they become symptomatic, to aid outbreak identification.
- reminding attendees to wear face coverings when using public transport or in enclosed areas as per [government guidance on face coverings](#)
- adherence to a code of behaviour i.e. not attending if they have symptoms and /or are self-isolating, maintaining social distancing at the venue, hand hygiene and minimising spread of respiratory droplets e.g. under terms of booking
- re-enforcing message that entry will be refused if displaying symptoms
- providing information to attendees about risk factors that may make them more susceptible to serious illness from COVID-19, so they can make an informed choice about their personal risk relating to their attendance
- advising about the hand hygiene facilities on site
- minimising hand to hand transactions on site
- bringing as few items as possible to the event

1. Unclear what the message on posters and signage will be or what the purpose of the warning tape is.
 2. Unclear whether the use of face coverings is mandatory throughout the performance. According to the most recent national guidance for performing arts events (updated on 21st October), it is a requirement to remind customers of the need to wear face coverings unless exempt, for example through prominent display of signs, and/or verbal reminders to customers. Organisers should confirm whether that is the case
- Face covering will be mandatory throughout.**

<p>The plan shows the COVID-19 safe ingress and egress from the venue and local area, and considers:</p> <ul style="list-style-type: none"> • Travel routes e.g. one way routes between transport hubs and venue (the 'last mile' concept), avoiding peak public transport times, • Staggered entry / exit times • Additional entrances / exits points to reduce congestion • One-way entry / exit routes • Markings and signage for social distancing • Queue management including surrounding areas • Sanitisers at entry / exit points • Refusing entry to ALL those displaying symptoms – attendees, staff, volunteers, suppliers, delivery drivers, performers, independent vendors 		
<p>The plan limits the amount of hand to hand transactions during:</p> <ul style="list-style-type: none"> • booking process e.g. in advance, online and phone • on entry e.g. ticket less • payment for goods/services on site e.g. pre-payment/card only/contactless • activities e.g. rides, shared equipment 		
<p>The plan shows the COVID-19 safe movement of ALL persons around the venue to maintain social distancing including:</p> <ul style="list-style-type: none"> • one-way routes to and from on-site facilities e.g. toilets, wash stations, food and drink outlets, performance areas, • markings and signage for social distancing • use of barriers/screens/face coverings to protect staff/volunteers where social distancing can not be maintained 		
<p>The plan caters for sufficient number of handwashing facilities and sanitiser points, at multiple locations (e.g. entrances/exits, food/drink areas, toilet areas, etc) including signage on good hand washing, to enable people to:</p> <ul style="list-style-type: none"> • wash hands for at least 20 seconds • dry hands thoroughly • dispose of used drying materials safely 		<p>The number of handwashing facilities is not mentioned and the messages on signage is unclear.</p>

The plan shows how cleaning will be maintained prior, during (including multiday) and after the event; including cleaning regimes and waste disposal management for:

- high contact surfaces and equipment
- work areas
- barriers / screens
- toilets and washing facilities, ensuring adequate supplies of soap and hand drying materials, and frequent removal of waste materials

Organisers need to clarify what are the main 'touch points' in the venue and how it will be cleaned. The layout of the venue is unclear.

The main touch points in the venue are handrails and seats. Adam Ingham stated that all attendees will be required to sanitise their hands on their way in and that handrails would be cleaned regularly with 'anti-bacterial spray'. This raised the concern about the type of products the organisers are using to clean their surfaces and whether they are also anti-viral.

The plan shows how staff/volunteers/independent vendors on site will be trained and briefed on COVID-19 secure measures and protected from the risk of COVID-19 transmission while:

- providing goods / services e.g. working in fixed teams, use of barriers/screens, sufficient space to maintain social distancing within work area, hand washing facilities, training on correct use of face coverings
- providing emergency medical assistance e.g. appropriate PPE
- managing security, including dealing with constant breaches in social distancing
- on rest breaks

The risk assessment mentions training of staff, but no details are given.

It was clarified that performers are part of one bubble and the staff is in a different bubble and they do not mix.

