

Question 1

COUNTY COUNCIL

Thursday 23 October 2014

Question by Susan Carey to David Brazier, Cabinet Member for Environment and Transport

Last year one of my parish councils was warned by its insurance company that the parish council should not clear any snow and ice in case they set up an expectation that the area would be regularly cleared and leave the parish council open to a claim from anyone who slipped. As we make preparations for winter would the cabinet member for environment and transport give some guidance to parish and town councils and volunteers who want to help keep pavements and public areas in their community clear of snow and ice.

Answer

As Miss Carey states many parish councils are keen to get involved in snow clearance and this is welcomed by Highways, Transportation and Waste.

The question of liability has come up several times over the years and we have sought advice from our risk and insurance team. I have left copies of the advice received outside the chamber for Members to consider, but in short, Zurich Municipal, who insures many parish councils, advises it should not be a problem for parish councils to extend their normal business activities to include snow clearing. Whilst Zurich acknowledge there is an issue around expectation management, KCC's Risk and Insurance team's opinion is that they would hope the courts would prefer to see this activity taking place rather than abandoned due to the fear of being sued. KCC will provide this full guidance to any parish councils seeking to clear snow in their area.

The advice to parish councils also applies to town councils, though I recommend they seek guidance from their legal departments. However, it is likely that many town areas will be on primary routes cleared by Kent County Council and its partners as part of our local winter service plans.

For members of the public wishing to volunteer to clear snow or grit footpaths, if they are acting on behalf of the parish or town councils any potential liability should be covered by their own household insurance. If they are acting on their own initiative then they should abide by the guidance on the www.gov.uk website which states that

“despite some media reports to the contrary, it is extremely unlikely that someone who has attempted to clear snow in a careful manner will be sued or held legally responsible if someone slips or falls on ice or snow at their property. People should not be deterred from performing a socially responsible act.

Though the person clearing the snow does have responsibilities when doing the job, mainly to ensure that they are not making the area more dangerous by allowing it to

refreeze, it is important to note that those walking on snow and ice have responsibilities themselves. A common sense approach is encouraged.”

Question 2

Question by Martin Vye to Graham Gibbens, Cabinet Member for Adult Social Care and Public Health

Given the increasing number of residents of Kent falling into food poverty, as evidenced by those needing to make use of Foodbanks, will the Leader:

- undertake to make safeguarding of the budget for the Kent Support and Assistance Service a priority for 2015/16, in the case that Government does not continue its funding of this service; and
- will he take steps to ensure that the County Council, as the strategic lead authority for Kent, uses its influence to help coordinate the response to the crisis by voluntary and statutory organisations?

Answer

The Kent Support and Assistance Service (KSAS) was established following the abolition of central government operated crisis loans and community care grants, as part of the package of measures to reduce spending nationally on welfare payments. A reduced level of resource was allocated to county and single tier authorities to provide some emergency assistance. KCC used this money to establish KSAS, which is an innovative local welfare provision service that works with the voluntary and community sector and other partners to target funding at those most in need and has moved away from the purely financial transaction model that had previously existed. KSAS now plays a pivotal role by supporting those going through a financial crisis with the provision of information and signposting; emergency support (such as grocery products and reconnection of fuel supply charges); and non-emergency support (such as the provision of furniture, white goods and cookers).

Like Mr Vye, I and the Cabinet wish to express our support for KSAS, which has quickly established a good reputation as a service of first and last resort when Kent residents are faced with a crisis or have no other recourse.

Whilst I cannot make a firm commitment on the future KSAS budget at this stage of the budgetary cycle, I can confirm my preference is for the service to continue. As John Simmonds will inform Council colleagues shortly, in response to Mr Whybrow's question, it is our intention to roll-forward this year's forecast underspend into next year subject to there being no shortfall at the end of this financial year - and at this time, we are on track to balance the books.

