

## **SCRUTINY COMMITTEE**

MINUTES of a meeting of the Scrutiny Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday 13 September 2023.

PRESENT: M A Booth (Chairman), Mr P V Barrington-King (Vice-Chairman), Mrs R Binks, Mr T Bond, Mr D Brazier, Mr P Cole, Mr N Collor, Mr M Dendor, Mr A Hook, Rich Lehmann, Mr H Rayner, Dr L Sullivan

ALSO PRESENT: Mr N Baker (Cabinet Member for Highways and Transport), Mr A Brady (Member for Canterbury City North), Ms M Dawkins (Member for Canterbury City South), Mr D Jeffrey (Cabinet Member for Communications and Democratic Services), Mr R Love OBE (Cabinet Member for Education and Skills)

IN ATTENDANCE: Ms H Carter (Parent Governor Representative), Mr C Chapman (Interim Assistant Director of SEND Processes and Head of Fair Access), Ms H Chughtai (Director of Highways and Transportation), Mr R Clark (Procurement and Commercial Manager), Mr J Cook (Democratic Services Manager), Mr R Emmett (Senior Highway Manager), Mrs K Goldsmith (Scrutiny Research Officer), Mr S Jones (Corporate Director for Growth, Environment and Transport), Mr A Loosemore (Head of Highways Asset Management), Mrs C McInnes (Director of Education and Skills), Ms A Taylor (Scrutiny Research Officer), Ms L Tricker (Democratic Services Officer), Mr B Watts (Monitoring Officer)

### **UNRESTRICTED ITEMS**

#### **11. Declarations of Interests by Members in items on the Agenda for this Meeting** *(Item A3)*

The following declarations were received:

Mr Brazier made a declaration as recent former Portfolio Holder for Highways and Transport and stated he would not vote on any items relating to this portfolio.

Mr Rayner made a declaration as Deputy Cabinet Member for Finance, Corporate and Traded Services.

#### **12. Minutes of the meeting held on 19 July 2023** *(Item A4)*

1. The Chairman asked for an update on the SEND Sub-Committee.
2. Mr P Cole, Chair of the SEND Sub-Committee, explained that the group was moving forward with additional dates to scrutinise and sign-off the Accelerated Progress Plan. The Sub-Committee were also planning a visit to Malling School and were waiting for the new key performance indicators to be shared with sub-committee Members. A new team and structure had been agreed and a recruitment process was underway for these roles.

RESOLVED that the minutes of the meeting held on 19 July 2023 were an accurate record and that they be signed by the Chairman.

**13. Call-in of Decision 23/00069 - Post 16 Transport Policy Statement including Post 19 for 2024/25**  
*(Item B1)*

*Mr Craig Chapman (Interim Assistant Director of SEND Processes and Head of Fair Access), Mr Rory Love OBE (Cabinet Member for Education and Skills) and Ms Christine McInnes (Director of Education and SEN) were in attendance for this item.*

1. Mr Brady stated that he had called-in the decision for three reasons. Firstly, no risk analysis had been undertaken to fully understand the impacts that removing free transport would have on young people with SEND who wished to access further education and training. Secondly, very little financial detail had been provided to outline what support would be offered to those families on low incomes who currently utilised the free transport. Thirdly, the decision was not in line with the policy framework. He felt that the Scrutiny Committee needed to consider the financial pressures that would be placed on vulnerable families and needed to listen to parents, of whom the majority did not agree with the proposal. Mr Lehmann added that he had called-in the decision due to the lack of risk assessment surrounding the decision and the need to further understand its implications, as well as to consider any alternative proposals which had been presented, including alternative methods of commissioning home to school transport such as an in-house KCC bus service.

2. Mr Love OBE replied and explained that KCC provided a generous offer for young persons' transport compared to other local authorities, but authorities were not legally obliged to provide any support for post-16 transport. Due to the Council's current financial position discretionary spending had to be reviewed, particularly in regard to the overspend of the home to school transport budget. The Kent travel saver card could be used if the young person was of sixth form age, and support was in place for those on low incomes such as a pay by instalment scheme and discounts. The team had considered an in-house KCC bus scheme some years ago, but this had not been viable, so were now considering education providers running transport although this was in a very early stage.

