

COUNTY COUNCIL MEETING

19 February 2008

**Question by Mrs C Angell to the
Chairman of Cabinet Scrutiny Committee**

Would the Chairman of the Cabinet Scrutiny Committee inform the Council of the lessons he learned from the Committee's consideration of the Cabinet's discussion on 3 December 2007 of the so-called "Free Travel Scheme for 11-16 year olds"?

Answer

I would remind the Council that the subject of subsidised travel for people aged between 11 and 16 was first considered by the Cabinet Scrutiny Committee on Tuesday 20 February 2007, when it was proposed that the misleading title of the scheme 'Free Travel for 11-16 year-olds' be changed to 'Assisted Travel for 11-16 Year Olds', as each travel card issued cost £50. On that basis the scheme was launched as the 'Freedom Pass'.

The report which went to Cabinet on 3 December 2007 reverted to the original, misleading description of a "Free Travel Scheme".

There is, I believe a lesson to be taken from the permanence of this misleading description among the present administration.

However, there are more important lessons that arise from consideration of this topic at the Cabinet Scrutiny meeting of 12 December.

During the 12 December meeting the Committee was informed that there was no specific provision for Looked After Children to receive a Freedom Pass. On that basis - the information supplied to it - the Committee unanimously resolved to recommend to Cabinet that 'Freedom Passes should be provided immediately by the County Council, in its role as corporate parent, to all its Looked After Children in the pilot areas, with Looked After Children in other areas being provided with Freedom Passes by the County Council as the scheme was extended to those areas'.

Shortly afterwards the Labour Group issued a press release highlighting the situation and the all-party recommendation.

Within a few hours the Portfolio Holder for Policy and Performance, who had not been present at the meeting of the Cabinet Scrutiny Committee, sent an email to me claiming that "Mr Hart's comments were clearly incorrect and based on wrong information" It was, in fact, based on the information given to us for the Committee by the officer and the relevant lead Member.

I responded with a series of questions, pointing out that the Portfolio Holder for Policy and Performance was incorrect in his claim that Clive Hart's statement was

wrong and that was borne out by the records of the meetings. The Portfolio Holder for Policy and Performance passed on my questions to the Director of Children Families and Education stating that he had asked the Director to reply direct to me and the Shadow Portfolio Holder for Children and Families., The Director responded to him in a confidential email which the Portfolio Holder for Policy and Performance eventually leaked to me.

Subsequently on 18 December I wrote an open letter to the Leader of the Council and the Portfolio Holder for Portfolio Holder for Policy and Performance.

I received a reply to that letter on 31 January. Both the briefing and the letter make much of the fact that foster carers receive an allowance to cover transport. The letter and briefing both suggest that some foster carers would decide not to take advantage of the Freedom Pass and "it would be inappropriate to identify these children". In the Leader's letter it is suggested that I am "under some misapprehension as to the real meaning of corporate parenting" and that "corporate parents are not the Elected Members of the Council but all policies, officers and Members who both transact and advocate on behalf of such children". A briefing note, containing two references to academic works published in the early 1990s but no reference to the legal definition, was attached to the letter.

I shall deal with the two assertions listed above in reverse order.

- 1) I am under no misapprehension as to the nature of the corporate parent or corporate parenting roles, though the Leader clearly is as demonstrated by the briefing attached to his letter of 31 January.
- 2) Foster parents are quite entitled to accept or decline a Freedom Pass on behalf of the child they look after. However, Kent currently does not pay the full fostering allowances; not every looked after child is fostered; each child is entitled to a care package of which transport is an element; and there is no question that the possession or not of a Freedom Pass would identify a particular child as 'looked after'.

In the light of the above I take the following lessons:

- 1) The pilot scheme for the Freedom Pass was not intended to be a pilot scheme in the real sense of the term, ie something from which the authority would learn in order to either improve the rolled-out programme or to demonstrate that it was unworkable.
- 2) The current administration has taken a dogmatic approach which inhibits its learning and creativity.

Clearly the sensible approach would have been to say that the Cabinet Scrutiny Committee had identified a weakness in the Freedom Pass scheme and to have said that a policy was required to deal with a category of children which have widely different needs and to incorporate appropriate access to the Freedom Pass into each child's care package.

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19 February 2008

**Question by Mr T Birkett to the
Chairman of Cabinet Scrutiny Committee**

Would the Chairman of the Cabinet Scrutiny Committee inform the Council of the Committee's consideration of the Cabinet Member for Regeneration's letter to DEFRA regarding the future of the National Fruit Collection at Brogdale?

Answer

The Cabinet Member for Regeneration wrote to the Department of Environment, Food and Rural Affairs (DeFRA) on 10 May in response to an open competition selection process for the maintenance and curation of the National Fruit Collection at Brogdale. When the Cabinet Member for Regeneration's views became known to the public there was considerable concern that his views would result in the removal of the Brogdale collections to Malling.

