

COUNTY COUNCIL MEETING

19 June 2008

**Question by Dr M R Eddy to the
Chairman of Children Families and Education Policy Overview Committee**

Would the Chairman of Children Families and Education Policy Overview Committee inform the Council as to whether his Committee received any formal notification that the Children, Families and Education Directorate would be changing its name to the Children, Families, Health and Education Directorate; whether he is satisfied that the Directorate's change of name went through the proper democratic processes; and when the name of the Policy Overview Committee will be altered to reflect the Directorate's change of name?

Answer

The Policy Overview Committee Chairman cannot be present at today's meeting, and I am sure we all wish him well. Although I cannot speak on his behalf, as Vice Chair I have been called to answer this question, I can say personally that I am not satisfied, nor do I see how any Member of this Council can be satisfied that the change of name from Children Families and Education to Children Families Health and Education went through the proper democratic processes. The Children Families and Education Policy Overview Committee did not receive any formal notification of the change of name.

One of the major requirements of the 2004 Children Act is that there should be better regard to the health of the nation's children. Section 10 of the Act imposes a duty to co-operate, on local authorities and relevant partners such as NHS. Kent County Council, on the creation of the Children, Families and Education Directorate, developed the work with both PCTs and arranged a partnership structure that resulted in the joint appointment of a Director of Child Health. From this time, the Directorate carried with its logo an acknowledgement, by referencing Health in partnership with the NHS. I am told there have been discussions of the implications of this appointment at Cabinet, for example, in relation to the development of the Child and Adolescent Mental Health Services and, this growing relationship is reflected in the inclusion of health staff within multi-agency working and within the structure of the Children's Services Partnership.

In essence, this arrangement was a reflection of the overall Kent partnership of which the Children's Trust is the statutory sub-set. Cabinet Member, Mark Dance, serves on the Trust and Cabinet Member, Chris Wells, serves on the Partnership. There was therefore, always a link into the executive political structures of the County Council, but not all the Council's political structures, as

not all Members were informed in advance of the proposed change in the Directorate's name.

In considering a change of name, insufficient thought was given to the implication for the Policy Overview Committee and other formal structures within the County Council. This error was solely the responsibility of the Managing Director who, I understand, wishes to apologise for any confusion caused.

I am given to understand that the name of the Directorate will revert back to Children, Families and Education and although I have not been given a timescale for this, I understand the close links with partners in the health service will continue to be recognised to ensure better regard to the health of the nation's children.

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19 June 2008

**Question by Mr T J Birkett to the
Cabinet Member for Environment, Highways and Waste**

Would the Cabinet Member for Environment, Highways and Waste update the Council on progress made to improve safety on the A258 since an 11,000 signature petition was presented to the Council on 15 May 2008.

Answer

This question fell as Mr Birkett was unable to attend the meeting.

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19 June 2008

**Question by Miss S Carey to the
Cabinet Member for Environment, Highways and Waste**

Would the Cabinet Member for Environment, Highways and Waste tell us when public consultation will begin on his proposal for three lorry parks in Kent?

Answer

We are in the early stage of the process; we have discussed the aims of the proposal with the Highways Agency, Kent Police, Kent Fire & Rescue Service and Ashford Borough Council. This will be followed by a detailed planning process which will include detailed design, preparing a robust business case, preparing an environmental statement including mitigation measures, community engagement and public consultation. We aim to submit a planning application before the end of 2009.

COUNTY COUNCIL MEETING

19 June 2008

**Question by Mr R Parry to the
Cabinet Member for Children, Families and Education: Operations,
Resources and Skills**

As the selection (11+) examination will now be held in September 2008 would the Cabinet Member for Children, Families and Education: Operations, Resources and Skills, advise the Council how the exam will be modified to cater for the loss of a term's education.

Additionally, as the professional (teaching) opinion is that the bringing forward of the examination will particularly disadvantage boys, how will this problem be solved?

Answer

The tests used in the Kent process are drawn from a selection item bank designed to identify the most able children in the year group. The maths test, which is the only test of an academic subject, is based on the programme of study for Key Stage 2 of the National Curriculum, and will include topics introduced in Year 5, as well as more challenging questions. The *standardisation* process will allow for the fact that all the children taking part will be four months younger than previously and no modification is necessary.