3. Members asked the following questions and made comments to Mr Love and Mr Chapman:

- a) A Member raised a concern regarding the cost of transport for parents and requested additional figures outlining the potential cost.
- b) A Member raised a concern regarding the social impact of removing free transport for young people with SEND, as it could have an impact on their social development and independence, and asked for a social impact study. Mr Love OBE explained that as the policy would be phased in from September 2024 it would be difficult to understand the social impacts of the decision as there were many influencing variables, and many families had not yet decided on their preferred course of action. Mr Chapman added that a mitigation

analysis had been included in the original papers, and the consultation document included a mitigation section.

- c) A number of Members asked for figures regarding the number of people who would be affected by the proposal.
  - d) A Member stated that the Kent travel-saver card was only available to people aged 19 and under, and asked if the Cabinet Member would consider extending the travel-saver to people aged up to 25 if they had SEND needs. Mr Chapman explained that part of the proposal could be to continue providing transport for those young people with SEND needs up to age 25 if they remained in progressive education, although this was not a statutory duty.
  - e) A Member requested a thorough financial assessment of the financial risk and knock-on costs if young people with SEND needs dropped out of further education due to transport costs, as this could increase spending in other areas such as Adult Social Care. Had these impacts been modelled?
  - f) A Member raised a concern as the removal of free transport could increase costs for low-income families and could affect young people with SEND who might no longer be able to access after school provisions.
  - g) A Member agreed with the Cabinet Member that discretionary spending needed be controlled very firmly to ensure Kent County Council did not issue a S114 notice.
  - h) A Member asked if a means-tested policy could be implemented, to ensure those on low incomes continued to receive support for transport costs. Mr Chapman explained that a 50% subsidy would be provided to low-income families who utilised the post-16 mainstream travel saver and SEND would replicate the low-income family process and instalment plan currently being offered to those with young people in mainstream education. An appeals process was also available whereby an independent panel could decide the level of support.
  - i) A Member questioned the budget for home to school transport and requested a paper regarding the work being undertaken to reduce this budget. Mr Love OBE replied that the overspend for home to school transport was £13.6million but would circulate the outlined budget to Committee Members after the meeting.
4. Mr Brady summarised the points raised and highlighted that up to 1100 young people could be affected by the proposal. He felt that £500,000 was a substantial saving but would be offset by increased costs to other areas of the Council. He asked that the Scrutiny Committee relook at the decision once more information had been provided.
  5. Mr Love OBE summarised that it was a parent's responsibility to get their child to school or college once they reached the age of 16, but KCC provided a generous support package. He felt that adequate time would be given to parents before the decision was implemented in September 2024.
  6. The Committee discussed the recommendations but felt that more information and robust figures regarding the financial cost, number of young people

impacted, and the potential social cost, were necessary. The Committee requested an extraordinary meeting or briefing session be held before the next Cabinet meeting to receive additional information.

RESOLVED: that the Committee agreed with recommendation C as outlined in the report and reproduced below (*in accordance with 17.72c of the Constitution*).

c) require implementation of the decision to be postponed pending reconsideration of the matter by the decision-maker in light of the Committee's comments.

The Committee requested an extraordinary meeting or briefing session be held before the Cabinet meeting to outline additional information and figures regarding the financial cost, number of young people impacted, and the potential social cost.

