

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 18 August 2022.

PRESENT: Mr A Booth (Chairman), Mr P V Barrington-King (Vice-Chairman), Mrs R Binks, Mr N J Collor, Mrs T Dean, MBE, Mrs S Hudson, Mr D Jeffrey, Mr R C Love, OBE, Mr H Rayner, Mr O Richardson, Dr L Sullivan and Mr P Stepto

ALSO PRESENT: Mr D L Brazier, Mr I S Chittenden, Ms K Constantine, Ms M Dawkins, Rich Lehmann and Mr B H Lewis

IN ATTENDANCE: Mr S Jones (Corporate Director of Growth, Environment and Transport), Mr P Lightowler (Interim Director of Transportation), Mr S Pay (Public Transport Planning and Operations Manager), Mr J Cook (Democratic Services Manager) and Ms E Kennedy (Democratic Services Officer)

UNRESTRICTED ITEMS

56. Declarations of Interests by Members in items on the Agenda for this Meeting *(Item A3)*

No declarations were made.

57. Decision 22/00052 - KCC Supported Bus Funding Review *(Item B1)*

Mr D Brazier, Cabinet Member for Highways and Transport; Mr S Jones, Corporate Director of Growth, Environment and Transport; Mr P Lightowler, Interim Director of Highways and; Mr S Pay, Public Transport Planning and Operations Manager were in attendance for this item.

1. The Chairman introduced the item and invited the proposer of the call-in, Mr Lehmann, to provide an overview of the reasons for his call-in. Mr Sole as the seconder was also invited to speak.
2. Mr Lehmann outlined the reasons for his call-in, building on the details contained in the meeting papers. He stated that the decision was not taken in accordance with the Council's decision-making principles, when considering whether the decision was proportionate to the desired outcome, in that the consultation process had revealed the impact on the elderly, disabled and low-income residents across the county. He raised concerns that the decision may not make the intended £2.2m saving and that there was insufficient information regarding the future funding of Kent Karrier, as while the decision report outlined external sources, it did not specify amounts, funding source sustainability or whether these sources could be used for other services being terminated. He questioned whether estimates were sought for the number of pupils who would gain access to free school transport via KCC's appeals system and for the increase in demand

for the Kent Karrier services and associated costs. He added that the decision contradicted one of KCC's net zero commitments, made in the Strategic Statement (Framing Kent's Future), to 'turn the curve on transport emissions.' Stating that the decision report had failed to give an estimate of full carbon impact, with the report outlining the carbon impact relating to one of the school-day only services but not for all relevant routes. In relation to KCC's commitments to 'work with partners through the Kent Enhanced Bus Partnership and with Government to explore sustainable and commercially viable options for providing bus transport to meet people's needs,' he argued that that the cutting of the routes would not be making the best use of Bus Service Improvement Plan funding, as residents could not be incentivised to use services they did not have access to. It was queried whether operators had made further withdrawals of service, in the knowledge that subsidies were to be cut. Mr Lehmann concluded by asserting that the decision had not been taken with a presumption in favour of openness and referred to comments by the Cabinet Member made at the Environment and Transport Cabinet Committee on 6 July 2022 that "the £2.2m saving was immutable."

3. Mr Sole expressed support for KCC carrying out regular reviews of bus subsidy funding to ensure residents were receiving value for money and so that a good service was retained across the county. He raised concerns that at the time the proposed cuts to the subsidised routes were announced, operators had released a long list of other non-subsidised routes which they were to stop. Concerns were shared about the environmental impact of bus routes ceasing and it was felt this was a backward step with regard to cutting emissions in the county. He stated that there was a negative impact relating to social isolation and poverty, which would be felt in other areas of KCC. He noted that solutions had been found to save other bus services in the county and he hoped a similar approach could be taken to the other bus services to look at how they could be retained.
4. Mr Brazier thanked Mr Lehmann and Mr Sole for expressing the reasons for the call-in clearly. Clarification was given that the consultation for the decision had been contemporaneous with bus operators withdrawing a number of services for economic reasons and it was acknowledged that this had caused residents a great deal of distress. The two issues had become conflated and it was emphasised that commercial withdrawals of service were not what was being considered at this meeting. Many of the services affected by the decision under consideration were lightly used and few people had contacted Mr Brazier about these. However, he had received many representations from members of the public regarding more than 80 services which were not subsidised by KCC.
5. Mr Lightowler updated Members regarding the Supported Bus budget and advised that as the decision had not been implemented, the services identified to be reduced were still running and therefore, this was an overspend and mitigations would need to be found in other areas to compensate for the overspend. He confirmed that the funding of Kent Karrier was not able to be confirmed until the decision had been implemented. Regarding the Local Transport Fund, which came from the Department for Transport with the purpose of supporting authorities during the transition period to a 'sustainable network', he explained that the funding had been to support operators while they made network changes with unforeseen costs, with the fund coming to an end in October 2022. Concerning the Bus Recovery Grant, which was direct funding

