

COUNTY COUNCIL MEETING

Thursday 10 December 2015

**Question by Dr Mike Eddy to
Paul Carter, Leader of the Council**

On 8 October this year the European Straits Initiative issued a joint statement seeking to establish a commission to examine solutions to the challenges of migration in departure and hosting territories. Can the Leader of the Council inform members of the reasons why Kent County Council declined to take part in the joint statement and consequently why it does not wish to exchange and analyse practices of departure and hosting territories for a better answer to the migrant challenge?

Answer

Kent County Council recognises the challenges posed by migration and is happy to exchange information with our European Straits Initiative partners on this issue.

However the proposed Joint Statement was presented to us without warning and we were not prepared to hastily sign-up to this without giving proper and careful consideration to the text and its implications.

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**Question by Martin Whybrow to
Paul Carter, Leader of the Council**

Does the leader agree that cross-party consensus would strengthen Kent's devolution bid and please can he explain the role and timescales for member involvement?

Answer

Yes there should be cross-party consensus for any devolution bid from Kent. I do not believe that devolution is a party-political issue in KCC, in Kent, or across local government.

The vast majority of councils and councillors, irrespective of political persuasion, generally believe that local government is better placed to deliver services and make decisions affecting local people than either national Government or quangos.

What Ministers are seeking is evidence of genuine co-operation and consensus from across all local public services, and especially in two-tier areas between County Council and District Councils, so that they have confidence that any devolved or decentralised functions will be delivered appropriately.

What is disappointing has been the Government's policy focus on metropolitan areas in the north and, so far, requiring areas to adopt a combined authority with a directly-elected mayor in return for a devolution deal.

I continue to hold the view, like the vast majority of county council leaders across England, and also the District Leaders of Kent, that a directly-elected mayor isn't appropriate for our historic counties, and is particularly not suitable for Kent.

Whilst Kent did not submit a devolution bid by the initial 4th September deadline as we were not willing to consider a Mayor and a combined authority, the Government have made it very clear that they are willing to consider submissions at any time, and there are now suggestions following lobbying from the County Council Network that the Secretary of State may be willing to drop the condition of an elected Mayor.

Discussions between Kent Council Leaders, which includes the UKIP Leader of Thanet and the Liberal Democrat Leader of Maidstone, are ongoing. We are keen to not only seize the opportunity of devolution from Government, but also to reshape local government in Kent, so that functions and decision-making sits at the most appropriate tier of local government.

Those discussions are sensitive, but once a substantive agreement becomes clearer all Members of KCC will be engaged on any proposals, an approach I expect District Leaders will also take with their own elected members.

In regards to timetable, I remain hopeful that a submission can be made by the end of the financial year, but that depends on progress in discussions with Districts over the coming weeks, and the collective assessment amongst the Kent Council Leaders as to whether the deal that may be on offer from Government is worth the price that they may want us to pay.

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

Last month's members briefing on Child Sexual Exploitation (CSE) highlighted the importance of strong and effective relationships between KCC, district councils and other key agencies in identifying and preventing CSE in Kent. However, just a week later BBC South-East disclosed that Kent Police's high-tech crime unit - which deals with cases of suspected child abuse - has developed a 6 month backlog of cases.

In her probing report on the failures of Rotherham MBC Louise Casey highlighted the failure of councillors to seek assurance that CSE was effectively probed. Can the Cabinet Member for Specialist Children's Services give Kent's county councillors that assurance?

Answer

Thank you for the question. I am glad you found the briefing informative and you are right that effective partnership working is key in tackling child sexual exploitation. Kent County Council works closely with Kent Police and Health; on 2 December we jointly formed a specialist multi-agency child sexual exploitation team.

As you know there is now more awareness of child abuse and CSE than ever before. There is a challenge due to the growth in IT and internet enabled devices. The backlog of cases referred to has been created by the work that is carried out to identify perpetrators in order to bring them to justice.

The press story gave the impression that the backlog had not had any action taken on cases. I am happy to advise this is not the case; prioritisation, research and enforcement activity precedes the 'backlog' issue. In the vast majority of cases the police have already:

- Identified the risk
- Researched the intelligence to understand and prioritise
- Researched the suspects for any access to children or vulnerable persons
- Acted on the risk

I would like to reassure you I am regularly briefed on the actions the council is taking to tackle CSE and this is also communicated to Members in a variety of forums, where they are given the opportunity to ask questions and seek clarification if needed.

Definitions (provided by Working Together):

"Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes,

affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities.

