

COUNTY COUNCIL

Thursday 19 October 2017

**Question by Bryan Sweetland to Matthew Balfour,
Cabinet Member for Environment Highways, & Waste**

Will the Cabinet Member please inform the Council what measures he has taken to ensure that adequate environmental protection and mitigation will be provided for my constituents in North Kent, many of whom will be adversely affected by the Government's announcement to build a new Thames River Crossing at Gravesend.

Has he or the Leader had any meetings with senior officials from Government or Highways England since the announcement to enable him to actively lobby for more tunnelling in Kent section, together with addressing the potential for a worsening of air quality in this part of Kent, which already exceeds the legal limits."

Answer

Since the preferred route announcement on 12 April, meetings have taken place with Highways England at officer and member level. We have continued to make the case for environmental mitigation, including the removal of the proposed junction with the A226, which as well as reducing traffic and air quality impacts on the local road network by containing traffic on the strategic road network, will also enable the tunnel portal to be moved further south than was previously proposed.

We have also supplied design information to Highways England that shows the potential for tunnelling the entire route to the A2, or as a minimum with some sections in deep cutting. This will help to reduce the air quality impacts as well as reduce noise and visual intrusion. Highways England is currently undertaking an Environmental Impact Assessment of the preferred route and we expect a further consultation when we will have the opportunity to comment on their environmental assessment and continue to make the case for mitigation measures to protect constituents in North Kent.

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Thursday 19 October 2017

**Question by Mike Whiting to Matthew Balfour,
Cabinet Member for Environment Highways, & Waste**

Will the Cabinet Member confirm this Council's disappointment with Highways England's proposal for option 12a to improve junction 5 of the M2 at Stockbury, and will he confirm his support for options 4 and 10, which both provide a solution to the problems experienced by drivers today and will safeguard against further growth in traffic in years to come?

Can he also confirm that a response to the current consultation rejecting option 12a and supporting options 4 and 10 has been submitted to Highways England by the County Council?

Answer

I share your disappointment with Highways England's preferred Option 12A to improve M2 Junction 5. Kent County Council has responded to the consultation making the case against Highways England's preferred Option 12A and insisting that Highways England reconsider and bring forward the previously discarded Option 4 as the scheme that will deliver sufficient capacity improvements to enable growth.

Whilst we welcome improvements to the M2 Junction 5 funded and delivered by Highways England through the Road Investment Strategy, we cannot support the proposed Option 12A scheme because the proposal does not provide a free-flow link for movements north and south along the A249. Our analysis of the proposed scheme indicates that the introduction of a signalised 'Hamburger' roundabout shown in Option 12A will cause unnecessary delay and congestion due to uneven and high traffic flows and will fail to increase capacity or improve safety.

Our analysis shows that Option 4 is the best solution as it will allow for free-flow movements for all of the dominant flows through the junction, whereas Highways England's preferred Option 12A, and the other alternative Option 10, do not. Option 4 is also closer to the scheme's budget than Option 10.

Kent County Council's response to the consultation stressed that the current preferred option is a missed opportunity to address existing congestion and is wholly inadequate to accommodate future growth.

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**Question by Shellina Prendergast to Matthew Balfour,
Cabinet Member for Environment Highways, & Waste**

Residents of Hollingbourne, part of my electoral division, tell me they are concerned about the traffic issues that may arise following the departure of the UK from the EU in March 2019. The UK Chamber of Shipping, the Road Haulage Association and the Port of Dover have all been reported in the media as having concerns if there is no Customs Union, and the ensuing disruption to free flow of traffic if lorries are forced to queue in Kent to get across the Channel.

Hollingbourne, sitting at J8 of the M20, felt the brunt of the 35 day Kent wide chaos caused by Operation Stack in 2015. Many residents were unable to leave their homes to access schools or jobs, and businesses suffered – indeed the phrase “Maidstone is closed for business” was often heard during that difficult time.

Whilst I appreciate we are still in the early days of negotiations to exit from the EU and that these are taking place at a national level, what assurance can the Cabinet Member give residents of Hollingbourne, and other parts of Kent, as to what measures are being taken to prevent the events of 2015 becoming an everyday occurrence post March 2019?