The plan shows how performers will be protected from the risk of COVID-19 transmission and considers:

- avoiding sharing professional equipment and personal items e.g. labelling with name of designated user, personal headsets/radios/earpieces
- designated storage for large items
- regular cleaning and disinfection of equipment
- singing by performers only e.g. avoid face to face singing and position back to back or side to side, extend social distancing to 3 metres or more between singers and others, limit numbers in singing groups, utilise technology

Very little mention of how performers will be protected from COVID-19.

<p>The plan demonstrates that the event can be delivered safely without the involvement of the emergency services and considers:</p> <ul style="list-style-type: none"> • crowd management • emergency medical assistance, including the measures to take for someone with COVID19 symptoms 	<p>No mention of medical assistance.</p> <p>It was clarified that there will be 2 first aiders and that if an attendee reported symptoms after entering the venue, the organisers would postpone the show and advise people to seek medical support. This does not seem like a feasible solution.</p>
<p>The plan shows that all mitigations can/will be operated effectively</p>	
<p>FINANCIAL RISK</p>	
<p>The event organiser is aware that the event may need to be cancelled if the COVID-19 situations changes due to local outbreaks, local sustained community transmission, second COVID-19 wave, and that they will be responsible for all financial losses</p>	<p>The organisers are aware the event might be cancelled if the COVID-19 situation changes.</p>

Further advice maybe found at,

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/the-visitor-economy>

<https://www.gov.uk/guidance/covid-19-guidance-for-mass-gatherings>

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/performing-arts>

<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-phased-return-of-sport-and-recreation/guidance-for-the-public-on-the-phased-return-of-outdoor-sport-and-recreation>

<https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-on-phased-return-of-sport-and-recreation/return-to-recreational-team-sport-framework>

<https://www.eventsindustryforum.co.uk/index.php/11-features/14-keeping-workers-and-audiences-safe-during-covid-19>

<https://www.britishhorseracing.com/regulation/covid-19-coronavirus-industry-guidance-and-updates/>

<https://www.britishcycling.org.uk/about/article/20200512-about-bc-news-British-Cycling-Updated-Coronavirus-Guidance-0>

<https://www.britishtriathlon.org/britain/documents/covid-19/guidance-documents/final-covid19-clubs-guidance-04.06.20.pdf>

SUMMARY NOTE – provided by KCC Democratic Services.

WRITTEN CONFIRMATION – KCC Director of Public Health approval of risk assessment and advice that relevant event should not proceed

From: Andrew Scott-Clark - ST SC <Andrew.Scott-Clark@kent.gov.uk>

Sent: 23 October 2020 15:17

Subject: RE: Circus Zyair at Hop Farm Risk Assessment TODAY 5PM

Dear All

Thanks for the risk assessment; I agree with the assessment and recommend this event should not proceed.

WBW

Andrew Scott-Clark | Director of Public Health | Kent County Council | Room 1.61, Sessions House, County Hall, County Road, Maidstone, Kent, ME14 1XQ | Internal 7200 416659 | External: +443000416659 | Mobile: 07809321638 | www.kent.gov.uk |

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KENT COUNTY COUNCIL – RECORD OF OFFICER DECISION

DECISION TAKEN BY:

Barbara Cooper

Corporate Director, Growth, Environment and Transport

DECISION NO:

OD/20/0003

For publication Yes

Subject matter: Issuing Direction under Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 – Hop Farm, Paddock Wood

Cabinet Member decision to which this action relates:

Clair Bell – Cabinet Member for Adult Social Care and Public Health

Key Decision 20/00105 - <https://democracy.kent.gov.uk/ieDecisionDetails.aspx?ID=2412>

Decision:

To lift the current Direction Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020 issued to Circus Zyair on 23 October 2020.

Reason(s) for decision:

Circus Zyair has submitted a revised risk assessment to address concerns raised by Public Health relating to crowd management at the start/end of each performance.

Public Health officers visited the site on 27 October 2020 to confirm and assess the new arrangements, reporting back to the Director for Public Health who has reviewed the report and revised risk assessment and concluded that the additional mitigations are sufficient for the event to proceed. His confirmation is attached to this Officer Decision record.

