

KENT COUNTY COUNCIL

CABINET SCRUTINY COMMITTEE

MINUTES of a meeting of the Cabinet Scrutiny Committee held at Invicta House, County Hall, Maidstone on Tuesday, 20 February 2007.

PRESENT: Dr M R Eddy (Chairman), Mr D Smyth (Vice-Chairman), Mr A R Bassam, Mr J R Bullock MBE, Mr C J Capon, Mr A R Chell (substitute for Mr A H T Bowles), Mr L Christie (substitute for Mrs M Newell), Mr B R Cope, Mrs T Dean, Mr J B O Fullarton, Mr C Hart, Mr E E C Hotson, Mr P W A Lake, Mr C J Law, Mr M J Northey (substitute for Mr J E Scholes), Mr R J E Parker, Mrs P A V Stockell and Mr R Tolputt (substitute for Mr C T Wells).

IN ATTENDANCE: Mr J Wale, Assistant to the Chief Executive and Mr S C Ballard, Head of Democratic Services.

UNRESTRICTED ITEMS

54. Minutes
(Item A2)

RESOLVED that the Minutes of the meetings held on 24 January and 2/7 February 2007 are correctly recorded and that they be signed by the Chairman.

55. Informal Member Group on “Kent – What Price Growth?” – 22 January 2007
(Item A3)

RESOLVED that:-

- (a) the recommendations of the Informal Member Group in note 2(9)(b) that:-
- (i) the KCC Planning Applications Unit should be requested to include heads of terms for developer contributions in reports to the Planning Applications Committee on all relevant planning applications;
 - (ii) the Regeneration and Economy Team should be supported in their efforts to encourage District Councils to include heads of terms for developer contributions in reports to their Planning Committees on all relevant planning applications;
 - (iii) KCC Directorates should be requested to consult local Members (either individually or through Local Boards) on the details of the facilities to be provided in accordance with their provision planning policies from developer contributions,

be endorsed;

- (b) the Regeneration and Economy Team be asked to advise Kent Police Authority and Kent and Medway Fire and Rescue Authority of KCC's publication of the Developers' Guide and invite them to adopt a similar approach to developer contributions;

- (c) the remaining notes of the meeting of the Informal Member Group on “Kent – What Price Growth?” held on 22 January 2007 be noted.

56. Informal Member Group on Budgetary Issues – 2 February 2007
(Item A4)

RESOLVED that the notes of the meeting of the Informal Member Group on Budgetary Issues held on 2 February 2007 be noted.

57. Cabinet Scrutiny Committee – Standing Report to February 2007
(Item A5 – Report by Assistant to the Chief Executive)

(1) An updated Table 2, reflecting the outcome of the Policy Overview Co-ordinating Committee meeting on 15 February, was tabled at the meeting.

(2) RESOLVED that the report on the actions taken as a result of the Committee’s decisions at previous meetings, and the updated report on progress with Select Committee Topic Reviews, be noted.

58. The Kent Commitment
(Item E1)

(1) Mr P B Carter, Leader of the Council, and Mr P Gilroy, Chief Executive, attended the meeting to answer Members’ questions on this item.

(2) At the outset, Mr Carter explained that the signing of the Kent Commitment marked the start of a journey which would take between two and five years. The purpose of this journey was clear – to use the good relations between the County Council and the Kent District Councils to build on the existing two-tier arrangements in order to give Kent the best local government in the UK. This in turn would enable KCC and the Kent Districts to face the challenge of the difficult financial settlements from Government expected over the next few years. However, the detailed arrangements were still to be worked out in discussions between KCC and the Kent Districts as the journey progressed. Mr Carter said that he would publish a bi-monthly update for all Members on progress with the Kent Commitment. Mr Gilroy agreed to provide details of the Kent Commitment work streams being worked on by the Kent Chief Executives.

Medway Council

(3) In answer to a question from Mr Parker, Mr Carter said that he was keen to involve Medway Council but they had not felt able to sign up to The Kent Commitment at this stage. Nevertheless, discussions would continue.

Devolution of Front-line Services

(4) In answer to a question from Mr Parker, Mr Carter confirmed that there had been preliminary discussions with the Kent Districts about the potential for the devolution of services both from KCC to the Kent Districts and vice versa, but there were no immediate plans for this. If and when any service – front-line or back-office – was considered for devolution, a detailed business plan would be required in order to demonstrate that devolution offered best value.