Answer

I fully understand the concerns of Kent residents who do not want to see a repeat of the Operation Stack chaos.

As chair of the Strategic Freight Group which has representatives from Government and private sector organisations, I have written to Chris Grayling, expressing our concerns around the lack of clarity for custom arrangements post Brexit and the potential impact this could have on Kent’s roads and communities.

Freight fluidity is essential to the efficient operation of the ports and the Kent and UK economy. The Group is concerned that without confirmation of what customs arrangements will look like after Brexit, both the EU and UK ports could potentially not be ready to cope with the increased customs checks required.

We are therefore asking the Government to engage with all stakeholders to prepare and produce detailed plans for as soon as possible. What we do not want is a repeat of the disruptions in 2015 when Operation Stack was in place for 32 days.

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**Question by Tony Hills to Matthew Balfour,
Cabinet Member for Environment Highways, & Waste**

When looking at the Winter Services provision at the recent Shepway Joint Transportation Board councillors wanted to know whether Highways England had a matching plan and if they had special arrangements in place for known trouble spots when we have snow and ice. Could the Cabinet Member for Environment, Highways and Waste inform us what liaison there is between Kent Highways and Highways England for winter services. We are ready, are they?

Answer

I am happy to inform Mr Hills that KCC's Highways Team works well with Highways England to share information regarding the provision of the winter service. Highways England has a nationally defined plan which is adopted and adapted by Managing Agent Contractors who carry out the maintenance of the motorways around the country .The Contractors responsible for the M20, M2 and Kent section of the M25 is A One Plus. They share their plan with KCC and we in turn share our plan with them. Both authorities prioritise the key parts of the network such as the top of Detling Hill where it meets the M2. Salt-sharing arrangements are also in place for KCC to have access to the Highways England depot at Stanford in the event of a snow emergency. Daily road weather forecasts are sent out by each authority to a large number of contacts across the south east so that all know what gritting actions will be undertaken.

A South East winter group is currently being set up with authorities from across the South East to share best practice and collaborate where beneficial.

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**Question by Sarah Hamilton to Matthew Balfour,
Cabinet Member for Environment Highways, & Waste**

Can we be reassured that retail owners & residents will not be held liable (for accidents or falls) if they clear snow or ice from the highway. There has been concern about this during bad weather in the past.

Answer

As Mrs Hamilton states, many businesses as well as individuals are keen to get involved in snow clearance when needed during a snow emergency and this is welcomed by Highways, Transportation and Waste. The issue of being sued if snow or ice is cleared from a road or footway is of concern and has been raised in the past. In response to this the government has issued guidance which states that it is unlikely that anyone would be sued or held responsible if someone is injured on a path or pavement if it's been cleared carefully. The guidance is available on Gov.uk. This is referred to as 'the Snow Code' and there is a link to it on the Kent.gov winter pages along with other guidance for road users in winter conditions.

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**Question by Rob Bird to Matthew Balfour,
Cabinet Member for Environment Highways, & Waste**

The Government has recently advised that it intends to roll out a Lane Rental scheme nationally following the successful pilot schemes run in London and Kent. The Kent Lane Rental Scheme (the KLRS) was introduced in 2013 and is currently applied to the 5% of Kent roads deemed to have the highest priority.

Would the Cabinet Member please advise on how the success of the KLRS has been evaluated and give an undertaking that the scheme will be applied as soon as possible to other high priority routes through Kent which have been blighted by an unrelenting sequence of protracted road works and congestion?

Answer

The Kent Lane Rental Scheme has been evaluated by the Department for Transport. The full report including case studies and data analysis can be found on KCC's website. In summary the main findings were:

- The scheme has delivered savings to the Kent economy in excess of £4.6m and;
- The average time for urgent and emergency works on roads covered by the scheme has dropped from 4 to three days.

Currently the DfT only allows lane rental to be applied to strategic roads to a limit of 5% of the total road network. Annual adjustments can be made to reflect changes that occur overtime but the expectation is that whilst some roads may be added, others will be removed to maintain a balance.