It will be possible to provide greater clarity later in the budgetary cycle and a paper on the future of KSAS will be taken to Adults Social Care & Health Cabinet Committee on 4th December. I would be delighted to speak to Mr Vye at that time, when further details will be known, about the actions being taken by the County Council.

Question 3

Question by Ian Chittenden to David Brazier, Cabinet Member for Environment & Transport

Most of us love Kent's green landscapes but as I travel along the roads in Maidstone and the surrounding countryside I have noticed that much of our greenery has become overly rampant. More and more roadside signs are obscured, some are completely hidden and footways are becoming impassable.

In most cases residents, farmers and other landowners are responsible for cutting back hedgerows bordering their properties. However, it is Kent County Council that is responsible for safety on our roads.

Would the Cabinet Member for Environment and Transport please advise what steps Kent Highways are taking to ensure the county's hedgerows are properly maintained?

Answer

As has rightly been pointed out, in most cases the responsibility for cutting back of vegetation rests with the adjacent landowners. Kent County Council has a duty to ensure the highway is clear so as not to cause a danger for highway users.

As you are no doubt aware, we have a team that inspect the network at set frequencies depending on the classification of the road. In real terms it can mean an inspection takes place on either a monthly or six monthly basis for carriageways and monthly or annually for footways. Where vegetation is noted to be causing a safety issue, action is taken ranging from knocking on doors asking for the vegetation to be cut back, to legal action for non-compliance. If the overgrowth is considered to be of such severity that it is causing a potential hazard, then Kent County Council Highways, Transportation & Waste may take direct action to remove it to ensure public safety.

In addition, we have our highway stewards dealing with individual enquiries from parishes and customers. Each enquiry is investigated and the appropriate action taken depending on the severity of the issue.

We are given powers under the Highways Act 1980 Section 154 to carry out enforcement action if necessary. This however can be a lengthy process and take many months to bring to a conclusion. Whilst we have to take into consideration the bird nesting season, public safety will always come first.

As far as county-owned hedgerows are concerned, these are cut annually over the winter months.

Question 4

Question by Martin Whybrow to John Simmonds, Cabinet Member for Finance and Procurement

The Kent Support and Assistance Service (KSAS) is a vital lifeline for Kent's most vulnerable and impoverished residents. Would the Cabinet Member for Finance and Procurement confirm that any underspend (currently predicted at £2.691 million) will be ring-fenced for the purpose for which it was intended and will not be used to make up for any overspend elsewhere? This is regardless of whether or not the service continues to be financed next year by central government in light of the high court action by Islington Council.

Answer

I totally understand your concern Mr Whybrow, and it is our intention to roll-forward this year's forecast underspend into next year, subject to there being no shortfall at the end of this financial year. In these difficult financial times, if a shortfall occurs then we would have to reassess this situation, however at this this time I'm satisfied that we are on track to balance the books. We are very mindful of the value of this fund in supporting and assisting the most vulnerable, and I hope we are able to do so beyond the 31 March.

Question 5

Question by Rob Bird to Peter Oakford, Cabinet Member for Specialist Children's Services

Given the persistent excess of demand for Specialist Children's Services, and of unit costs, over the level budgeted for in this financial year, will the Cabinet Member for Specialist Children's Services specify what action has been taken to reduce the forecast deficit in the budget for which he is responsible, and how he proposes to eliminate the deficit by the end of the financial year?

Answer

Thank you for your question. Specialist Children's Services were set a challenging £7 million saving target for 2014/15, following a number of years in which spending had increased to reflect demand. This additional investment helped to substantially improve children's services in the county and culminated in the lifting of OFSTED's improvement notice in 2013.

As part of the council's Facing the Challenge, the service is now engaged in the ambitious 0-25 Transformation Programme with the assistance of our Efficiency Partner, Newton Europe. Following a detailed diagnostic assessment, it was decided that some elements of the initial savings plans would not be delivered in 2014/15 as these would impact on the long-term efficiency of the service. This means the service will overspend this year against that challenging saving target and currently this is

forecasted to be by £6.5 million. However, management action is already in place to reduce this by £1.9 million to a £4.6 million overspend. We are doing everything possible to reduce this even further, including continuing to raise with the government the £1.8m unfunded cost of unaccompanied asylum seeking children.

