

## KENT COUNTY COUNCIL

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### CABINET

MINUTES of a meeting of the Cabinet held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 17 June 2013.

PRESENT: Mr P B Carter (Chairman), Mr D L Brazier, Mr G Cooke, Mr M C Dance, Mr G K Gibbens, Mr R W Gough, Mr P M Hill, OBE, Mr J D Simmonds, Mr B J Sweetland and Mrs J Whittle

ALSO PRESENT: Mr P Crick, Director of Planning and Environment, Mr R Fitzgerald, Performance Manager and Mr M Tant, Flood Risk Manager

IN ATTENDANCE: Mr M Austerberry (Corporate Director, Environment and Enterprise), Mrs A Beer (Corporate Director of Human Resources), Mr D Cockburn (Corporate Director of Business Strategy and Support), Ms A Honey (Corporate Director, Customer and Communities), Mr A Ireland (Corporate Director, Families and Social Care), Ms M Peachey (Kent Director Of Public Health), Mrs S Rogers (Director Education, Quality and Standards) (Substitute for Corporate Director of Education, Learning and Skills), Mr A Wood (Corporate Director of Finance and Procurement), Mr G Wild (Director of Governance and Law) and Mrs L Whitaker (Principal Democratic Services Officer)

### UNRESTRICTED ITEMS

#### **1. Apologies**

*(Item 1)*

Apologies were received from Patrick Leeson, Corporate Director of Education, Learning and Skills. Mr Leeson was substituted by Mrs Sue Rogers, Director Education, Quality and Standards.

#### **2. Minutes of the Meeting held on 15 April 2013**

*(Item 3)*

The minutes of the meeting held on 15 April 2013 were agreed and signed by the Chairman as a true record.

#### **3. Local Flood Risk Management Strategy**

*(Item 4 – report of Mr David Brazier, Cabinet Member for Transport and Environment and Mike Austerberry, Corporate Director of Enterprise and Environment)*

Cabinet received a report, the purpose of which was to present to Members for agreement the draft Local Flood Risk Management Strategy for Kent County Council.

The Cabinet Member for Transport and Environment, Mr Brazier, introduced the report, he referred in particular to the following:

- (i) That the production of a Local Flood Risk Strategy was a statutory requirement of the Flood and Water Management Act 2010. In addition the act required that KCC conduct preliminary flood risk assessments.
- (ii) That this work had been conducted and further to those requirements a standing committee had been established to monitor and report on progress, and a Flood Risk Manager for KCC, Max Tant, had been appointed.
- (iii) The report detailed more fully the work carried out to date and put forward the draft strategy for approval. He reported that the strategy included information regarding the relationship between KCC and other bodies with responsibilities in the area of Flood Management, actions to be taken in the event of an incident of serious flooding.

Director of Planning and Environment, Paul Crick and Flood Risk Manager, Max Tant were both in attendance to speak to the item.

In response to a question from the Leader, Paul Crick confirmed that the responsibilities of the Council in this area were confined to flood risk in relation to surface, ground and ordinary watercourses. The role of the Council in these areas was to co-ordinate the various agencies involved in order that statutory responsibilities were met. He reported that he was the Chairman of the Group to which Mr Brazier had previously referred and that its members had been fully involved in the creation and development of the strategy being considered.

He reminded Members that flooding continued from the sea and main rivers to be the responsibility of the Environment Agency.

He further reported:

- (i) That the proposed decision had been considered by the Environment, Highways and Waste Cabinet Committee and had been favourably received. The Committee had requested that yearly update reports be received.
- (ii) That more detailed action plans formed part of the strategy and all parties were keen to advance the work contained within them.
- (iii) That a robust strategy was crucial to the good management of water in Kent. In particular in ensuring that work in one area does not negatively impact on another area. Work to establish such risks had been identified within the strategy.

Flood Risk Manager, Max Tant, described the action plans in more detail. He described the three areas for action and these are set out below:

- (i) KCC delivered County level actions. This would involve the creation and embedding of strategies and policies by which a co-ordinated response could be adopted and maintained.
- (ii) Other responsible body actions. Identified actions for which KCC is not responsible for delivery but which it would encourage other bodies to take in order that wider goals might be achieved.