The Department for Transport is consulting about the future of Lane Rental Schemes and the consultation refers to both Kent's and Transport for London's pioneer schemes and the benefits these schemes have brought to people living and working in Kent and London. The consultation outlines a number of options and there is no predetermined intention by government to roll out a scheme nationally. This position was reaffirmed by DfT at a consultation seminar on Monday 9 October.

Any outcomes from the consultation are very unlikely to be implemented before the Autumn of 2019 due to lack of parliamentary and legal time.

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**Question by Antony Hook to Mark Dance,
Cabinet Member for Economic Development**

Can the Cabinet Member for Economic Development provide the Council's current best estimate of how many jobs in Kent are connected to cross-Channel trade and what is the estimated value of that trade for the Kent economy?

Answer

There are no official statistics for the number of people employed in Kent who are connected to cross-Channel trade nor are there statistics for the value of that trade.

However surveys have shown that 10% of Kent based companies export goods or services: this indicates that approximately 6,000 Kent companies are exporters. We estimate that Kent companies sell approximately £4.4 billion of goods & services abroad each year - £1.8 billion to EU countries and £2.6 billion to other international markets.

60,000 people are employed by Kent-based exporters with an estimated 24,000 being employed by firms which export to EU countries. 21,000 jobs in Kent are connected either directly or indirectly to the operations of the Port of Dover. These include mechanics, engineers, caterers, cleaning staff among others.

We have not been able to estimate of the number employed in Kent who are linked to international trade such as:

- Foreign exchange & currency (banks & financial services)
- Insurance & legal advice
- International accounting
- Certificates of origin
- Translation & international marketing support services
- Consultancy services & advice for exporters
- Jobs at the county's other ports & the Channel Tunnel
- Jobs within the main cross-Channel freight operators and lorry parking facilities
- Border control and customs officers
- Roles related to the import and distribution of EU originated goods, materials and components.

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**Question by Trudy Dean to Matthew Balfour,
Cabinet Member for Environment Highways, & Waste**

Would the Cabinet Member please say how the County Council will respond to Sajid Javid's recently issued requirement to increase housing requirement in Kent through Objectively Assessed Need' formula, and will he include in answering how this new instruction will affect local councils currently preparing their local plans, and whether the referral of Maidstone's Local Plan to the Secretary of State has been helpful?

Answer

The Secretary of State is currently consulting on a number of proposed changes to planning policy and legislation. One of the Government's proposals is to standardise the approach to assessing local housing need. Kent County Council will be submitting a robust response to the consultation having been approved by the Executive by the closing date of 9 November.

The proposed methodology, if implemented, will have significant implications where increased housing growth falls and also for the timely preparation of Local Plans, regardless of the transitional arrangements set out in the consultation document. In particular, those local planning authorities who are unlikely to submit a Local Plan by 31 March 2018 will face considerable uncertainty as they await the Government's response to the consultation and revisions to the National Planning Policy Framework. For those authorities who have submitted a Local Plan, it is likely that it will be subject to an early review in order to take account of the implications of the new methodology.

The County Council is aware of the correspondence from Helen Whately MP to the Secretary of State regarding the Maidstone Local Plan, in which she raises a number of concerns, many of which have been expressed by officers of this Authority in previous representations made on the Local Plan. However the Secretary of State has decided not to intervene and Maidstone Borough Council is now intending to adopt the plan later this month.

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**Question by John Wright to Matthew Balfour,
Cabinet Member for Environment Highways, & Waste**

Can the Cabinet Member assure me that the County Council will seek to work with District and Borough Councils to lever as much of the £1.8bn Local Road fund announced by the government in July?

Answer

The announcement by Government on 5 July as part of a new Transport Investment Strategy was that Local Transport Authorities would get a share of the 'National Roads Fund', which thus far has only been allocated to Highways England for the Strategic Road Network; the motorways and trunk roads. This additional funding will come from the ring-fencing of income from Vehicle Excise Duty (VED) from 2020/21. However, the funding will only be available to roads that are part of a new category; the 'Major Road Network', or the busiest local authority A roads.