Financial Implications:

There are no financial implications arising from this report.

Legal implications:

The decision has been taken under the Health Protection (Coronavirus, Restrictions) (England) (No.3) Regulations 2020.

Under the regulations, the Corporate Director of Growth, Environment and Transport has delegated authority to undertake the review of the direction (s2 of the Regulations) to revoke this Direction as appropriate and to issue the relevant notices.

Equality Implications:

There are no equality implications arising from this decision.

Comments received from any Members or Officers consulted:**Director or Public Health Advice:**

Our team and Tonbridge and Malling Environment Health Officers did a site visit to the Hop farm this morning and reviewed the additional measures put into place to mitigate our concerns. The recommendation is therefore to rescind the decision and allow the circus to function.

Cabinet Member for Adult Social Care and Public Health

The Cabinet Member has given approval to rescind the direction.

Any alternatives considered and rejected:

Not to revoke the direction, however this would be against the professional advice of Public Health

Officers and the Director of Public Health.
Any conflict of interest declared by any executive member consulted by the decision maker and any dispensation granted by the Proper Officer:
None

B. Cooper

27 October 2020

.....
signed

.....
date

From Mike Whiting, Cabinet Member for Economic Development
David Smith, Director of Economic Development

To Scrutiny Committee – 27th November, 2020

Subject Response to Affordable Housing Select Committee

Classification: Unrestricted

Summary:

This paper responds to the recommendations of the Affordable Housing Select Committee.

Recommendation:

The Committee is asked to note this report.

1. Introduction

Following the publication of the Affordable Housing Select Committee report in July this paper responds to Select Committee's recommendations in accordance with the process for monitoring, with an action plan from the Cabinet Member/Corporate Director to be submitted to the Scrutiny Committee 3 months after endorsement by County Council.

Background

As a strategic infrastructure authority, Kent County Council recognises that the demand for affordable homes is increasing and the importance of providing housing that is of high quality, in the right location and with the infrastructure to support residents to have a good quality of life.

As we re-build our local economy after Covid-19 emergency, the construction and housing industry also has a vital role to play. In particular, investment in affordable and social housing can help provide the stimulus our local economy needs.

Our role in enabling housing delivery

Kent County Council is not a local planning or housing authority – but we do play a major role in enabling new housing. What we do by planning and attracting infrastructure investment into the county; by agreeing developer contributions to support our essential services; and by delivering homes for older people and bringing empty homes back into use all contribute to housing supply. In our own right, we are a property developer, landholder and investor. We are a consultee on all major planning applications as the highways, education and social care authority.

Our response to the Committee

While the landscape has changed dramatically since the Select Committee began its inquiry due to the COVID-19 pandemic, KCC recognises the need to respond positively to the Committee. All recommendations are accepted in principle.

Greater provision of affordable housing will support KCC's public health, education and social care outcomes. Enabling housing development planned by District colleagues will support economic recovery and will increase developer and council tax income which will offset the increased costs of service provision for a larger population. It will support KCC's role in infrastructure planning.

In particular, the Select Committee highlights work to develop an "infrastructure first" Infrastructure Proposition to Government for greater investment and planning flexibility, aligned to the need for more affordable homes. This work continues to progress.

However, within the current financial and resource constraints, we must also be pragmatic. In responding to the recommendations, our aim has been to look at how best existing KCC functions can be aligned internally - and without additional cost - to enable new affordable housing and to better support Kent Districts in delivering planned housing growth.

We must also be mindful of the proposed changes to the planning requirements which could impact on the scale of developer contributions to support infrastructure, placing an even greater pressure on the Council's capital programme.

Our response to the individual recommendations of the Affordable Housing Select Committee's recommendations is detailed below.

2. Response to Recommendations

The Select Committee Report makes 8 recommendations, 7 to the County Council and 1 to Government. Each is listed below together our proposed response.