#### **14. A28 Sturry Link Road Project**

*(Item C2)*

*Mr N Baker (Cabinet Member for Highways and Transport), Ms H Chughtai (Director of Highways and Transportation), Mr R Emmett (Senior Highway Manager), and Mr S Jones (Corporate Director for Growth, Environment and Transport) were in attendance for this item.*

1. Mr Jones introduced the report and outlined the financial viability and risks of the proposed scheme. He explained that the project had already been debated and agreed at Planning Committee, and followed national guidelines and planning consents.
2. Members asked the following questions and made comments to Mr Jones and Mr Baker:
  - a) A Member raised several concerns regarding the environmental and community impacts of the scheme, and questioned who would be monitoring and enforcing the environmental mitigations. The Member asked for regular updates to be included on the Work Programme. They felt that the scheme did not align with the KCC 'Framing Kent's Future' document and raised concerns regarding the air quality in the local area due to dust and the removal of trees. The Member highlighted point 4.83 in the report and asked what environmental mitigation would be undertaken for local wildlife and the wetlands located under the bridge. They raised concern regarding the old shooting range in Broad Oak that had introduced lead contamination in the ground and would be within the Sturry Link Road project boundaries. They also raised concern regarding increased yellow algae on the nearby lake due to increased human activity in the area. The Member felt that community engagement had been poor, and comments and concerns raised by residents had not been recorded. Mr Baker agreed to organise a session with local Ward Members to discuss environmental issues surrounding the project. Mr Jones stated that the Environment and Transport Cabinet Committee would receive regular updates regarding the project and would continue to consider risk and mitigations. Mr

Jones added that the Growth Without Gridlock Policy document contained within Framing Kent's Future outlined the need for projects such as the Sturry Link Road and was in line with the national Transport Document.

- b) A number of Members raised concerns regarding the financial viability of the project, including the large proportion of funding through S106 monies which was not guaranteed and could be appealed against by developers in future years. Mr Baker agreed with concerns regarding the S106 funding contribution system, and highlighted point 4.7 of the report which outlined the use of banked funds. Mr Jones told Members that banked S106 contributions had an associated bond to ensure legal and financial protection. Mechanisms were also included within the project to ensure that the S151 Officer and Members were in agreement regarding the project before the breakpoint and compulsory purchase orders. Mr Jones told Members that S106 money was split between the developers, KCC and Canterbury City Council, so KCC would not have sole liability if S106 money was withdrawn.
- c) The Chairman asked officers to consider and outline a 'Plan B' in the eventuality that S106 funding was withdrawn.
- d) A Member felt that the S106 monies allocated for this scheme could be utilised better for other schemes within Kent.
- e) A Member asked if officers had spoken with Network Rail on alternative options such as extending the platform or providing a temporary platform at Sturry station to ensure trains with more carriages could fit on the platform and therefore reduce traffic congestion. Traffic modelling could then be undertaken to see if a link road was necessary in addition to these alternative options. Mr Jones explained that other alternatives such as platform improvements would not greatly improve the road as the level-crossing would remain a pinch point in the road network. Platform lengthening could be an alternative mitigation measure if required.
- f) A Member highlighted environmental mitigation measures and asked what would happen if mitigation was not adhered to and pollutants were found in the River Stour.
- g) A Member questioned the timeframe for the project and if S106 money usage was time limited. Mr Jones explained that the construction start date remained a financial challenge as labour and material costs had increased since 2020, but KCC would work with the contractor to start before the breakpoint in 2025.

RESOLVED: That the Committee recommended that the Cabinet Member for Highways and Transport consider all highways projects, including the A28 Sturry Link Road project, in relation to funding, funding risks, and borrowing, particularly in relation to S106 exposure.

## **15. Joint Transportation Boards**

*(Item C1)*

*Mr N Baker (Cabinet Member for Highways and Transport), Ms H Chughtai (Director of Highways and Transportation), and Mr S Jones (Corporate Director for Growth, Environment and Transport) were in attendance for this item.*