A government consultation on the potential make-up of the Major Road Network is expected later in the year and Kent County Council, along with partner authorities in the South East, will work to define the Major Road Network in our area and respond to the consultation accordingly. It is then expected that the additional funding from the National Roads Fund for this Major Road Network will be available from Government post 2021, although the Government has yet to comment on the details of how this fund will be accessed. Once this is known, Kent County Council will work with all partners to ensure that Kent can attract as much funding as possible to improve its road network.

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**Question by Karen Constantine to Roger Gough,
Cabinet Member for Children, Education & Young People**

Can you clarify the situation with regards to High Needs Funding, (HNF) for East Kent College, Thanet. Last year this funding was cut by £800,000.

What thought and assessment, has been given to funding for this academic year, given the dire impact that Education cuts have on those young people in Further Education.

Answer

Kent County Council did not cut High Needs Funding to East Kent College by £800,000 last year nor does it owe this money. Two colleges, East Kent and Canterbury College made a number of applications which were declined as part of our criteria for High Needs Funding

Similarly, nor has the High Needs Funding budget been cut. Like many local authority areas the demand on this budget has increased significantly while at the same time our budget for High Needs funding from the Dedicated Schools Grant (DSG) has not been sufficiently increased by government as part of the national schools' funding arrangements. We have used our current local discretion to substantially increase the budget for High Needs at the expense of other aspects of the DSG. As a consequence we are spending over £8m in FE Colleges. The number of students for whom we are providing funding has doubled in the last three years with the greatest proportion of the growth in East Kent and Canterbury Colleges, where the incidence of high needs far exceeds that of other colleges

In September 2016 the County Council had to decline applications from East Kent and Canterbury Colleges because the students concerned were not eligible. The combined applications totalled £696k, with the East Kent invoice representing £431k. For some students KCC was not their home Council and for others the Department for Work and Pensions was responsible for providing a job coach, not the Council. The Council wrote to the College to explain why these were turned down.

We have made clear that young people who have applied for places at the College on Supported Learning programmes can be enrolled without the need for pre-agreement of High Needs Funding. We are clear in communicating to families that there is absolutely **no requirement** in law, or for funding purposes, for young people aged between 16 and 18 to have an EHC Plan in order to be able to be classified as a high needs student and access funding. Each request for High Needs Funding (HNF) is considered on an individual basis, based on assessed need supported by relevant evidence.

Many of these young people are effectively mainstream students who will be enrolling having completed Key Stage 4 courses at Secondary school. Central Government

expects all colleges to provide the first £6,000 of additional support for every student who has additional learning needs. Where any individual students need additional help, outside the cost of the course, which costs more than £6,000 per year, then all colleges can apply for High Needs funding. It is an application process and it is the County Council's role to determine whether a student has high needs that meet the criteria for funding. If the College is making its own assessments and assumptions which pre-empt the County Council's decision, we cannot accept responsibility for those decisions.

When a funding application is agreed the County Council reimburses the college for the whole amount of the student's additional support, including the £6000, which is not the case in schools. Consequently colleges have a far more favourable allocation of High Needs funding compared to schools.

We are currently carrying out a review of High Needs funding for all colleges, and we have completed a review of High Needs funding in schools. We want to ensure that the difficulties this year are fully discussed with the colleges and any new approaches well understood by them.

Going forward the budget for High Needs funding has been effectively capped by the new National Funding formula, with only 0.5% uplift allowed in 2018-19. This means that we have to manage within the available resources when allocating this additional resource to schools and colleges.

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**Question by Barry Lewis to Graham Gibbens,
Cabinet Member for Adult Social Care**

Can the Cabinet Member with responsibility for adult social care confirm that the closure of the two residential care homes in Westgate, Ashbury Court and Norfolk House is absolutely necessary? Can you confirm that the owners Orchard Care have properly consulted all those involved and robust steps have been taken to mitigate any negative impact in all those concerned.

Answer

Thank you for your question.

Orchard Care gave notice on 22 September that they will be closing these two homes by 30 October 2017. We have robustly challenged the lack of the 3 months contractual notice however they have already given notice to their staff and all the residents will need to be moved.

Both these homes had been rated as “Inadequate” by the Care Quality Commission in the last year and have been subject to repeated inspection. The Council will always work with providers, in particular around raising and maintaining good standards. However on this occasion, Orchard Care decided to close their homes and this is not something that the Council can control.