It would be illegal for Kent LA to undertake any activity aimed at adjusting the proportion of boys or girls assessed suitable for grammar school. Mr Parry may be aware some of our teaching professionals have equally expressed the opinion that the use of multiple choice tests works to the disadvantage of girls. The LA will have regard to all representations made to it about testing, and monitor carefully the outcomes for all children taking part.

COUNTY COUNCIL MEETING

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

Following on from Operation Pothole Blitz, which I am given to understand has been a huge success with many of hundreds if not thousands of potholes and minor repairs having been carried out throughout the County, can we now do the same sort of blitz on the hundreds of street lights which are in dire need of attention and repair, if not replacement, throughout the County?

I would ask that on particular lamp FTAG 001, which is in my own division, in fact one which is directly across a very busy intersection and main road from my own home. The concrete column was declared dangerous and half removed and then swathed in black and yellow tape on 13 November 2007! Sometime in January 2008 a new metal column was installed minus the lantern! In February 2008 the lantern unit was installed but not connected! It is now mid-May and no progress is obvious and this light is just one of many in my division that is not working or in dire need of attention.

Can we all now look forward to Operation Blitz on Kent's street lights starting very soon?

Answer

The Pothole Blitz was a tremendous success with over 11,000 potholes being repaired in April.

I am happy to report that such a radical maintenance drive will not be required regarding the majority of street lights faults. The Street Lighting service within KHS responds to the repair of a reported fault within the Alliance target of 5 working days, in fact 4.67 days for April and 4.42 for March. This cannot be said of the repairs needed from EDF Energy which has a far worse performance, in March over 70 days.

To this end, difficult meetings have been held with Directors within EDF and actions have been agreed with them to overcome the long delays. An increasing resource level within the operatives delivering the repairs is underway and I am optimistic that substantial improvements in repair times can be achieved. A service level agreement between Ofgem and EDF is underway where 75% of multiple faults will be cleared within 10 days and 60% of single faults. This sits very well with the Alliance target for EDF of 30 days for a repair.

With regard to Mr Harrison's particularly mentioned light, EDF have programmed this connection for 18 June.

COUNTY COUNCIL MEETING

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**Question by Mrs P Stockell to the
Cabinet Member for Adult Social Services**

Would the Cabinet Member for Adult Social Services indicate what effect Direct Payments are having on the services offered by the County Council and whether there is any truth in the rumour that despite offering quality services for Kent residents, that Direct Payments are not allowed to be used for purchasing those very same services?

Are there any lobbying opportunities available to resolve this particularly unsuitable situation?

Answer

In March 2008 Kent Adult Social Services met the eligible needs of 46,100 Kent residents. Of these 1,615 took a Direct Payment. There were 2,700 people using services directly managed by KCC, such as in-house residential respite services, domiciliary care services or day services.

The increasing number of people who are choosing Direct Payments is something I welcome as it enables them to have greater choice and control over how their needs are met. As mentioned before however, choice comes at a cost.

There are indeed restrictions on what a Direct Payment can be spent on. The government has stated that Direct Payments are an alternative to local authority community based services and so they cannot be used for long term residential care or in house services.

KASS is addressing this anomaly by developing Self Directed Support. This will give every person who has eligible needs a Personal Budget. This money can be taken as a Direct Payment although others may choose to use their Personal Budget to access a range of services, which may include in house services. People are able to mix and match to best meet their own circumstances.

With regard to the point on lobbying, I repeat the offer made at Adult Social Services Policy Overview Committee on the 30th May for Members from all parties across the Chamber to join me in a Working Group to study the impact and opportunities that exist out of the various documents issued recently (such as "The Case for Change – Why England needs a new care and support system") in the run up to the forthcoming Green Paper on Adult Social Care. If you are interested please contact my Staff Officer, Graeme Bridgland.

COUNTY COUNCIL MEETING

19 June 2008

**Question by Mr A Marsh to the
Cabinet Member for Environment Highways and Waste**

There is no doubt that the 'pothole blitz' is contributing to better roads and travel conditions. Can we ask that a similar initiative is brought forward for all of the white lines, especially at junctions?

Answer

KHS has had lining crews working on a find and fix basis over recent months and are dealing with outstanding safety critical problems on our principal and secondary road networks, the roads where the majority of traffic is to be found. We are therefore confident that there is no need to create a "blitz" on safety critical lining but to continue targeting all of the issues with delivery spreading to all parts of the network as soon as possible. The safety critical features identified are the following road markings:

- Solid white centre lines
- Return arrows associated with the solid white lines
- Give Way markings
- Stop Lines
- Roundabout markings
- Controlled and uncontrolled pedestrian crossing points
- Markings at signal controlled junctions

This work will continue countywide to ensure safe travel for our users.

