

COUNTY COUNCIL MEETING

6 September 2007

**Question by Ms C J Cribbon to the
Chairman of the Cabinet Scrutiny Committee**

Would the Chairman of Cabinet Scrutiny Committee outline the lessons he has learnt from scrutiny of the proposal for Kent TV considered at the meeting on 25 April 2007.

Answer

The Council will be aware that the Cabinet Scrutiny Committee, when it met on 25 April 2007, expressed its disappointment that Cabinet had felt itself unable to share information about the proposals for Kent TV more widely among Members. The Committee also asked that a presentation on Kent TV be arranged for all Members by the appointed provider as quickly as possible and accepted the Leader's offer to circulate regular updates on progress.

Members received their first briefing note, dated May 2007, on or shortly after 8 June. A presentation on the subject was held on 16 July.

It would have been quite clear to any observer of the Cabinet Scrutiny Committee that backbench Members of all parties had been excluded from discussions as to the viability and desirability of the Kent TV project and that until 25 April only Members of the Cabinet have received any briefings on this substantial investment.

Questions were also raised on 25 April regarding the governance of Kent TV and the appointment of the proposed Board of Governors. These issues, the appointment of Governors, are as yet to be resolved.

Following the presentation on 16 July, I had a meeting with representatives of TenAlps at which I expressed the views of the Cabinet Scrutiny Members, of members of the public and, as it now transpires, of a former Cabinet Member.

The lessons that I would draw from this are similar to those that one sees so frequently during the scrutiny process – that the administration's initiatives require a greater degree of forethought than they actually receive.

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**Question by Dr M R Eddy to the
Leader of the County Council**

Would the Leader of the Council inform Members how many Ombudsman's enquiries are currently being carried out into the business of this Council and can he provide a breakdown by Directorate?

ANSWER

As Dr Eddy will know, detailed statistics on complaints to the Local Government Ombudsman against the County Council are reported to the Governance and Audit Committee every 6 months. The most recent report went to the Committee on 29 June and this set out the position up to 31 March 2007.

Between then and 31 August, 79 more complaints about the County Council have been made to the Ombudsman. The Directorate breakdown of these complaints is as follows:-

Chief Executive's	1	
Children, Families and Education	58	(but 50 of these were about school admission appeals, not unusual for this time of year)
Communities	0	
Environment and Regeneration	14	
Kent Adult Social Services	6	

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

Would the Cabinet Member for Environment, Highways and Waste inform the Council of the number of orders for new vehicles placed and then withdrawn in the current financial year so far, and if they were withdrawn, why?

Answer

There have been no orders placed to date for new vehicles in KHS in the current financial year. There is the intention to buy 60 highway inspector vans in three tranches over the next six months.

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**Question by Mr L Christie to the
Cabinet Member for Adult Social Services**

Would the Cabinet Member for Adult Social Services please inform the Council how many responses he has received to the consultation on changes to domiciliary care charges and how many of these responses have been favourable to the proposed changes?

ANSWER

The collation and analysis work on the outcome of the consultation, on the proposed changes to the Charging Policy for Home Care and other non-residential services is near completion. The report on the consultation will be attached to the Key Decision report which will be submitted for my consideration on 7 September 2007. In line with the decision-making process copies will be sent to the Chairman and Spokesmen of Cabinet Scrutiny Committee and made available for public inspection. Copies will also be made available to all County Council Members.

On the issue of changes to domiciliary care charges I can confirm that of the 9000 questionnaires despatched there were 2294 responses. In relation to proposal number one – to increase from 65 to 85 the percentage of available income to work out a person's charge - 1222 (53%) either agreed, gave no reply, neither agreed or disagreed or did not know. 1072 people (47%) disagreed with the proposal.

KCC is committed to maintaining the eligibility criteria at a level that would not disadvantage those people who need a moderate level of support.

KCC has many tough decisions to make in delivering excellent social care to as many as possible.

We have looked at other authorities and we compare well against them as many are at 100% of residual income. We are broadly in the middle of the pack with the rate at an average of 85 – 90%.

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**Question by Mr M J Vye to the
Cabinet Member for Regeneration and Supporting Independence**

Will the Cabinet Member for Regeneration and Supporting Independence identify the parishes in Kent where standard access to Broadband is not available, and give the Council the combined population figure for these parishes?