We are starting to see the impact of this action with a steady decrease in the number of children needing to be taken into care, reflecting the quality of our early help and social work services. In addition we fully anticipate that further savings will be achieved in subsequent years as the Transformation Programme progresses.

As a final note, one aspect of the service which has created a financial pressure in recent years has been the cost of employing agency staff due to challenges with the recruitment of permanent social work professionals. I am pleased to be able to say that we have recently taken action in this regard – by agreeing to a range of salary incentives that aim to attract the best talent to the county, and encourage the excellent social workers we already have to stay.

Question 6

Question by Dan Daley to Graham Gibbens, Cabinet Member for Adult Social Care & Public Health

With an apparently increasing likelihood of the Ebola virus eventually coming to the British Isles, would the Cabinet Member for Adult Social Care & Public Health please advise what preparations KCC's Public Health team have already made or are making for the immediate containment of any case - or epidemic in Kent - should this sadly come to pass.

Answer

The outbreak of Ebola virus disease (EVD), first reported in March 2014, continues in three countries in West Africa, Sierra Leone, Guinea and Liberia. Additionally other countries have experienced importation of cases (Nigeria, Senegal, USA) and limited local transmission has occurred (Nigeria and Spain).

Ebola can only be transmitted from one person to another by direct contact with blood or bodily fluids of an infected person. No cases of Ebola have been contracted in the UK; the overall risk still remains low, but never the less there remains a risk of importing cases from West Africa into the UK.

Public Health England (PHE) as the lead agency is co-ordinating the NHS response. PHE is providing regular information to front-line health services including Hospitals, Microbiologists, GP's, Ambulance Services, Community Pharmacists and Dentists, the Border Agency and the Private Hospital sector. Advice has also been provided to universities, schools and other childcare settings.

If a case is identified here in the UK there is robust, well developed, well tested NHS systems for managing unusual infectious diseases such as Ebola.

Enhanced screening in Heathrow, Gatwick and Eurostar has been recently initiated on the basis that these are the significant ports of entry for people travelling to the UK from West Africa.

The County Council has no specific responsibilities in respect of Ebola other than to gain assurance that PHE and the NHS have robust local systems. We must ensure that our role of informing and warning is co-ordinated with the NHS and PHE. I have asked for assurance that suitable protections are in place at the Port of Dover, to ensure, that people entering through the port are screened as appropriate. We are aware of the situation in Calais of people seeking entry to the UK and, therefore, it is very important that suitable protections are in place at Dover. Our communications team have good links with both PHE and local NHS.

In summary the risk of Ebola virus disease remains low in Kent and the UK. Never the less there is a real risk; PHE and the NHS have plans in place to prepare for and manage that risk.

Question 7

Question by Chris Hoare to Roger Gough, Cabinet Member for Education and Health Reform

On 15th May you told this council that the KSA contractor (Wilmot Dixon) had confirmed that they had delivered four apprenticeships, an offer of 60 days of work experience, for local students, and that the contractor made contact with K-College and Job Centre Plus to offer trade awareness, mentoring and shadow opportunities.

Each of those assertions has proved to be untrue. I have since shown you that Wilmot Dixon maintained throughout the life of the contract that they had no apprentices, and confirmed in writing to the Mystery Shopper that they did not provide apprenticeships. Towards the end of the contract, in their KPI reports to the council, they said that apprenticeships had been provided by their subcontractors. There has been no evidence of any subcontractor having any apprenticeships. And no evidence of any new apprenticeships being offered through or because of this contract. K-College agreed that there was a meeting with the contractor, but confirmed that no such places or trade awareness, mentoring or shadow opportunities were offered, and that there were no apprenticeships on the KSA site. Job Centre Plus confirmed the same.