Find and fix crews are also in action dealing with signing issues on the network.

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**Question by Mr R Long to the
Cabinet Member for Regeneration and Supporting Independence**

Are we able to quantify the number of economic migrants who have been working in Kent since the new EU Accession States joined? Are we able to make any assessment of the effect the diminishing value of the £ against the Euro has had or will have on whether they stay and the contribution these workers have been making to the Kent economy (with reference to my division Malling Rural East).

Answer

The Department for Work and Pensions publish data from the National Insurance Number Registration Scheme, which counts migrant workers entering the UK.

From this data we are able to state the number of workers entering Kent each year. However, because they are not counted again when they leave the UK, the data is not cumulative, so we are unable to state how many are in Kent at any one time.

In 2003-04, 4,530 migrant workers came to Kent. The number rose to 6,730 in 2004-05 and to 10,410 in 2005-06. This sharp rise in numbers was largely due to migrant workers from Poland. In 2006-07, the latest date for which we have data, the number fell slightly to 10,330.

The impact of the second wave of accession countries (Bulgaria and Romania) has not yet come through in the statistics, as they only joined the EU enlargement on 1st January 2007.

For a more detailed analysis, refer to the Briefing Paper on Migrant Workers produced by the Analysis and Information Team, which is published on their website: www.kent.gov.uk/research

We have not made any assessment of the effects of the value of the Pound against the Euro.

Economic data is based on the whole economy and is not disaggregated sufficiently to be able to estimate the economic impact of migrant workers in Kent.

COUNTY COUNCIL MEETING

19 June 2008

**Question by Mr R Pascoe to the
Cabinet Member for Regeneration and Supporting Independence**

What pressures are being brought against the French Government, both locally and centrally, to enforce the EU Directive which stipulates that “the free movement of people and goods” be complied with”?

Answer

Clarification has been sought from Mr Pascoe on this question, and he confirmed that it relates to instances of industrial action at French ports and the resulting implementation of Operation Stack and associated costs to Kent.

After eight days of Operation Stack being in place due to industrial action by French ferry workers, on March 7th Mr Carter took the proactive step of writing to President Sarkozy. In his letter, Mr Carter raised his concerns about the effects of industrial action for Kent including gridlock on our motorway links, severe damage to our business economy and unacceptable inconvenience for residents. He called for President Sarkozy to ensure that minimum levels of cross-channel services are provided during strike action as a matter of urgency to ensure that good transport connections between Kent and France continue.

Mr Carter explained the high costs of implementing Operation Stack, and the need to develop a long-term solution to the constant disruption caused by industrial action and the resulting direct cost to businesses in Kent, the negative impact on tourism and inconvenience to residents. Mr Carter sought President Sarkozy’s firm commitment to a long-term solution to the industrial action.

President Sarkozy replied in May. He agreed that industrial action in France leads to negative consequences for the economy of the South East of England and for Pas de Calais. He states that this is against his wish as Head of State to further develop the relationship between our two countries. In his letter President Sarkozy has promised to raise the issue with his relevant ministers, including the Secretary of State and Secretary for Transport. No further response has yet been received but this will be followed up in due course as we are determined that a long-term solution should be reached which will minimise the negative impact and costs to Kent of industrial action in France.

COUNTY COUNCIL MEETING

19 June 2008

**Question by Mr J London to the
Cabinet Member for Children Families and Education, Operations
Resources and Skills**

Would the Cabinet Member for Children Families and Education: Operations, Resources and Skills please say how it is there are primary school children that live on the western side of my county division unable to get into the two primary schools which are nearest to them and are instead directed to a third school which is further away and which, unlike those nearest to them, is a Church of England Controlled school? Also what advice can he offer to parents desperate to get entrance to a school within easy walking distance of their home?

Answer

Some popular schools are oversubscribed. In these circumstances the admission authority allocates places to those most eligible when the oversubscription criteria are applied.

If children have been unable to secure a place because there are pupils with greater eligibility for the published number of places, parents can place their child on the waiting list for the school and/or appeal for a school place.

If parents want to secure a place at a school within easy walking distance of their home, they should in the first instance contact the school and understand exactly how the oversubscription criteria will be applied. The best advice can be sought from the Primary Admissions Team in County Hall or indeed from independent Choice Advisors. Contact details for both are produced along with the Primary Admissions Booklet.