Answer

All 127 telephone exchanges are now broadband enabled, so there are no parishes where broadband is not available. However, there are individual properties in many parishes where broadband is not available due to the condition of the local loop.

The Council's Connecting Kent programme (an MTFP initiative) has identified Kent's problem areas - known as "not spots" – and has asked BT to investigate them, let us know what the issues are and how they will be solved. Although State Aid rules and limited budgets mean KCC cannot directly resolve all such issues the Council has indicated that a grant process open to all suppliers will be considered, targeted at communities considered a priority. In 2006/7 this grant process was used to fund the broadband enablement of the last three Kent telephone exchanges - Elmsted, Milstead and Selsted.

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

I have received complaints from constituents regarding £1,000 fee cheques for kerb crossovers installation that have been cashed by KCC, despite, when applying to the appropriate department, assurances that cheques will be held by the County Council until the work is actually in hand. Residents have been waiting for over 2 months for the works to be completed.

Will the Cabinet Member for Environment, Highways and Waste inform the Council how many Kent residents' cheques have been cashed in advance of the crossover installation works, why has the stated agreement to hold cheques until the work is "in hand" been over-ridden and whether KCC intends to compensate these residents?

Answer

Under the new Road and Streetworks Act we are required to check on the location of statutory undertakers plans before issuing a works order. This process normally takes six weeks.

The current procedure has always required that cheques are banked upon receipt. Assurances to the contrary should not have been given by any member of staff. Staff have been reminded about this requirement.

Nevertheless can I take the opportunity to apologise to anyone who has been misled and I will look into any specific case which has been brought to my attention.

In future, residents' cheques for the construction costs and inspection fee will not be sought until the utility checks have been confirmed.

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**Question by Mr J Law to the
Cabinet Member for Regeneration and Supporting Independence**

The Government have instructed Post Office Ltd. to close 2,500 post offices based on measures of public usage.

These measurements will again put pressure on the existence of post offices especially in rural areas where they not only give post office services to residents but also subsidise other essential service provision.

Would the Cabinet Member for Regeneration and Supporting Independence assure this Council that within the County of Kent we are making every effort to retain essential post office services presently available to our rural residents.

Also will he assure residents that KCC Service Centres are used where ever possible to help subsidise the provision of post office services locally, particularly in rural areas?

Answer

Kent County Council is very concerned about the impact that the proposed implementation of the Network Change Programme in Kent by Post Office Ltd will have on Kent's communities and businesses.

At this stage, Post Office Ltd have not published their area plan for Kent, which we understand is the first County, to go through this process, but we have a number of concerns about the way that the network change process is being implemented. These include:

- the timescale for this restructuring is too short to create a sustainable network for the future
- the proposed six week public consultation period is unacceptable
- appropriate levels of funding are not in place to set up alternative arrangements where a post office is identified for closure
- impacts on local business (especially rural shops and small businesses) and the environment have not been taken into account.

This short and rushed time frame is also not conducive to Post Office developing integrated, new service delivery models with other partners – such as linking up with KCC's Gateway initiative. We have made these views known in the KCC response to the former DTI's consultation on the Network Change Programme in March.

In response, KCC will be:

- a) Seeking to launch a campaign to encourage Kent's businesses and communities to support our Post Offices – and articulate our above concerns.
- b) Working with partners to develop a number of two dedicated workstreams to support affected rural retailers and communities affected by rural closures.
- c) Exploring opportunities to link up with KCC's Gateway's Strategy – and especially those afforded with the roll out of mobile gateways.

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

Would the Cabinet Member for Environment, Highways and Waste update the Council on KCC's approach to the proliferation of advertising hoardings which are appearing at an alarming rate in the fields alongside our county's very busy road network.

I would draw his attention to one particularly bad area which is on the hillside to the left of the roundabout at the junction of the A249 and the M2, this now has at least five different signs in place. The latest one, which has only just appeared, is attached to an elderly 4x4 vehicle which I am given to understand bypasses one section of the planning regulations. Can he please explain if this is in fact true and are Kent's roadside fields to become like the depressing state of affairs in parts of Essex?