- (iii) Local actions – practical, local action to address risk already identified by investigations to date.

In response to question from the Leader regarding powers of enforcement to Landowners, Max Tant described the powers that the Council has inherited under the Flood and Water management Act 2010 and reported that these included the power to request Landowners to achieve certain standards deemed as acceptable by the councils and also powers to enforce request not actioned. However he reminded members that some areas in Kent would continue to be the responsibility of the Internal Drainage Boards, not KCC.

Leader of the Council, Mr Carter, suggested that officers consider the production, in partnership with other responsible bodies, of a guide to good land management and the prevention of flooding.

Cabinet Member for Commercial and Traded Services, Mr Sweetland congratulated officers on a well-written and comprehensive report. Following questions put by Mr Sweetland regarding likelihood and extent of risk, Max Tant responded as follows:

- (i) That flood risk was often described in terms of a return period such as the one used here. It measures risk based on the number of times it could be expected that a flood of such severity would occur. When the duties now inherited were first announced, Defra undertook some national scale mapping of surface water flood risks using the return period of 1 in 200 years. Max Tant expressed caution regarding the findings in relation to the work that KCC would try to achieve, he believed that in terms of road and surface water a return period of 1 in 30 years was more realistic and more practical.
- (ii) However it was interesting to note the results of the Defra study and it had found that in Kent 76,000 properties would be at risk in the event of a 1 in 200 year flood, placing Kent at the top of the risk list for all authorities in England, behind Essex with approximately 54,000.

The Leader, Mr Carter reminded Cabinet that Kent was likely to be higher in any flood risk table owing to its large population and requested that Max Tant conduct work to establish the risk as a percentage of the population.

In response to a question from the Deputy Leader and Cabinet Member for Finance and Procurement, Mr Simmonds, regarding river flooding, associated sewerage issues and requirements on Southern Water, Max Tant reported that the council had no specific powers over water companies but had inherited a scrutiny role under the 2010 act previously mentioned. This would allow the council to require Water companies to attend meetings to account for their actions but did not allow for any sanctions, such powers were situated with OFWAT. However he further reported that, in relation to the Nailbourne Valley to which Mr Simmonds had particularly referred, KCC was represented on a new multi agency action group established at the request of Southern Water.

In response to a question from Mr Carter seeking to establish whether additional funding had been provided to carry out the additional responsibilities Max Tant reported that monies had been distributed by Defra based on potential risk to the

authority. Kent County Council would receive £750,000 a year for two further years, including this year.

The Cabinet Member for Economic Development, Mr Dance, congratulated Max Tant on the quality of the report. He raised the issue of funding and further to the question from the Leader sought to ascertain whether the funding would be sufficient for required works to be undertaken. In particular he referred to the dredging of the River Stour which had greatly improved the ability of the river to cope with rain but had not been undertaken recently. Max Tant reported that the River Stour was a main river and remained a responsibility of the Environment Agency, other than a scrutiny role the council had no powers in this area. To address the financial element of the question, he reported that the programme was adjusted according to the funds. Investigation and understanding of risk had been the main priority as there had been little work done to date. On identifying work to be done, grants would be sought from the Defra funding pot. These may require partner funding.

The Cabinet Member for Corporate and Democratic Services, Mr Cooke, commented on the correlation between new development, particularly in rural areas and the potential for increased flash flooding. Max Tant concurred. This issue he reported was being managed by utilising sustainable drainage. Schedule 3 of the Flood and Water Management Act, when commenced, would include a duty to approve all new drainage. This responsibility may lie with the Council in the future but had not yet been agreed. The decision regarding sustainable drainage for developments would run parallel to the Planning approval system and would require a separate approval.

Mr Carter reminded Cabinet that although the winter had been wet, incidences of flooding had been minimal and congratulated those agencies involved in delivering this result. He welcomed the report and hoped that it would lead to further improvements over the coming year.

It was RESOLVED:

<b>CABINET</b>	
<b>Kent and Local Flood Risk Management Strategy</b>	
<b>17 June 2013</b>	
1.	That the strategy be agreed
<b>REASON</b>	
1	In order that the council fulfil statutory duties inherited under the Flood and Water Management Act 2010
<b>ALTERNATIVE OPTIONS CONSIDERED</b>	The adoption of the report is a statutory duty.
<b>CONFLICTS OF INTEREST</b>	None.
<b>DISPENSATIONS GRANTED</b>	None.