COUNTY COUNCIL MEETING

19 June 2008

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

Can I please be advised as to how co-ordination/information is shared between utilities and local authorities regarding road works/maintenance etc.

What monitoring takes place to ensure that reinstatement is of the appropriate standards and quality and what is the protocol for informing local Members of impending works in their area?

Answer

Information on work to the utility companies equipment and when and where this is required is currently supplied via a notice sent electronically. The period of notice varies according to the duration, location, and level of disruption (ie road closure etc). Kent is in the process of applying to run a permit scheme under the TMA which allows greater powers of direction and works on the premise that the Highway Authority gives permission for work on the highway rather than the work promoter giving notice that work is to be carried out. In addition quarterly co-ordination meetings take place under the banner of Kent HAUC (Highways Authority and Utilities Committee), these meetings look at schemes coming about in the next 12 months and issues facing works promoters in Kent.

A sample of sites are inspected at various stages, this is currently 30% of all sites with 10% in progress 10% at completion and 10% at the end of the two year guarantee period. In addition Kent runs a coring programme where a core is taken through the reinstatement to check suitability of materials, compaction, and thicknesses. The standards to which reinstatements are to comply is set down in a national code of practice. Any work found to be defective has to be put right and the guarantee period restarts from the date of putting right.

Members are informed of schemes that require road closures and those of a major scale. A useful web site that carries all the latest roadworks information is www.elgin.gov.uk

This web site takes information from most of the southern counties of England's roadworks databases and updates several times a day. There are a number of search functions and the information is displayed in either list or map based formats.

If there is a particular set or sequence of works causing concern to Mrs Allen the Roadworks team will be happy to investigate these concerns and report back.

COUNTY COUNCIL MEETING

19 June 2008

**Question by Mr A Crowther to the
Cabinet Member for Environment, Highways and Waste**

The Lower Road on the Isle of Sheppey (B2231) now sports a number of triple white posts with a speed limit attached to the front and back of them and a single white post with a similar sign attached to it on the opposite side of the road which I understand are called Gateways. I am told that the Parishes wanted them – the same Parishes who, when the white posts appeared, contacted me to ask what they were.

Would the Cabinet Member inform me whose idea it was; who authorised them and at what cost individually; the costs for simply installing a fluorescent yellow board behind the displayed speed limit. Would he also confirm that these new speed limit signs comply with Highways legislation and, as mistakes have been made in the positioning of these signs, will it be KCC or the Contractors that pay for any required repositioning?

Answer

The highway works along the B2231 resulted from concerns raised by the Parish Councils about the general safety the road. A route study of the whole length of the B2231 was undertaken to identify ways of improving safety by engineering methods. The works to be undertaken were reported to the Swale JTB on the 18th September 2006. The design brief was prepared by the Transportation team and passed to the Programme Delivery team for implementation. The procurement of the work was carried out by Programme Delivery after discussion with Transportation.

The 'Gateways' installed conform to a standard design used throughout Kent; however the design of the gateways was not made known to the Parishes prior to their installation. Their objective is to give the impression that the road is narrower, slow drivers down and emphasise that they are entering an area where there is a higher activity of pedestrians and vehicular movement. Gateways were already in place at some locations where a central island has been built but it was felt that these needed improvement to enhance them.

The cost of installing the white post gateways can vary from £1500 - £2000 per site, depending on the location and site conditions. The cost of yellow backing boards amounts to £150 - £200 per site.

The standard unobstructed width of road (carriageway/footway/verge) that should be provided between obstacles (allowing vehicle loads to overhang the kerb) is 3.7 metres (12') to allow free passage of vehicles. Any item of street furniture should be at least 500mm (1'6") from the kerb edge.

However during consultation with the Parish the issue of wide caravans being transported was raised. As a consequence an overall width of 4.8m (16') was to be provided at the gateway locations. Concern has been raised that the gateway at Leysdown has restricted width to allow 14' (4.26m) wide caravans. The engineer has taken measurements of the gateway and the respective widths are 16' eastbound and 15'6" (4.71m) westbound. The gateway posts are set back 1.48m (4'8") and 1.39m (4'5") respectively. It is considered that this provides sufficient tolerance to allow the caravan to negotiate the gateway.

Where the transportation of any item is deemed a 'wide load' then the cost of moving any street furniture is borne by the company carrying out the movement.