1. Mr Baker introduced the report and explained that Joint Transportation Boards (JTBs) were not currently working to the best of their ability, and KCC wished to consider the system to ensure a good relationship between boroughs, districts and KCC continued.
2. Members asked the following questions and made comments to Mr Baker:
  - a) A Member raised concerns regarding the attendance of KCC officers at JTBs, as their attendance had reduced over recent years which made it difficult to share views and reduced the opportunity for engagement and discussion. A Member asked if KCC officers could attend evening JTB meetings?
  - b) Members highlighted the disparate amount of time that JTB meetings lasted, as some JTBs were often cancelled or lasted only a few minutes, compared to JTBs elsewhere in the county that could last for many hours.
  - c) A number of Members felt that the items contained within JTB agendas were not very focussed, and often one agenda could contain items regarding multimillion-pound motorways as well as more parochial issues such as dropped kerbs and yellow lines.
  - d) A Member suggested introducing local area committees where a number of boroughs could meet to deal with more parochial issues.
  - e) The Chairman highlighted the issues with financing JTBs as they could take a lot of officer time and energy, which was not always necessary or appropriate.
  - f) A Member highlighted that JTBs were not decision-making and were advisory boards, and this could present problems when issues arose.
  - g) A Member raised concerns regarding the lack of communication between JTBs and KCC, as information was not currently shared effectively, for example the minutes from JTBs were not shared with the KCC Cabinet Member for Highways and Transport.
  - h) A number of Members felt that residents were not involved in the JTB process, as JTB minutes were not communicated to residents, and members of the public were not always invited to attend hybrid or virtual JTB meetings.
  - i) A Member suggested that all JTB meetings be moved to the evening to improve attendance, and be simplified to ensure their effectiveness.
  - j) Members agreed that a Working Group was necessary to discuss if/how JTBs could be improved, or if they needed to be replaced with a different mechanism.
  - k) A Member raised a number of concerns as not all boroughs had signed up to the JTB process, which made it difficult to coordinate. They also felt that JTB Chairs had too much power over the Work Programme and agenda setting. They felt that communication needed to be improved between officers, KCC Members, and district

and borough councils. The Member highlighted that only some members on the JTB, such as borough or parish councillors could send substitutes, whilst KCC Members could not, which did not appear to be a fair process. Other governance issues were raised such as which constitution should be used for the meetings (either the KCC constitution or the borough constitution), and issues with the clarity of the petition scheme. The Member felt that JTBs should form part of the wider governance review.

- l) A Member highlighted 7.1.3 of the report and agree that a Working Group be established to review JTBs and should include the Kent Association of Local Councils as they could provide support.

RESOLVED: That the Committee recommend to the Cabinet Member for Highways and Transport the abolition of Joint Transportation Boards and that they set up a Task and Finish Group, working with the Kent Association of Local Councils, to establish a mechanism for Districts and Boroughs to consult with the County Council on highways and transport matters.

## **16. Work Programme**

*(Item C5)*

A Member requested an item regarding dropped kerbs be added to the Work Programme.

RESOLVED: That the Committee note the Work Programme.

## **17. Short Focused Inquiry - Home to School Transport**

*(Item C4)*

1. Mr Barrington-King introduced the report and explained that the Scrutiny Committee had provided the impetus to setup the Short Focussed Inquiry (SFI), which had taken place predominantly throughout lockdown. He thanked Members and officers for their hard work on the SFI, which had included reviewing evidence and formulating seven recommendations developed in late 2021. He stated that the Scrutiny Committee were asked to refer the SFI to Cabinet, who would prepare a response presentation and outline how the position had changed.

*The meeting was adjourned at 2.04pm.*

*The meeting was reconvened at 2.35pm.*

RESOLVED: That the Committee refer the Home to School Transport Short Focussed Inquiry Report to the Executive, and require:

- a) that a response be prepared for presentation to the Scrutiny Committee within three months and;
- b) that the response addresses how the Home to School Transport position has developed or changed since the report was developed in 2021.

## **18. Decision 23/00058 - Highway Term Maintenance Service Contract**

*(Item C3)*

*Mr N Baker (Cabinet Member for Highways and Transport), Ms H Chughtai (Director of Highways and Transportation), and Mr S Jones (Corporate Director for Growth, Environment and Transport) were in attendance for this item.*

1. Mr Jones introduced the report and explained that an all-Member briefing had occurred regarding the contract, and following recommendations from that session a PIN notice for tender had been issued, and legal advice was being sought.

*RESOLVED that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of Schedule 12A of the Act.*

*The meeting entered exempt session at 2.45pm.*