(5) Mr Gilroy added that only 16% of KCC services were provided direct by KCC employees. The bulk were provided by the private sector through procurement.

(6) In answer to a question from Mr Law, Mr Gilroy agreed that, in talking about devolution, it was important to distinguish between political governance issues and service delivery issues. When KCC services were delegated to another provider, or procured from a private contractor, it was important to appreciate that responsibility for those services remained with KCC. This had implications for two-tier working in terms both of political governance and managerial monitoring.

Provision of Services to other Councils

(7) In answer to a question from Mr Christie, Mr Gilroy said that there was nothing new about KCC providing services to other councils. He offered to circulate details of the services which KCC currently provided to other councils.

Public Impact of The Kent Commitment

(8) In answer to a question from Mr Parker, Mr Carter said that a large part of the gain from closer working between KCC and the Kent Districts would be in terms of greater efficiency through the sharing of back-office functions. This would allow the councils to maintain quality services at a lower cost than would otherwise be the case. Greater co-operation between councils would also lead to improvements in the way in which societal problems, such as teenage pregnancy, were tackled. While both of these types of improvement were measurable, Mr Carter accepted that neither was likely to be very noticeable to the public.

(9) Mr Gilroy said that as a result of The Kent Commitment he expected that, by 2012, every major town would have a Gateway, providing public access to a wide range of public services (KCC, District Council, central Government and other public agencies). The possibility of having a single phone – and possibly also web – portal to all public services in Kent was also being explored.

(10) In answer to a question from Mr Fullarton, Mr Carter agreed that improved communications were required to engage the public and to improve their understanding of the way in which Council services were provided. The KCC Cabinet had already decided to re-launch 'Around Kent' to help with this and the Kent TV initiative should also assist.

(11) In answer to a suggestion from Mr Fullarton that public understanding would be improved if there was just one elected Councillor for each area, Mr Carter pointed out that there was a democratic deficit in England, where the public had fewer elected representatives than in other European states. Mr Gilroy added that the current multi-tier local government system (county council, district council, parish/town council) provided checks and balances in its civic structure.

Recycling of Savings

(12) In answer to a question from Mr Lake, Mr Carter said that he very much hoped that the cost savings arising from The Kent Commitment could be recycled within Kent local authorities because this was the only way in which quality services could be maintained. The Kent Districts had estimated that savings of £25-30m could be made through sharing of back-office functions. Mr Gilroy added that he had been invited by Government to take part in discussions on multi-area agreements. Multi-area agreements offered opportunities for savings to be made in the way in which £8bn of public expenditure was spent.

(13) RESOLVED that:-

- (a) Mr Carter and Mr Gilroy be thanked for attending the meeting and answering Members' questions;
- (b) the agreement by the Leader of the Council to publish a bi-monthly update on progress with the Kent Commitment to all Members, be welcomed;
- (c) the Chief Executive's agreement to provide:-
 - (i) details of the services which KCC currently provides to other Councils;
 - (ii) details of the Kent Commitment work streams being worked on by Kent Chief Executives,

be welcomed.

59. Free Travel for 11-16 Year Olds
(Item C1)

(1) Mr K A Ferrin, Cabinet Member for Environment, Highways and Waste, and Mr D Hall, County Transportation Manager, Kent Highway Services, attended the meeting to answer Members' questions on this item, which covered the following issues:-

(a) Eligibility for Scheme

In answer to questions from Mr Christie and Mr Lake, Mr Ferrin explained that any child aged 11-16 who lived in Kent and attended any of the schools listed in Appendix 2 to the report to Cabinet was eligible to purchase a pass for £50 which would entitle them to free bus travel anywhere in the pilot areas at any time on any day. There would be no reduction for those children who already received free home to school transport.

In answer to a question from Mr Christie, Mr Ferrin said that it would be for the Children, Families and Education Directorate to decide whether or not to purchase passes for Looked After Children but he hoped that they would.

In answer to a question from Dr Eddy, Mr Ferrin said that the 11-16 age group had been chosen rather than the 13-18 age group because it was the age range for compulsory secondary school attendance. It would obviously be a matter for parents to decide what use of the scheme their children should make.