If it is subsequently found that if any of the works have been inappropriately carried out then liability will need to be determined based on the detailed design drawings and whether they have been fully complied with by the contractor.

COUNTY COUNCIL MEETING

19 June 2008

**Question by Mr D S Daley to the
Cabinet Member for Environment, Highways and Waste**

The Allington Incinerator facility is one that the County Council has put much faith in to deliver its waste disposal strategy for the next twenty five years. The record so far is not one that instils confidence in its competence.

Would the Cabinet Member for Environment, Highways and Waste please assure me that the two recent prolonged shut-downs at the Allington Incinerator due to serious and expensive engineering failures will not ultimately result in increased gate fees to the County Council, and with the council-tax payers of Kent ultimately footing the bills for these catastrophic failures at this high profile plant.

Answer

The Energy from Waste Plant at Allington is in the final phase of its take-over tests, after which the plant will commence the full service period. The waste tonnage delivered by KCC for the week commencing 16 June 2008 will be 1000 tonnes per day, increasing over the following two weeks to 1200 tonnes per day. This is consistent with the volume of waste specified during the contract period and should serve to reassure Councillor Daley that the plant is operating.

In respect of the gate fee, this is fixed within the contract and is therefore not affected by the commissioning of the plant. One key advantage of the energy from waste contract is that it has secured a gate fee which is significantly lower than that which would be available to waste disposal authorities procuring an energy from waste solution today. It effectively secures KCC's position and protects KCC from the risks, which Councillor Daley identifies.

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**Question by Mrs T Dean to the
Cabinet Member for Community Services**

Following the announcement from Trading Standards that cases of Cold Calling in Kent have risen by 60% in the last year, would the portfolio holder for Community Services please update members on progress following the motion in County Council on 25 May 2006 with regard to agreeing a common code of practice for our own staff who carry out home visits, and including if possible those of our partners, and what advice and assistance can he offer to communities wishing to set up Cold Calling Control Zones?

Answer

In order to put matters into perspective, it is important to first comment on media reports indicating that cases of cold calling in Kent have risen by 60% in the last year. The number of cases *reported* has risen but this almost certainly results from the work undertaken to publicise the potential dangers associated with doorstep sellers and the help which the Service can give consumers who fall victim to cold calling.

Trading Standards have an 'Alert System' whereby warnings, about rogue traders and doorstep sellers operating in specific communities, are e mailed direct to numerous community groups and organisations representing those communities. The TS Alert messages can reach in excess of 100,000 people in Kent through around 200 recipients and they always contain advice and contact numbers for reporting incidents.

In addition the Community Wardens have delivered training relating to doorstep crime to over 6650 people across the county since 2006, addressing small and large groups or individuals. The cold calling message has also been publicised by talks to various groups such as Adult Services, Neighbourhood Watch, carers and care agencies, by interviews on local radio stations and in local press articles.

Officers have been working with the police and providing training to ensure that concerns reported to them are passed on quickly and have also visited banks and building societies to warn them to be on the look out for large cash withdrawals being made by the elderly for home improvement work.

The Trading Standards service has concentrated its resources on the key issues of promoting awareness, gathering intelligence, intervention by the Trading Standards Rapid Response teams, taking formal enforcement action and finally promoting the use of Cold Calling Control Zones. This has not yet included a

common code of practise for carrying out home visits, but this work will be taken forward when resources permit.

This wealth of activity has increased awareness amongst affected vulnerable populations and the people who support them and it would therefore be surprising if the numbers of reports reaching Kent Trading Standards had not increased.

Cold Calling Control Zones

Legal Advice obtained by the OFT has provided more clarity on the legality of Cold Calling Control Zones. Targeting the zones as far as possible where there is the highest need according to the criteria, including housing where there are elderly or vulnerable people and reported incidents of cold calling and distraction burglary, should overcome any criticism or legal challenge which could arise about restricting legitimate lawful trade.

Kent Trading Standards service has actively assisted in the setting up of a number of schemes based on intelligence led targeting of resources. In addition they have produced a briefing document, providing basic information on Controlled Cold Calling Zones, and suggested guidance for initiating and running a scheme which can be shared with partner agencies. Schemes require the co-operation of partner agencies, usually under the leadership of a local Crime and Disorder Partnership, Community Safety Partnership.

The Trading Standards service has also provided speakers at all Cold Calling Control Zone launches to give information about the rapid response teams and promote the Trading Standards Buy with Confidence scheme.