Answer

Enforcement of items, articles, signs, etc erected on private land is an issue for the local Planning Authority i.e. District/ Borough Councils. The Highway Authority can only intervene when such items/signs are erected on highway land or when they are deemed to have an adverse impact on highway safety. The advertising signs referred to are in private land and therefore are an issue for Maidstone Borough Council. We have passed issue to the planning enforcement team at Maidstone Borough Council for action.

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Question by Mr J F London to the
Cabinet Member for Operations, Resources and Skills CFE

Would the Cabinet Member for Operations, Resources and Skills CFE, please explain why County Members will not be able to represent their constituents at education admission appeals next year.

ANSWER

The School Admission Appeals Code, issued by the Department for Education and Skills, requires Admission Authorities to act in accordance with the provisions, requests and guidelines set out in the Code.

The current Code states that parents should be allowed to be accompanied by a friend, adviser or interpreter. The Code goes on to advise that it is not good practice for the parent's "friend" to be a member of the Council or a local politician, as this may lead to a conflict of interest for them. At the moment this is only advisory and some County Members do still choose to represent their constituents at education admission appeals. However, a revised Schools Admission Appeals Code is due to be laid before Parliament in January 2008 and, if passed, will take effect from 1 March 2008. One of the proposed amendments in the new Code is that it will be a mandatory requirement that the parent's friend or adviser **must not** be a Member of the Council, a member of the Admission Authority, or a local politician. The new Code again states that this may lead to a conflict of interests and adds that it may place undue pressure on the Panel. Therefore, if the new Code does become legislation next year, it will be illegal for County Members to be able to represent their constituents at education admission appeals.

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

Would the Cabinet Member for Environment, Highways and Waste explain why the scheme to improve safety by extending the existing 20mph zone into Hilary Road in Maidstone to include St Paul's School, under the Safer Routes to School' scheme, has been withdrawn; advise what alternative action will be taken without further delay to improve safety for parents and children; and advise when the original scheme is likely to be restored to the works programme, as Hilary Road is a road with sharp bends, narrows down effectively to one lane due to parking and is heavily used by cars and commercial vehicles?

Answer

The North Maidstone Safer Routes to School scheme (which includes Hilary Road and the area around St Paul's School) has, along with all other schemes that are bids for Local Transport Plan funding, been subject to the new priority rating process (called Pipkin). This assesses all bids on a countywide basis against the national and local policies that guide the LTP system. The rating of the North Maidstone scheme fell below the threshold for funding in the programme for the next financial year (2008/09). Although it a worthwhile proposal, there are other schemes that have achieved a higher rating. The programme for 2008/09 will be reported to the Highways Advisory Board in September, and then on to the next cycle of Joint Transportation Boards. The Maidstone JTB will receive a report on the outcome of the Pipkin process, which will include information about the rating of those Maidstone schemes that were assessed but fell below the funding threshold. It is not possible to give an advance commitment to fund the North Maidstone scheme, as the programme will be re-assessed annually, and the works programme in each future year will depend on the level of funding available and the relative priorities of all the countywide bids.

In terms of alternative action, our records show that that there have been no injury crashes recorded in the vicinity of the School in the last three years, so that no formal safety problem has been identified, but officers would be happy to discuss any potential minor improvements to signs or road markings that might alleviate the local concern.

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**Question by Mr G Koowaree to the
Cabinet Member for Adult Social Services**

In view of increasing concerns about abuse, both physical and financial, to older people, would the Cabinet Member for Adult Social Services please state whether there has been an increase in domiciliary care protection cases or complaints from clients, explain the current system of checks on home care assistants and advise if there are any plans to strengthen those checks?

Answer

Reports of the number of vulnerable people abused in their own homes have increased slightly. This is as a result of improved public awareness and the confidence people have in KCC that we will take action.

The current system of checks includes:

- Enhanced CRB checks of Home Care Assistants
- Inspection of Domiciliary Care Providers by CSCI
- Monitoring by KASS staff
- Families able to access information about the quality of providers via CSCI and KASS online websites

Plans to strengthen the system involves:

- KASS working with CSCI to improve their Red Flag system so that KCC staff are notified at an early stage when problems occur
- Better reporting of information to identify the abuser ie care assistant or relative
- Introduction of the national Vetting and Barring Scheme in October 2008 should also provide better safeguards
- CSCI Star Rating system for all registered social care providers in 2008
- Implementation of the Mental Capacity Act 2005 will bring into force a new offence of neglect and abuse