

COUNTY COUNCIL MEETING

1 April 2010

**Question by Mr M J Harrison to the
Cabinet Member for Corporate Support and Performance Management**

It is now almost 6 weeks since the last snow and ice were surrounding County Hall and copious amounts of salt and grit were spread over the entire front entrance (County Road) to County Hall. Whilst it did a worthwhile job at the time there is still a large amount of this grit still laying all over the footway and steps into County Hall. There is also an unsightly mess of discarded rubbish and cigarette ends in both the roadway and the Pay and Display car park.

My question to the Cabinet Member is: "Can he please tell me who is responsible for the cleanliness and upkeep of these areas? May I suggest that a power hose might well do the job?"

Response

Kent Facilities Management is responsible for gritting the front steps in icy conditions and Highways grit the pedestrian areas. The car parks are swept daily by the porters first thing in the morning.

Smokers do continue to use the car parks and open areas during the working day, but we do not provide ash trays.

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**Question by Mr L Christie to the Cabinet Member for Environment,
Highways and Waste**

"Many residents pay for Vehicle Crossovers to their houses and many do not. What action is he taking to ensure that fairness is applied and all residents are treated equally? For example - How many prosecutions have been initiated against offenders over each of the past 3 years? How many warning letters have been issued over that same period and with what success rate? Is he prepared to initiate discussions on a strategy to seek fairness in the system?"

Response

Residents wishing to have a vehicle crossing over the footway to their property are covered by both planning and highway legislation. Specific criteria are laid down that must be met before any approval for a vehicle crossing can be provided. Highway safety is a priority when considering any application.

The Highway Service applies a standard and consistent approach when considering any application. This will include there being adequate space available to park a car off-highway.

On occasions we do identify where a driver may be crossing the footway without the appropriate vehicle crossing. In this situation the highway inspector will arrange for a letter to be sent to the property owner/occupier. They will either have to stop crossing the footway or apply for a vehicle crossing.

Failure to comply would result in the matter being passed to the enforcement team and could result in formal legal action. As an example, in West Kent we have issued 115 enforcement related letters since June 2009. Whilst a number of formal actions have been pursued none have resulted in prosecutions by KCC in the last 3 years.

I strongly support fairness and would be content to initiate a discussion.

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Question by Mr M J Vye to the Leader of the Council

Given the disturbing information received by Members of this Council about the impact on staff morale and services of proposals for staff restructuring; will the Leader give his personal guarantee that all Members of the Council will have the opportunity to scrutinise all proposals for staff/unit restructuring across all the Directorates and describe the action he will take to ensure this occurs in sufficient time to influence the final decisions made.

Response

Decisions on staff restructurings and re-organisations are delegated to officers by the County Council. Following the changes agreed at the County Council, scrutiny of all officer decisions is now a matter for the new Scrutiny Board, which may then ask the relevant Policy Overview and Scrutiny Committee to examine a particular matter. Members may request, but not require, the implementation of such decisions to be delayed until the scrutiny process has been completed.

The Authority's consultation process with staff has been agreed with our recognised Trade Unions, represents best practice and is effective. Members of staff have clear opportunities to raise issues or concerns about a reorganisation with their line manager, personnel representative or trade union representative during the consultation period.

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Question by Mr M Robertson to the
Cabinet Member for Environment, Highways & Waste

Does the Cabinet Member not agree with me, that it was disingenuous of the Council to use regional television to encourage residents, who have suffered damage to their vehicles through longstanding unrepaired potholes, to submit compensation claims when it was quite clear that the Council was not going to accept the vast majority of these claims, and had little intention of recompensing people that have suffered losses through the Council's long term neglect of the road network in this County; this being witnessed by the fact that the recent financial monitoring report to EHW POSC actually boasts that ***"The Insurance Section continues to work closely with Highways to try to reduce the number of successful claims and currently the Authority manages to achieve a rejection rate of claims, where it is considered we do not have any liability, of about 75%."***?