Child sexual exploitation can occur through the use of technology without the child's immediate recognition; for example being persuaded to post sexual images on the internet/mobile phones without immediate payment or gain.

In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person's limited availability of choice resulting from their social/economic and/or emotional vulnerability."

Sexual Abuse – Involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening.

The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet).

Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

Supplementary Information:

In most cases when the police pinpoint an offending address an IP address is identified, which usually links to a household, so when a warrant is carried out dozens of internet enabled devices that may have been used could be retrieved. Any seized devices go to the forensic unit and this contributes to the backlog.

In most cases the suspect(s) will be arrested and put on bail. Their position in terms of access to children is considered and, if applicable, put through the Central Referral Unit to consider possible safeguarding issues for any identified children.

Kent Police is usually second only to the Metropolitan Police with the numbers of cases and victims identified for online paedophilia investigations, which is impressive given the size of the force.

Members may be interested to note that the risk assessment tool Kent Police developed is now recognised as the leading internet risk assessment tool and being rolled out worldwide.

There are a number of positive steps that Kent Police is taking which include purchasing some equipment which is being rolled out nationally, that will significantly cut down on the number of device seizures. This equipment will be able to triage the devices on site so it can be worked out what if anything needs seizing for further examination.

£300,000 is being spent in the next year on additional digital forensics staff across Kent and Essex to try and keep pace with this growth in demand. It is recognised there is a challenge to recruit staff when the public sector is a poor competitor to much of the private IT employment market.

Kent Police is also just going live as one of the early forces to launch the Child Abuse Image Database (CAID) which is a national secure identification database, so once an image is known it should never need to be looked at again as the database will identify its presence on a computer. A massive amount of images are already known and coded, so this will cut down on officer time in understanding that there are indecent images on a computer and having to trawl through and validate / grade those images for prosecutions. The issue will remain for unknown images, which can lead to new child victims being identified, but the software will support identification of possible unknown images which can then be looked at to check. New images will then be fed into the database and codified.

Kent Police is also involved with Liverpool University and the Child Exploitation and Online Protection Centre (CEOP) in a Home Office Innovation Fund project to develop three more pieces of software to support better risk assessments of grooming, honing in on exactly which device and where an image is captured.

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**Question by Tom Maddison to
Matthew Balfour, Cabinet Member for Environment & Transport**

With the ongoing highway issues experienced at the Dartford Thames River Crossing, which on numerous occasions is now causing horrendous congestion and traffic jams in and around Dartford and particularly my Division of Dartford NE, would the Cabinet Member please tell members and my constituents what discussions have taken place and what measures are proposed by KCC, Highways England and the Government to resolve the present diabolical gridlock that is occurring on a regular basis and so detrimentally blighting the lives and economy of the people of Dartford?

Answer

I share my colleague's view that the situation around Dartford is far from ideal following the introduction of the Dart Charge and in particular the queues that occur at junction 1a of the M25. I have certainly pressed Highways England on this matter and have attended a meeting with stakeholders and the local MP to discuss the issues. KCC officers have attended a technical workshop with the key stakeholders that was held to identify measures that can be taken quickly to help the local community. These measures are small changes that can be made, such as lane markings, yellow box markings and traffic signal timing changes. A further workshop is planned to take place on the 18th December which will look at medium term options to alleviate the congestion and will involve all of the key stakeholders. This work will identify what measures are possible and what funding might be required. Rest assured KCC is committed to working with Highways England to reduce the congestion that occurs.

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**Question by Andrew Wickham to
Matthew Balfour, Cabinet Member for Environment & Transport**

Following your efforts and those of the Kent MPs, it was very welcome to hear from the Government in the autumn statement about £250 million will be made available to find a solution to Operation Stack. This shows that the Government has acknowledged the problem is a national one and not solely a Kent problem.

Will the Cabinet Member be suggesting to Highways England for a number of smaller lorry parks which could deal with the desperate need for overnight lorry parking as well as providing a solution to Operation Stack, or will it be just one enormous park which is intended to provide the solution?

Answer

The £250 million allocated by Government in the Autumn Statement to “relieve the pressure on roads in Kent from Operation Stack with a new £250 million investment in facilities there” does show that this is a national issue, and as such, has been allocated to Highways England, who under instruction from the Department for Transport since July, has been conducting feasibility work on a number of potential sites for a lorry holding area along the M20 corridor. Highways England is expected to consult within the next month on the potential solutions to Operation Stack, during which representation will be made on the preferred option to ensure that the M20 remains open for two-way traffic during Phases 1 and 2 of Operation Stack.