Orchard Care has assured us that they will work with the Council to find suitable alternative placements. Case Managers are reviewing the needs of all individuals and are working through processes to seek alternative accommodation that meets their needs. The Council’s Care Home Closure protocol has been implemented and will make sure the residents, and their families, are central to all decisions.

To reassure members more widely across the county, the council works closely with both the CQC and with Health partners to ensure that both acceptable standards of care are maintained and that there is the right mix of services available. As part of this we are using some of the additional funding available from the improved Better Care Fund (iBCF) to develop and support both residential and domiciliary care providers.

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**Question by Ian Chittenden to Matthew Balfour,
Cabinet Member for Environment Highways, & Waste**

Many car manufacturers already have on sale or are developing electric or hybrid cars which will be on sale within the next two years. This include Nissan, Volvo, BMW, Volkswagon and all the other main manufacturers now selling vehicles within the UK.

Norway and the Netherland have both announced that every new and refurbished house within their countries are to be equipped with vehicle recharging points by December 2017. The Netherlands are considering phasing out non electric vehicles by 2025.

Kent County Council are in the process of updating the Kent Design Guide for housing. I would ask if the Cabinet Member would ensure that included in the new document it is a requirement that all future new and refurbished houses be equipped with vehicle recharging points, and that suitable number of recharging points are also provided for residents of Multi story apartment blocks.

Answer

The County Council is not updating the Kent Design Guide. The County Council is leading on the Kent Design Initiative with a focus on how design is applied to create place. Design should be considered in a broader context than just aesthetics and should include 'future proofing' new design. It should therefore embrace a range of factors including provision for new technologies emerging from the motor industry. However any initiative will not, and cannot be prescriptive in terms of matters governed by Building Control.

On 6 March 2018, KCC is bringing together planning colleagues from Kent's Districts, supported by Design South East, to engage in a debate about the delivery of better design which will be followed by a similar discussion with the development industry. The objective from both is to engage with these professionals involved in delivering design across Kent, share best practice and agree the key principles. These principles could be applied in a variety of ways including through Districts' design panels as well as recognising their impact with Kent Design Awards.

The issue of how design includes appropriate utility provision to support new technology, for example vehicle recharging points will be included as part of these discussions.

In addition, we are working closely with our Public Health colleagues and District Councils who have statutory responsibilities for monitoring air quality developing a Low Emissions Strategy for Kent to tackle the rising problem of poor air quality. A first step will be to understand the data that is already available, which will us to help identify particular areas of action on which authorities need to focus which includes EV charging points.

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**Question by George Koowaree to Matthew Balfour,
Cabinet Member for Environment Highways, & Waste**

At the last Ashford JTB meeting Barrey Junction on A2070 Ashford was updated by Highway England, in paragraph 2.4 on page 2 of the report it read Highway England Officers have investigated potential funding internally.

A report on Kent Online on 29th September mentioned that KCC are considering asking businesses to fund new traffic lights at that junction. One retailer is fuming if such a request is on the agenda.

Will the Cabinet Member confirm or deny that such a request is being contemplated and say where he believes the funding will come from?

Answer

Highways England are leading discussions regarding funding for potential improvements at the junction and it has been stated that there may be a need for match funding if a scheme were to go ahead. This means that all possible avenues need to be explored by Highways England, including if there are potential contributions from the business community. This is not an uncommon approach in such instances.

This is not a KCC scheme although officers have commissioned consultants to develop proposals further and are working closely with Highways England to identify construction options and costs. Highways England has been asked to provide their assessment of both the scheme evaluation and potential funding streams. The report to Ashford Borough Council JTB stated that the current round of traffic monitoring would be completed by the end of September, and Highways England will report to all parties by mid-October. Highways England will then confirm final costs and continue with the identification of potential funding streams, working with partner organisations and key stakeholders. It is then expected that by the end of October Highways England will present final outcomes, intended proposals and timeframes to ABC, KCC and key stakeholders.