What action do you propose to take on Wilmot Dixon's breach of their contractual commitments?

Answer

The detail provided on 15th May 2014 relates to the information provided by Willmott Dixon Construction directly. We have asked for substantiation of these figures with actual names and subcontractors who employed these apprentices. Willmott Dixon Construction have agreed to provide this information but this has necessitated contact with their subcontractors directly which has taken time. The project finished, in the majority, in April 2013 and therefore the attendance and subcontractor information has been archived since this time. I cannot agree that my answer to the

CCQ on the 15th May has proved to be untrue and I will address each of these in turn:

Within the Cabinet Office Mystery Shopper exercise of October 2012 which you have referred to, Willmott Dixon focussed their reply on the engagement with SME's, Employment of Local Labour and their engagement with the local community. Willmott Dixon confirmed that they do not directly employ Apprentices as they do not employ staff directly engaged in construction trades as is common with many large contractors. Willmott Dixon however do encourage their trade subcontractors to undertake this directly and this is how the upskilling/ apprenticeship requirement was met. The Mystery Shopper exercise confirmed that this was the approach that has been taken and indeed in your own question you go onto to confirm that Willmott Dixon did report that they have apprentices on site as part of the works.

With regard to engagement with the local employment agencies, Willmott Dixon did make contact with the local Job Centre Plus and K-college, and whilst this contact did falter due to changes in personnel, Willmott Dixon gave us assurance that they would make contact and continue this association for their subcontractor use. You have also shown me copies of correspondence which confirm in the case of K-college that this contact was made and that Willmott Dixon did provide opportunities but that the college was unable to take these up at that particular time. It must also be noted that apprenticeships may be arranged through a variety of organisations and are not always directly through the local FE college.

We take our responsibilities to manage the contract requirements seriously, and request updates on a periodic basis. Once the main construction period ended in April 2013, there was very little opportunity for further upskilling and apprenticeships. It was accepted by ourselves that Willmott Dixon had engaged with their subcontractors and had engaged within the local area. Our intention is to always to encourage our main contractors to look for additional upskilling opportunities and we know of a number of other organisations who are indeed working within Kent to provide Apprenticeships.

As you are aware we have subsequently met and you showed me hard copies of various documents which you took away with you. You undertook to provide copies of the various correspondence so that these matters can be looked into further. I have yet to receive these but please be assured if there is any evidence that our contractor has not delivered then we of course be taking appropriate action, however at the present time I am unable to agree with your assertions.

Question 8

Question by Brian Clark to Mike Hill, Cabinet Member for Community Services

I am sure members will agree that Kent's community wardens provide a valuable service, preventing low level crime in local communities. In reducing warden numbers from 79 to 40 across the county as outlined in the public consultation, there is a real risk that the scheme will become inadequate, local crime will increase and long term viability of community wardens called into question.

Beyond the consultation, can the cabinet member for communities explain how he will ensure that the quality of this service will remain fit for purpose, and how he will prevent residents, businesses and the county from bearing a cost greater than the savings made?

Answer

I thank Mr Clark for his praise and understanding of the value of the wardens which I fully endorse and it is with regret that we are having to propose a reduction in this highly successful service. But I recognise the realities of life and the enormous savings the authority is required to make and I accept that the warden service must play its part in achieving these savings. However I am absolutely determined that we will retain a robust and efficient service, even though there will be some reduction in the numbers.

Officers are working very closely with our Police colleagues to ensure that the high quality of the service is maintained and interlinked with the neighbourhood policing model.

Wardens will maintain a connection with the areas and localities they currently serve and will be tasked and coordinated via the local community safety unit to respond to any other appropriate issues across the District on a daily basis.

We are considering establishing a cadre of volunteer wardens across the county based upon the special police constable model. This I hope will provide an additional presence on the ground.