We are also committed to try and find workable solutions to the daily problem of inappropriate lorry parking which plagues many of our communities. To the end, we are talking to partners, including districts and the police, about options available.

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**Question by Martin Vye to
Bryan Sweetland, Cabinet Member for Commercial & Traded Services**

Given the resolution of the Scrutiny Committee on 19th May that consultation practices regarding the previous street lighting review could have been more robust; and following the urgent training on consultation arranged for members and officers as a result, will the Cabinet Member for Commercial & Traded Services state what directives have been given to Directorates to ensure that the Gunning Principles, in particular that a consultation must be at a time when proposals are still a formative stage, are in future fully observed?

ANSWER

[Scrutiny Committee resolution:

RESOLVED that the Committee notes that the development and delivery of the 2010 Street Lighting Strategy was undertaken to benefit the people of Kent and also to meet KCC's strategic objectives, including cost and carbon emission reductions.

Having examined the detailed review provided to the Committee it is noted that some of the due process could have been better observed. The Committee notes that elements such as use of Equality Impact Assessments, appropriate consultation practices and effective Member-led decision making processes could have been more robust.

The Committee recommends that the relevant governance processes be reviewed and strengthened as may be required.]

Answer

To ensure all Members are aware of the relevant guidance, the Gunning Principles, which outline the requirements for legally compliant consultation are as follows;

- Proposals must be consulted on while at a formative stage
- Sufficient information must be provided to allow respondents to give an informed response
- Sufficient time must be allowed to ensure respondents can access, understand and consider proposals
- The outcome of the consultation must be conscientiously considered before the decision is made.

It should first be noted that the resolution of the Scrutiny Committee in May 2015 considered all elements of the decision making process in relation to the development of the 2010 Street Lighting Strategy (and subsequent implementation as Safe and Sensible Street Lights 2013) and did not find fault with the general consultation practices of KCC.

Regular training sessions on consultation best practice and legal requirements have been delivered by the Corporate Consultation Team as part of normal business to a significant number of Members and Officers since September 2011. This was recently complemented by additional training provided by the Consultation Institute, an external body that seeks to promote best practice consultation.

The Corporate Consultation Team consistently provides advice and guidance to all directorates to support the delivery of a growing number of consultations. The development of this corporate resource was undertaken in 2011 to provide Officers and Members with expert and impartial advice and guidance from outside the operational directorates. Guidance for Officers and Members may be found on Knet, with clear information requesting that staff contact the Consultation Team as soon as potential service or policy change has been identified. Additionally, the Corporate Lead for External Consultations maintains a future work programme linked to the directorate business plans to ensure consultation planning can be undertaken at an early stage.

While best practice for consultation has been embedded through the corporate service, the Scrutiny Committee's resolution has led to further work being undertaken to ensure continued compliance and improvement for consultation across all directorates. For example, it is now a requirement that all Equality Impact Assessments, produced by directorates prior to consultation, are formally signed off by the Corporate Equality and Diversity Team and the responsible service Director. This additional check seeks to ensure compliance at senior level with relevant equality legislation and consultation best practice. This service was last audited in 2012, and the next scheduled audit will be in 2016. We will of course consider the findings of this report and implement the recommendations from this.

The first Gunning Principle, that consultations must be conducted while proposals are a formative stage, does not prevent KCC from presenting a preferred option based on evidence-led business planning. Given the significant financial implications of any alterations to KCC policies or services, considerable research and evaluation should be conducted by Directorates in the development of proposals prior to consultation. Once consultations close, the results are analysed and the outcome considered by the Directorate and relevant decision maker alongside any additional evidence. At this point, there is an opportunity for the service change or policy to be amended in response to the consultation prior to implementation. This potential for reconsideration or amendment by the decision maker ensures that consultations allow respondents to contribute while proposals are at a formative stage.

As has been emphasised at previous County Council meetings, consultations are not referenda to be decided in a popular vote. Consultations are an opportunity for

interested parties to share their views with KCC, to influence policy making and to have their issues addressed. Consultation Reports or relevant Committee papers should evidence the consideration given to consultation responses prior to the endorsement of proposals.

Members should be confident that there is a dedicated corporate service that supports Directorates in delivering effective consultations. Cabinet Members and Senior Officers appreciate the benefits of best practice consultations in the designing of services that meet the needs of Kent residents and understand their responsibilities in ensuring compliance with legal requirements. To support this commitment, a set of consultation principles for KCC has been developed by Officers and will soon be presented to the relevant Cabinet Committee for approval and adoption by this council.