COUNTY COUNCIL**Thursday 19 October 2017****Question by Martin Whybrow to Matthew Balfour,
Cabinet Member for Environment Highways, & Waste**

Will KCC be objecting to the planning application from Shepway District Council for Princes Parade in Hythe, adjacent to the scheduled monument, the Royal Military Canal, in line with KCC's Places and Plans Preferred Options submission in 2016? To quote KCC's own words from that submission, development "could cause very great harm to the significance of the Scheduled Royal Military Canal by change in its setting. The openness between the canal and the coast is especially important in telling the story of the canal, its purpose and its specific design. This is because the canal was designed to protect against invasion from the sea. As such the seaward setting of the canal makes a substantial contribution to its significance."

Answer

The Kent County Council Officer response (January 2017) to the Places and Policies Local Plan consultation did include concerns about the impact of development at Princes Parade, Hythe on the significance of heritage assets, namely the Royal Military Canal. However, for the avoidance of doubt, these specific concerns were raised by the Heritage Conservation team and should not be misconstrued as representing the position of the County Council on the principle of development at this site. For the sake of completeness, I would also draw your attention to the fact that the consultation response did also address a range of other environmental and technical matters relevant to the emerging Local Plan allocations and policies.

Kent County Council has since been consulted on the hybrid planning application recently submitted by Shepway District Council for the development of land at Princes Parade. Officers will respond on a range of environmental and technical matters, in due course. It is then for the District Council - as local planning authority - to consider the responses received from consultees when determining the application. In relation to the Royal Military Canal, Shepway District Council will have regard to the relevant guidance set out in the National Planning Policy Framework when considering the impact of the proposed development on the significance of the heritage asset.

COUNTY COUNCIL**Thursday 19 October 2017****Question by Ida Linfield to Paul Carter,
Leader of the Council and Cabinet Member for Health Reform**

In the early summer EKHUFT removed services from Canterbury to Ashford with no consultation; in mid-summer the waiting times in A & E in East Kent were the worst in the country; in the autumn both the Chair and the Chief Executive left in haste - there will now be a temporary Chief Executive until next Spring -and winter is fast approaching which, we are told, will be accompanied by a vicious flu epidemic. Local residents have expressed their grave concern about their health and wellbeing.

Could the Leader as the Cabinet Member for Health Reform please tell the Council what he knows about the current position at EKHUFT, and whether he is confident that EKHUFT can provide adequate services to patients and safe working conditions for staff? In his answer could he say whether he would support the Programme Board for the Sustainability and Transformation Partnership carrying out a deep dive investigation into the position in East Kent including capturing the experiences of patients?

Answer

Thank you for your question and I am aware of the current position with EKHUFT and I fully understand the patient concerns. However, as Kent County Council does not have statutory responsibility for delivering these services, we are not in a position to assess whether EKHUFT provides adequate services to patients and safe working conditions for staff. This is a question to ask the relevant health bodies who have the statutory responsibilities for patient and staff care.

That said, the impact of the service changes have been raised through the relevant governance mechanisms the council is involved in to ensure that significant focus has been placed on this issue. The Kent Health and Wellbeing Board discussed the change to services at its 14th June meeting, where Health colleagues provided assurance that the service transfer was done to protect quality and clinical safety and that it was an emergency measure related to workforce.

Winter preparedness was discussed at the 20th September Health and Wellbeing Board and NHS England provided information on their plans and current activity to provide system wide resilience. The Board agreed that further assurance would be sought from NHS England to address concerns about the anticipated flu epidemic and capacity issues and these will be discussed at their 22 November meeting.

Additionally, Healthwatch Kent are already gathering patient experiences and are in communication with NHS colleagues about the pressures in A and E in East Kent and how patients can be supported with information and advice. They are shortly going to begin a project looking at experience of discharge across East Kent which will also pick up on issues of capacity and patient experience. The Chief Executive of Healthwatch Kent is a

statutory member of the Health and Wellbeing Board and will ensure patient voices are included in all discussions.

Kent County Council will continue to do all that we can in our role through the STP Programme Board to help and support health and social care integration. This includes working with colleagues in EKHUFT, as well as in the other Kent hospitals, to facilitate timely discharges and appropriate support in the community. This is supported through the Better Care Fund in a number of schemes, including: increasing capacity in our enablement service and supporting rapid discharge.