Recommendations to KCC, and to promote joint working with its partner organisations

Recommendation 1

KCC should encourage the inclusion, in the Growth and Infrastructure Framework, of information about the provision of affordable housing in each Kent district. This would help to highlight infrastructure requirements to support genuinely affordable housing at a more local level.

Accepted

- Recognising the increasing focus on affordability within the county as demonstrated by the work of the Select Committee, it is agreed that future revisions of the Growth & Infrastructure Framework (GIF) will include information about the provision of affordable housing.

To note:

- While some basic analysis of affordable housing provision was included in the most recent GIF update – on numbers built vs. policy requirements – a picture of the spread and potential demand will not in itself highlight infrastructure requirements.
- More complex analysis around the proportion of developer contributions directed to Affordable Housing, and a full breakdown of numbers, would be dependent upon the Districts having that information and being prepared to share it.

Recommendation 2

KCC should invite all Kent district councils to put in place more formal, joint housing planning arrangements. It is hoped that this will promote joint working and communication and enhance and accelerate the delivery of infrastructure and housing in Kent.

Accepted

- KCC will continue to work with all Kent district councils to enhance and accelerate the delivery of infrastructure and affordable housing in Kent.

To note:

- As far as possible, this should be achieved through existing bilateral relationships and the very successful and well-established groups and structures already in place including the Kent Planning Officers Group, Kent Housing Group, Kent Developers Group and Kent Finance Officers Group.
- It is important that relationships are at both Member and officer level.
- If additional arrangements are required, these should then be established through a Housing Growth Unit, as recommended below.

Recommendation 3

KCC should explore ways of releasing more of its land for building genuinely affordable housing.

Accepted

- KCC will take steps to explore this recommendation as part of its existing arrangements for releasing surplus land.

To note:

- KCC has a robust process in place for identifying surplus land that can come forward sale for and/or redevelopment.

- KCC still has a requirement to maximise the value the council derives from disposal of surplus assets and needs to minimise additional borrowing to fund new capital infrastructure projects.
- Local authorities will require that developments of housing over their own defined threshold would be required to comprise a minimum percentage of affordable housing and can negotiate with the developer as to the form these can take.
- KCC already allocates land that is not required for an operational use for disposal. KCC will continue to review its asset base in line with service need and release surplus land for disposal on the market.
- The current asset management plan runs to 2023, however it is currently being updated and as part of this will consider the opportunity to accelerate the release of assets as part of its asset review process. It is anticipated that this review will conclude in 2021.
- We will keep a record of the number of affordable housing units that are created as a result of KCC releasing land this will be put in place from 1st April 2021.

Recommendation 4

KCC, in consultation with Kent district councils, should develop a proposal for establishing a Housing Growth Unit to accelerate the delivery of housing, and genuinely affordable housing in particular, in the county. Objectives of the Unit would include:

- *Supporting the housebuilding industry.*
- *Promoting collaboration and a joined-up approach within KCC, and streamlining joint working between KCC and external organisations, in order to address housing-related issues efficiently and effectively.*
- *Bidding for Government funds.*
- *Supporting Kent’s local planning authorities when requested by offering timely and consistent responses.*
- *Conducting research on the effectiveness of particular housing initiatives, interventions and government policies with the objective of best meeting the housing needs of Kent’s communities.*
- *Researching and spreading best practice from around the country.*

Accepted

- KCC will develop a proposal to establish a “virtual” Housing Growth Unit to provide a single point of access on housing related issues.

To note:

- A proposal to develop a Housing Growth Unit must recognise current financial constraints and - in the first instance – it is likely that any Unit would be a network of existing officers whose work relates to housing.
- KCC is unlikely to be able to invest in additional officer capacity for the foreseeable future.