(b) Charge for Pass

In answer to a question from Mrs Stockell, Mr Ferrin said that the possibility of a means test for the £50 charge, and of offering an instalment payment scheme, had both been considered but had been rejected because they would dramatically increase the administrative cost of the scheme. Mr Ferrin said that he hoped that schools might be willing to assist by, for example, accepting payments in cash from parents who had no bank account.

(c) Choice of Areas to be Included in Pilot Scheme

In answer to questions from Mr Hart and Mr Christie, Mr Ferrin explained that Canterbury had been chosen because much of the work of the Select Committee on Home to School Transport was based on Canterbury. Canterbury was served by Stagecoach and he had been keen to include an area served by the other major Kent bus operator, Arriva. Of the areas served by Arriva, Tonbridge/Tunbridge Wells had been selected because school travel patterns were relatively complex and thus the area was likely to provide useful lessons for the pilot. Mr Ferrin added that the areas had not been chosen because of their relative affluence. It had been necessary to limit the pilot scheme to two areas because of the capacity issue. It was clear that additional bus seats would be needed during the morning peak as a result of increased demand generated by the scheme. Bus operators would therefore need to bring in additional vehicles, provide garaging facilities for them, and recruit additional drivers. The capacity issue also meant that, if the pilot scheme was successful, any extension to the rest of the County would have to be done in phases.

(d) Costs of Pilot Scheme

In answer to questions from Mrs Dean, Mr Hall said that the number of children eligible for the pilot scheme was 9,000 in Canterbury and 14,000 in Tonbridge/Tunbridge Wells. Mr Ferrin explained that the detailed costings for the pilot scheme were at present subject to commercial confidentiality but agreed to provide them to Members of the Committee in confidence. Mr Ferrin explained that once the scheme was up and running, the agreement with the bus operators involved use of an open-book accounting system so there would be complete transparency. He agreed to provide half-yearly financial reports to Members of the Committee.

Mr Ferrin said that the pilot scheme was not expected to have any impact on KCC's costs in providing free home to school transport, but if the scheme was extended County-wide, the consultants predicted that the scheme would offset the home to school transport budget by some £3m.

Mr Ferrin said that there might also be savings to KCC on supported bus services because the increase in demand generated by the scheme could lead to some supported services becoming commercially viable.

Mr Hall added that the pilot scheme was expected to increase bus operators' profits and the operators had said that they would plough this profit back into improving local bus services.

(e) Length of Pilot Scheme

In answer to a question from Mrs Stockell, Mr Ferrin said that the pilot scheme would run for two years because the bus operators required a commitment that the scheme would run for at least this length of time before they could commit themselves to bringing in the additional buses and drivers needed. However, the success of the scheme should be capable of being judged well within two years and, if it was successful, the scheme could be extended before the two year period expired.

(f) Inclusion of Independent Schools in Pilot Scheme

In answer to a question from Mr Christie, Mr Ferrin explained that parents who lived in Kent and sent their children to independent schools were as entitled to benefit from the scheme as parents who sent their children to publicly-funded schools. Furthermore, one of the main purposes of the scheme was to reduce traffic congestion caused by the school run and parents of independent school pupils contributed to this in just the same way as other parents.

(g) Congestion

In answer to questions from Mrs Dean, Mr Ferrin said that there were a number of different methods of measuring congestion and a method would need to be selected shortly in order to measure the impact of the pilot scheme on reducing congestion. Mr Hall pointed out that bus journey times were already monitored and these could give an indication of changes in the level of congestion.

(h) Impact on Parents' Choice of Schools

In answer to a question from Mrs Dean, Mr Ferrin emphasised that the bus pass scheme did not involve any changes in the current arrangements relating to eligibility for free home to school transport. Nevertheless, he accepted that the availability for £50 of a pass offering free bus travel might have the effect of increasing parents' choice of schools for their children where this might otherwise be constrained by transport costs. Mr Ferrin said that he had urged headteachers to point out to parents that they should not make their choices of school on the basis of the pilot scheme, because it might not be renewed after the initial two year period.