The Brogdale issue was called in for scrutiny on 12 December and the Cabinet Member was repeatedly given the opportunity to offer to reconsider his view in the light of new evidence. The Cabinet Scrutiny Committee agreed that as Chairman I should write to DeFRA. I did so on 13 December and had a reply from the Minister, Jeff Rooker, on 21 December. It is worth quoting the Minister's letter:

"Thank you for your letter of 13 December regarding the National Fruit Collections. I have also received a letter from Mr Roger Gough on the same subject.

I understand that Mr Gough's letter of 10 May was based on an incomplete understanding of the open competition selection process for the maintenance and curation of the collections. All of the officials involved in the selection process were made aware of this before a decision was made and I can confirm that his letter did not in any way influence the outcome of the process.

On 19 December I announced that the collections would remain at Brogdale, subject to the satisfactory conclusion of discussions with the landlord about extending the lease. I hope you will agree that this is excellent news for the collections, for Brogdale and for Kent. I am grateful to Kent County Council for their support for the collections and I hope this continues into the future."

The lessons I would draw from this episode are that:

- 1) the Cabinet collectively and Cabinet Members individually should ensure they are fully briefed on all the issues that come before them, and
- 2) prior consultation with other councillors of all parties would save the Council embarrassing itself in front of Government Ministers.

COUNTY COUNCIL MEETING

19 February 2008

**Question by Mr M Fittock to the
Chairman of Cabinet Scrutiny Committee**

Would the Chairman of the Cabinet Scrutiny Committee inform the Council of the lessons he learned from the Committee's consideration of the Cabinet's decision made on 3 December 2007 to set up a Kent Public Health Observatory?

Answer

The Kent Public Health Observatory is a mechanism which brings together health-related statistical data from a wide variety of sources collected by different public bodies for different purposes. The Observatory was given the go-ahead at the Cabinet meeting of 3 December 2007 and was called in before the Cabinet Scrutiny Committee meeting of 12 December 2007.

The potential for the Observatory to improve the quality and consistency of data in order to target public health policies more effectively is laid out in the Cabinet paper and was emphasised in the Committee meeting. The importance of the Observatory to tackling health inequalities across the county is considerable.

It was clear however at the outset of the questioning at the Cabinet Scrutiny Committee meeting that there was little enthusiasm for a Health Observatory among the Conservative members of the Committee.

The principal lessons I have taken from this particular call-in are that:

- 1) Proper engagement between the Portfolio Holders involved and their Conservative backbench colleagues would have reduced the need for a call-in, and that
- 2) Pre-scrutiny of the decision would have served that function and would have resulted in improved financial control of the project from the outset.

COUNTY COUNCIL MEETING

19 February 2008

**Question by Mr T Maddison to the
Leader of the Council**

Would the Leader inform Members of the actions taken by officers of this Council to ensure that local members are notified of and invited to participate in KCC events and meetings in their divisions and Cabinet Members' visits to their divisions?

Answer

Responsibility for ensuring that local members are aware of and invited to events in their divisions rests with the local organisers of the event. In order to be sure that staff are aware of their responsibilities, Corporate Communications have produced guidelines on managing events which include this point. Corporate Communications also send press releases in advance of events to local members. In the last year the Chief Executive has written to Chief Officers on two occasions emphasising the need to ensure that local Members are made aware of, and invited to, events in their divisions. The matter has also been raised at the Chief Officers' Group. Chief Officers have ensured that this has been passed on to staff.

It is a standing instruction for staff supporting Cabinet Members that local Members are made aware of Cabinet Members' visits to their divisions. We clearly need to do more.

COUNTY COUNCIL MEETING

19 February 2008

**Question by Mr M J Vye to the
Cabinet Member for Environment, Highways and Waste**

Would the Cabinet Member for Environment, Highways and Waste confirm that a survey of highway drains in Kent in 2006 identified an annual need for investment in road drainage of £12.208 million, indicating that at the then current rate of investment drains would have to remain in service for up to 300 years and inform the Council –(i) how much money was invested in this area in 2007/8, (ii) how much has been allocated for this in the 2008/9 Budget and (iii) will he also confirm that the gulley inspection regime has been reduced from an annual inspection of all gulleys to an average inspection of every two years of most gulleys?

Answer

(i) In 2007/08 the revised drainage Repairs budget was £1.92m; this is entirely capital funding and represents approx 7% of the total Repairs budget. The Operations budget for 2007/08 is £1.88m.

(ii) The Repairs budget for 2008/09 will not be determined until the HAB meeting on 4th March

(ii) The cleaning frequency for gullies as set out in the Kent Highway Asset Maintenance Plan [Jan 2004] is once a year on average.

This standard has not been amended since the plan was approved. High risk sites are inspected more often than once a year and low risk sites less often. Additional reactive inspections are carried out in response to customer complaints.

COUNTY COUNCIL MEETING

19 February 2008

**Question by Ms A Harrison to the
Cabinet Member for CFE Operations, Resources and Skills**

Would the Cabinet Member tell me how the ring-fenced total of £5,482,436 for 2008/09 will be allocated between the nine former Sure Start Local Programmes and, specifically, I would like to know how much my Sure Start Local Programme in Sheerness will receive?