Response

If a person has a legitimate claim against the Highway Authority, we want to make sure that they have the knowledge of how to make this claim. Under the 1980 Highways Act, a legitimate claim is likely if one of the following conditions arises:

- (a) KCC knew about a dangerous defect in the road and had failed to do anything about it within a reasonable time; or
- (b) KCC had no means of finding out about a dangerous defect in the road because we did not have a proper system of inspection and repair.

KCC has a comprehensive system of inspection and repair which complies with its statutory duties and therefore we would expect to have a high rejection rate for claims. We have a duty of care to our council tax payers and where we are not found to have breached the two conditions mentioned, we will defend robustly any claims made against us.

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Question by Mr T Prater to the Cabinet Member for Finance

What additional costs in delivering Council Services, including delivering home care, are anticipated above the budgeted costs for 2009-10 and 2010-11 given the current high cost of fuel?

Response

We are not anticipating incurring any net additional costs in 2009/10 over and above the approved budget, in fact the latest budget monitoring report is forecasting on overall net under spend of just over £7m excluding schools and asylum. As in every year this net position is made up of a number of variations (both under and overspends) from the original approved budget which are covered in detail in the quarterly and exception budget monitoring reports to Cabinet. We are not forecasting any pressures relating to fuel costs as we made provision for significant pressures within the approved budget.

We have made provision in the 2010/11 budget approved by the County Council at the last meeting to cover the base budget implications of any variations which occurred during 2009/10, plus our best estimate for unavoidable pressures which we anticipate arising during the year. Inevitably these are the estimated impact of future pressures and there will be some variations which materialise during the year. It would be improper and unlawful for the County Council to approve a budget which knowingly made inadequate provision for known factors.

The transport budgets across all directorates have been increased by some £2m in 2010/11, most of which reflects the rising cost of fuel.

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**Question by Mr P W A Lake to the
Cabinet Member for Children, Families and Education**

About 100 pupils in Kent, who have been assessed suitable for grammar school, have failed to gain a place, because places have been given to pupils outside Kent, from as far away as Beckenham and Bromley. Will the Cabinet Member for Children, Families and Education tell me what steps are going to be taken to ensure that all Kent children are offered a place in the future? In the short term will grammar schools in West Kent be ordered to reconfigure their intake to allow Kent children currently denied a place to get the education they are entitled to? Why operate a selective system if you cannot successfully carry it out?

Response

This year, just 4% of pupils did not get one of their preferred schools. This was just over 500 pupils and just over 100 of these had passed the Kent test and named a grammar school preference. There are sufficient grammar school places in West Kent for Kent children but, under current legislation, we cannot prevent Kent schools offering places to children from out of county. It should be noted that there is almost an equal number of Kent pupils attending schools outside of the county as there are children outside Kent choosing Kent schools. This is parental choice. This year, 15% fewer out of county children were offered places in the Tonbridge and Tunbridge Wells grammar schools than last year (65 children in 2009 this year 55).

I would like all Kent schools (not just grammar schools) to have admissions criteria favouring children who live within a certain radius of the school and who come from named Kent parishes (so as not to disadvantage rural areas). Going to a school near home reduces travel, makes attendance at out of hours events easier and helps build communities. Some schools already have such a policy and this does not seem to have an adverse effect on results.

Foundation schools, Voluntary Aided schools and Academies are their own admissions authorities and the LA has no legal power to order the schools to change their admissions arrangements if they are set within the legal parameters. In my view, these schools should be supporting and prioritising their local communities, it is an issue I intend pursuing and have engaged the services of a recently retired adjudicator to help me through the maze of legislation surrounding the very complicated admissions process with a view to improving it.

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**Question by Mrs Dean to the Cabinet Member for Environment, Highways
and Waste**

In view of the public interest in the issue of Street Lighting will the Cabinet Member for Environment, Highways and Waste please agree to defer his decision on Street Lighting Policy until it has been able to be discussed by members of the EHW POSC?

Response

Yes.