- In developing the Unit's objectives, feedback would be sought on priorities and objectives from within KCC and from Kent's District Councils, at both Member and officer levels, in agreeing clear performance indicators.
- Wider consultation would also take place with the Kent Developers Group, Kent Housing Group and Kent Planning Officers Group and Essex County Council which has developed a similar capacity.
- The Unit would also be intended to work closely with Homes England, drawing on the experience of their previous ATLAS team which had similar objectives and recognising Homes England's role and resource to accelerate planned growth within the county.
- To establish the virtual Unit, it is likely that a single officer would be nominated as lead officer to the network. They would provide an initial point-of-contact for all housing related issues where they are not dealt with through existing direct contacts.
- With a focus on enabling housing delivery – particularly affordable housing - the lead officer would route issues to specialists within KCC and retain an oversight of all housing related matters, providing a regular update from the network to relevant Directors and the Cabinet Member for Economic Development.
- The lead officer position would sit in the Growth, Environment and Transport Directorate, but the virtual network would encompass officers in Planning, Highways, Infrastructure (Property), Economic Development (including Developer Contributions, Design, No Use Empty initiative) and Finance.
- The lead officer would also attend meetings of the Kent Developers Group and Kent Housing Group and, with agreement, present to the Kent Planning Officers Group. They would be closely involved with the development of the Infrastructure Proposition to Government for new infrastructure investment and planning flexibilities linked to new and affordable housing.
- The housing officer network would meet formally quarterly chaired by the Cabinet Member for Economic Development.
- The officer network's operation would be mirrored by Member arrangements led by the Cabinet Member for Economic Development, working with Members within KCC to provide input and oversight and establishing new working arrangements with District Council Housing Chairs/Cabinet Members.
- The unit would be evaluated against agreed indicators after 6 and 12 months of operation.
- Depending on the performance and perceived value of the virtual Unit's work, a decision will be taken at an agreed future date on whether to formalise it further.

Recommendation 5

KCC should assess the feasibility of establishing a joint venture scheme between KCC and a partner organisation, such as a housing association or housing development company, to maximise the delivery of new housing and genuinely affordable housing in the county.

Accepted

- KCC will continue to explore the joint venture models, recognising the growing market in patient capital investment.

To note:

- KCC has previously explored joint venture models and continues to be mindful of joint venture options when marketing property, although the original report concluded that KCC did not have land of sufficient size and scale which would be attractive to the market and warrant the costs.
- We will however market properties with the potential for joint ventures and assess the feasibility of holding assets on until later in the development cycle.
- The ability and the extent to which the Council is able to participate is also linked to the available funding streams and the best value judgements as to the impact of any reduced capital receipts to the Council. The current financial position of the council is such that all capital receipts are required to reduce the Council's borrowing requirements and to support the priorities identified in the capital programme.
- The current capital programme and drivers for the use of receipts ends financial year 2022/2023, the new capital programme will be approved by Council in February 2021 and will cover a 10-year period.
- Alongside this the property team will review the initial joint venture business case with a particular focus on affordable housing which will conclude in the second quarter of 2021.
- The property team will however work with the team developing the infrastructure proposition to identify areas and opportunity to consider the business case further particularly in light of any funding streams that may be available.

Recommendation 6

KCC should investigate the feasibility of different ways of funding the delivery of housing and genuinely affordable housing schemes in Kent. This should include exploring investment in social housing by the Council's Treasury Management and Investment Strategies, and its Capital Programme Strategy, and invite the Superannuation Fund to consider doing so where it would not compromise their duty to achieve reasonable returns.

Accepted

- KCC will consider the potential of different forms of funding to support affordable housing.

To note:

- As a pure investment “affordable” housing is very unlikely to meet our investment criteria with regard to anticipated loans or liquidity.
- KCC will only be able to assess investment potential once outline business cases for individual projects/programmes have been developed.
- For the pension fund, its fiduciary duty is the primary objective, so again affordable housing may not align with the fund's investment strategy.

- As the county council is not a housing authority, there are likely to be additional complexities in developing an affordable housing programme.

Recommendation 7

The Committee commends KCC's No Use Empty initiative and urges the use of the recently approved Treasury Management Fund to expand the provision of genuinely affordable housing in Kent through this initiative as a policy priority.

Accepted

- The No Use Empty Programme will seek to provide affordable housing where possible and encourage this through future marketing.