Answer

Further to discussions with Together for Children, the overall SSLP Revenue Budget will remain ringfenced. However, in the context of areas of deprivation served by at least some SSLP Children's Centres having changed since they were originally introduced, there will be some adjustments to levels of revenue for individual programmes/centres that will reflect levels of deprivation in current reach areas.

In addition to the confirmation that SSLPs have had for some time now, that funding for April – September 2008 will be at existing levels, funding levels for October 2008 – March 2009, allocated based on deprivation, will follow in the near future. This will then give the full allocation for each SSLP for 2008-09.

We are arranging to meet collectively with SSLP directors to discuss how revenue funding for SSLP Children's Centres might operate alongside that for other Children's Centres.

COUNTY COUNCIL MEETING

19 February 2008

**Question by Mr G Cowan to the
Cabinet Member for Regeneration and Supporting Independence**

Would the Cabinet Member for Regeneration and Supporting Independence provide the Council with the following: (i) the costs of taking Counsel's advice over the possibility of mounting a judicial challenge to the Post Office closure programme; (ii) the mechanisms currently being adopted by the Cabinet Members and officers to "work with MPs to challenge the Post Office on not identifying any new outreach solutions" and to work "with MPs to get the Governmentto account for its actions; (iii) the dates when such "work" was undertaken with each Kent MP; and (iv) what solutions have so far been identified by any individual or organisations "to find a support solution tailored" to the need of each community affected?

Answer

Throughout this process, Kent County Council has been committed to looking at all the options and ways forward to best support the County's communities through the Post Office closure programme.

Given the extent of the concerns that we, and a number of Kent's communities had over the nature of the consultation process – especially given that Post Office Ltd only allowed 3 weeks to consider over 5,500 responses to the Kent area plan – we sought advice from leading counsel. This has cost £4429.80 – although we have still to receive one invoice from a junior assisting Counsel. Given that KCC was the first area to complete the closure process – and the closure timetable, KCC was not able to share the costs of seeking this advice with other local authorities.

Throughout this process we have worked with a range of partners to ensure that the concerned voices of Kent's affected communities were heard. The six week consultation period – which falls far short of the accepted 12 week standard consultation – did restrict opportunities for co-ordinated and joined up action. Nevertheless, we did seek to liaise with as many parties as possible from the 2nd October until the consultation close on the 12th November. This included attending a range of public meetings in which MP's were involved/invited and requesting information from MPs on petitions that they were organising in their areas.

We remain very concerned about the continued lack of formal outreach identified for Kent's communities affected by recent Post Office closures. Within our consultation response on the additional closures – we have again asked Post Office Ltd for further clarification on our original questions regarding how outreach was allocated. We are currently awaiting their response

In the meantime, we have:

- **Launched a dedicated business advice scheme** for co-located retailers where closures have taken place - with particular focus on rural village shops. This has been set up in partnership with Business Link Kent and Action with Communities in Rural Kent. The service was launched in January and we have already received good feedback from Tunbridge Wells Borough Council on the positive impact that the scheme is having on the ground.
- **Organised a Community Summit for the 6th March** at Oakwood House to bring together affected communities to discuss the impacts and potential solutions. This event will be co-chaired by Roger Gough and the Bishop of Dover. Through this event we will be looking at the opportunities afforded by community shops and transport schemes – as well as profiling schemes such as the KHS Kent Karrier scheme. All MPs – as well as all County Members have been invited to this event.

Given that no equality impact assessment was undertaken for any of the closures we will be using this event – and research we are currently doing with Kent Highway services to collate an evidence base to further assess the impacts of these closures. We plan to use this evidence base to create a robust case for further outreach – and intend to engage MP's further in this process.

COUNTY COUNCIL MEETING

19 February 2008

**Question by Mr I Chittenden to the
Cabinet Member for Environment, Highways and Waste**

In the local Transport Plan for Kent 2006 – 11 (Appendix 3, Page 54 Item 7.8), it was reported in 2006 that the current annual investment on footways would achieve a repair life cycle of once in every 226 years. It also recommended future investment for footways to eradicate the backlog over 10 years and produce repairs to pavements on a 50 year cycle.

Subject to Council approval, there will be a 14.9% increase in spending this year on Environment, Highways and Waste. Can the cabinet member please advise how much will be allocated for footpath repairs, how this compares with the recommended investment in the Local Transport plan for Kent 2006 – 11, and what is the projected repair life cycle based on this higher level of spending?

Answer

The Repairs budget for 2008/09 will not be determined until the HAB meeting on 4th March. However an additional allocation of £2 ½ million was made last year for this purpose which is additional to whatever sum is determined at the HAB meeting.

COUNTY COUNCIL MEETING

19 February 2008

**Question by Mrs E Green to the
Cabinet Member for Adult Social Services**

Will the Cabinet Member for Adult Social Services inform this Council of the total number of adults placed in care homes in Kent in general, and Thanet in particular, clarifying in both cases how many of these placements are made by Kent County Council and how many by other authorities?

Answer

This question fell as Mrs Green was unable to attend the meeting.