from the government to the commercial bus industry to facilitate recovery following the Covid-19 pandemic, he also noted that it would conclude in October 2022. He further explained that the expectation was that bus operators were to work towards sustainability within their networks, working with local authorities.

6. The Chair opened to the matter to debate. A Member stated that they believed the Department for Transport in a 16 August letter, had outlined a softening of the government's position on use of the Bus Service Improvement Plan funding. The Member added that the Department had also recognised that local baselines for bus services may have changed. It was asserted that officers needed to be given the opportunity to explore what additional options were available now that the impact of the decision was known, as expressed by the operators, in addition to their own commercial service withdrawals. The impact of the decision on families and residents in rural areas was emphasised, with it argued that the decision deserved a fresh look, since more was known of the consequences of the decision compared to when it was first taken.
7. In view of the points outlined, Mr Rayner moved and the Chairman seconded a motion that **“the Scrutiny Committee require implementation of the decision to be postponed pending review or scrutiny of the matter by the full Council.”**
8. It was clarified by the Clerk that, having been proposed and seconded, the motion which would confirm the outcome of the call-in consideration following due consideration and discussion by the Committee, should be debated prior to any vote. The Chair invited Members to debate the motion as proposed and welcomed contributions from visiting Members who had requested to attend and speak on the matter.
9. A Member raised concerns about those who without a bus service would not be able to access education as well as concerns regarding the impact on health outcomes and the affordability of other transport options for residents to access local hospitals. Further information was sought regarding the affected bus routes where they were the only public transport available to a rural community or served a hospital.
10. Members raised points regarding the rapidly changing situation since KCC's Budget was agreed in February. Since then, there had been war in Ukraine, inflation, the energy crisis and the cost of living crisis. The view was put forward that the decision would need to be reconsidered in light of these pressures.
11. Members expressed concerns that there had been extensive debate on the decision and if the decision was not implemented, as set out in the Budget agreed in February 2022, that the funding of the subsidies was unaccounted.
12. Concerns were raised regarding the social impact of the decision and further information was sought on the impact on villages with no other public transport options. Members raised concerns regarding social isolation and loneliness for young people, people with disabilities and the elderly, with specific reference to the Social Isolation Select Committee.

13. A Member asked whether an appropriate audit had been undertaken in relation to the Transport Act 1985 as it said there needed to be a satisfactory replacement for services removed. It was also asked if the Education Act 2014 had been considered in the decision-making process.
14. Ms Dawkins asked for it to be noted in the minutes that she had wanted to join the call-in request but timing issues had prevented this.
15. Prior to a vote being taken on the motion under debate, the Chairman asked Mr Cook (Democratic Services Manager) to explain the call-in referral process. Mr Cook advised the Committee that in the event of the Scrutiny Committee resolving to require implementation of a decision being postponed pending review of scrutiny of the matter by Full Council, the process would be as follows:
- Cabinet would meet formally to reconsider the decision on the basis of a report setting out the views expressed by the Scrutiny Committee.
 - Cabinet would be able to confirm, amend or rescind the decision.
 - Cabinet's reconsidered decision (either confirmed without change or amended) would be published and it would be reviewed by Full Council at its next meeting on 15 September 2022.
 - Full Council would be able to either; agree implementation without comment, make comments but not require reconsideration or refer the decision back to Cabinet for further reconsideration in light of any comments made by Full Council.
16. The Chairman asked the Committee to take note of the procedural advice and called for a vote on the motion:
"that the Scrutiny Committee require implementation of the decision to be postponed pending review or scrutiny of the matter by the full Council."
17. Members voted on the motion. The motion passed.

RESOLVED that the Scrutiny Committee require implementation of the decision to be postponed pending review or scrutiny of the matter by the full Council.

Dr Sullivan, Mrs Dean and Mr Stepto indicated that they wished their vote in favour of the motion was recorded in the minutes.