#### **4. Quarterly Performance report - Q4 - 2012/13**

*(Item 5 – report of Mr Paul Carter, Leader and Cabinet Member for Business Strategy, Audit & Transformation and David Cockburn, Corporate Director Business Strategy and Support)*

Cabinet received a report which detailed the performance of the Council against key targets in the fourth quarter of the financial year and highlighted any areas of significant change or concern.

The Leader of the County Council, Mr Carter introduced the item as performance management now lay within the responsibilities of his portfolio. He was pleased that the report was largely positive, and reminded colleagues of the importance of robust quality assurance statistics, particularly in relation to Looked after and vulnerable children in Kent. He requested that the Quarter one paper for 2013-14 include how those services would be quality assured.

He also referred to the Health and Wellbeing Board and the debate which had occurred. It had been identified that in this area appropriate performance criteria would also be needed, once developed there some of that data would be shared within the regular performance report.

Richard Fitzgerald, Performance Manager, spoke to the item. In particular he referred to the following:

- That detailed dashboard reports were currently being received at meetings of the relevant Cabinet Committees.

The Cabinet Member for Adult Social Care and Public Health, Mr Gibbens reported from the perspective of his portfolio, he made the following comments:

- That he agreed with the need for public health performance to be reported.
- Enablement would be a key part of the transformation process and although currently at amber improvements were being sought as the target affected the most vulnerable residents in Kent

The Cabinet Member for Education and Health Reform, Mr Gough, spoke to the item. He reported that:

- Standards and improvement indicators had showed improvement and that the direction of travel was good, However schools in category was proving intractable and work would be undertaken to improve this indicator.
- That the overall account was positive and the work towards school improvement would continue
- That the Health and Wellbeing Board was working with CCG's currently to determine the indicators that would be used to measure performance in that area.

The Cabinet member for Communities, Mr Hill, reported that the Communities directorate was pleased with the improvements shown in particular in relation to the increased number of website visits.

The Cabinet Member for Economic Development, Mr Dance, spoke to the item. He reported that where his directorate had shown amber returns direction of travel was positive and referred to funding secured to entice companies to expand within Kent.

The Cabinet Member for Commercial and Traded Services, Mr Sweetland, asked cabinet to consider a further stretch target be introduced when a target reached green in order to encourage continuous improvement. The Leader asked that Richard Fitzgerald to consider and pursue this suggestion.

The Cabinet Member for Transport and Environment, Mr Brazier, reported that the results for his portfolio were satisfactory in most cases and above target in others. He expressed concern that customer satisfaction remained at amber and would hope to improve on this target.

In addition he commented on the increase of material being sent to landfill but assured members that this was a temporary occurrence related to changes in recycling centre services and closures for maintenance.

The Cabinet Member for Specialist Children's Services, Mrs Whittle, referred to the following information pertaining to her directorate.

- That a number of indicators remained red
- That a recent think tank report had inaccurately claimed that front line

Social Worker posts occupied by temporary staff at Kent were five times higher than is accurate. Action had been taken to address the inaccuracy.

- That the social worker recruitment website had been relaunched and it was hoped that the information on it, regarding life in Kent and working for Kent County Council, would help to encourage more social workers to apply.
- Despite there being some posts filled by temporary workers, case loads for Social Workers in Kent were lower than in many areas of the country. However the council continued to strive to improve the increase the number of permanent social workers.
- That the percentage of children being adopted in the last year had increased.

The Leader commented on the issue raised by Mr Sweetland regarding stretch targets and added to that a request that longer term targets be added to the report where appropriate.

## **CABINET**

**Quarterly Performance Report – Q4 – 2012-13**  
**17 June 2013**

1.	That the report be noted
REASON	
1	In order that Cabinet properly conduct its monitoring duties.
ALTERNATIVE OPTIONS CONSIDERED	N/a
CONFLICTS OF INTEREST	None.
DISPENSATIONS GRANTED	None.

**5. Items which the Chairman decides are relevant or urgent**  
*(Item 6)*

None