(2) RESOLVED that:-

- (a) Mr Ferrin and Mr Hall be thanked for attending the meeting and answering Members' questions;
- (b) the Cabinet Member for Environment, Highways and Waste be recommended to change the title of the scheme to "**Assisted** Travel for 11-16 Year Olds";
- (c) the Cabinet Member for Environment, Highways and Waste be urged to determine a means of measuring congestion without delay, so that the success or otherwise of the scheme in terms of reducing congestion could be judged;
- (d) the Managing Director, Children, Families and Education be advised of the possible impact of the scheme on secondary school admission applications;
- (e) the Managing Director, Children, Families and Education be recommended to make clear in all information to parents about secondary school admissions for September 2007 and 2008 that, in making their choice of school, parents should not rely on the assisted travel scheme continuing beyond the two-year pilot period;

- (f) the Cabinet Member for Environment, Highways and Waste's agreement to provide Members of the Committee, in confidence, with detailed costings for the pilot scheme, be welcomed;
- (g) the Cabinet Member for Environment, Highways and Waste's agreement to provide Members of the Committee with half-yearly reports on costs and take-up of the scheme, be welcomed.

60. Lorry Parking Issues
(Item C2)

(1) Mr R W Gough, Cabinet Member for Regeneration and Supporting Independence; Mr K A Ferrin MBE, Cabinet Member for Environment, Highways and Waste; and Mr P Raine, Managing Director, Environment and Regeneration, attended the meeting to answer Members' questions on this item which covered the following issues:-

(a) **Replacement for Operation Stack**

(i) Site Search

In answer to a question from Dr Eddy, Mr Raine explained that a site of up to 100 acres would be required. 100 acres would cope with the worst possible Operation Stack scenario, so a smaller site could be used which would deal with all but the worst scenarios. A site search was currently taking place and was due to be completed by the end of April.

(ii) Site Acquisition

In answer to a question from Dr Eddy, Mr Raine said that once a suitable site had been identified, it would need to be acquired by the County Council or the Highways Agency, both of which had compulsory purchase powers which could be used if necessary.

(iii) Planning and Technical Issues

In answer to questions from Dr Eddy, Mrs Stockell and Mr Parker, Mr Raine said that once a suitable site had been identified the planning issues would need to be discussed with the District Council concerned. Technical solutions were being explored but it was inevitable that some engineering works would be required to make the site suitable for use as an emergency lorry park, and to provide satisfactory access. However, it was hoped that a technical solution could be adopted that would allow the site to continue in agricultural use, perhaps for grazing, when not required for lorry stacking.

(iv) Lessons from Elsewhere

In answer to a question from Mrs Stockell, Mr Raine said that disruption to cross-Channel traffic did not appear to cause the same problem in northern France as in Kent, presumably because there was more space around Calais where lorries could wait.

(v) EU Funding

In answer to a question from Mr Smyth, Mr Ferrin said that a meeting had been arranged with one of the MEPs for the South East, who also held a senior position in the European Parliament, to explore the possibility of obtaining assistance from the EU.

(vi) Costs

In answer to a question from Mr Chell, Mr Ferrin said that the permanent solution to Operation Stack was expected to cost some £20m whereas the Quick Moveable Barrier (QMB) under consideration by the Highways Agency was estimated to cost £10m and would deal only with Phase 1 of Operation Stack (850 lorries out of a total of 4,500 catered for by Phases 1 and 2).

(b) **Permanent Overnight Lorry Parks**

In answer to a question from Mr Cope, Mr Ferrin said that, completely separate from Operation Stack, there was a need for a number of permanent overnight lorry parks in Kent to deal with the detrimental effect of lorries parking casually in inappropriate places. Problems were particularly acute around Dover, Folkestone and Ashford.

(2) **RESOLVED that:-**

- (a) Mr Gough, Mr Ferrin and Mr Raine be thanked for attending the meeting and answering Members' questions;
- (b) the Cabinet Members for Regeneration and Supporting Independence and Environment, Highways and Waste be recommended to:-
 - (i) obtain information about the actions taken by the French authorities to deal with the effects of disruption to cross-Channel transport services to see whether any lessons can be learned;
 - (ii) actively and urgently seek EU funding towards the costs of providing an emergency lorry parking site to replace Operation Stack;
 - (iii) urgently investigate the planning issues relating to provision of an emergency lorry parking site to replace Operation Stack;
- (c) the Managing Director, Environment and Regeneration be asked to provide Members of the Committee with further information about the issue of the Police not always separating out flows of lorries heading for different ports and the Channel Tunnel quickly enough, particularly as it seemed that 80% of lorries had transferable ferry/tunnel bookings, and about the action being taken to try to overcome this problem.