To note:

- The primary aim of No Use Empty (NUE) Initiative is to improve the physical urban environment in Kent, by bringing long term empty properties back into use as quality housing accommodation for sale or rent. Interest free loans to refurbish derelict empty properties are now offered across all 12 Kent districts.
- Finance secured from the Treasury Management Fund was based on the production of a return on investment. As such, the additional £12m is not exclusively for affordable housing projects and a mix of projects will achieve several outcomes.

Recommendations to Central Government

Recommendation 8

KCC's Cabinet Member for Economic Development should write to the Secretary of State for Housing, Communities and Local Government to make him aware of the following interventions recommended by the Committee for action at the national level:

- *Adopt a definition of affordable housing which links affordability to income rather than to an arbitrary percentage of local market prices (genuinely affordable housing).*
- *Do more to ensure that Local Housing Allowance rates cover the cost of renting and mitigate any unintended consequences from the abolition of Section 21 of the Housing Act 1998.*
- *Enable Homes England to provide more support in facilitating the delivery of affordable and social housing.*
- *Amend elements of the current Right to Buy system to promote the replacement and provision of genuinely affordable housing.*
- *Ensure that Starter Homes are delivered in addition to, and not instead of, other forms of affordable housing.*
- *Remove the 'hope value' clause from the 1961 Land Compensation Act, and reform methods of land value capture so that the community benefits from a higher proportion of land value increases.*
- *Require planning permissions for changes of use from commercial-to-residential.*

- *Review the financial and housing support offenders receive upon release to prevent homelessness.*
- *Actively support an 'infrastructure first' approach to development with Government investment to support ongoing work in Kent to release new homes.*

Accepted

Draft letter to the Secretary of State.

*Rt Hon Robert Jenrick MP
Secretary of State
Ministry for Housing, Communities & Local Government
2 Marsham Street
London
SW1 4DF*

By email:

Dear Secretary of State,

Affordable Housing Select Committee

Earlier this year, Kent County Council's Select Committee on Affordable Housing made a series of recommendations to the County Council on how greater affordable housing could be delivered within Kent.

I believe the Committee has produced a timely and highly constructive report, a full copy of which can be found at:

https://www.kent.gov.uk/data/assets/pdf_file/0017/110339/Affordable-Housing-Select-Committee-report.pdf.

As Cabinet Member for Economic Development, I was requested within the report, to write to make you aware of the following recommendations by the Committee for action at the national level.

In support of new affordable housing, the Select Committee ask that the Government:

- *Adopts a definition of affordable housing which links affordability to income rather than to an arbitrary percentage of local market prices (genuinely affordable housing).*
- *Does more to ensure that Local Housing Allowance rates cover the cost of renting and mitigate any unintended consequences from the abolition of Section 21 of the Housing Act 1998.*
- *Enables Homes England to provide more support in facilitating the delivery of affordable and social housing.*

- *Amends elements of the current Right to Buy system to promote the replacement and provision of genuinely affordable housing.*
- *Ensures that First Homes (nb the Starter Homes scheme has ended) are delivered in addition to, and not instead of, other forms of affordable housing.*
- *Removes the 'hope value' clause from the 1961 Land Compensation Act, and reform methods of land value capture so that the community benefits from a higher proportion of land value increases.*
- *Requires planning permissions for changes of use from commercial-to-residential.*
- *Reviews the financial and housing support offenders receive upon release to prevent homelessness.*
- *Actively supports an 'infrastructure first' approach to development with Government investment to support ongoing work in Kent to release new homes.*

I am very happy to support consideration of all of these recommendations which are based on specialist evidence including from witnesses appearing before the Committee and would be extremely grateful for your views on them.

I look forward to your response which I will be very pleased to share in full with the Affordable Housing Select Committee members at Kent County Council.

With best wishes.

Yours faithfully,

Mike Whiting
Cabinet Member for Economic Development

Recommendation:

The Committee is asked to note this report.

3. Background Documents:

The Affordable Housing Select Committee Report, July 2020 can be found at:
https://www.kent.gov.uk/_data/assets/pdf_file/0017/110339/Affordable-Housing-Select-Committee-report.pdf

4. Contact details

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