

ENVIRONMENT, HIGHWAYS AND WASTE POLICY OVERVIEW AND SCRUTINY COMMITTEE

MINUTES of a meeting of the Environment, Highways and Waste Policy Overview and Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 22 November 2011.

PRESENT: Mr D A Hirst (Chairman), Mr M B Robertson (Vice-Chairman), Ms S J Carey (Substitute for Ms A Hohler), Mrs P T Cole (Substitute for Mr N J Collor), Mr J M Cubitt, Mr J D Kirby, Mr S C Manion, Mr R F Manning, Mr M J Northey and Mrs E M Tweed

ALSO PRESENT: Mr B J Sweetland and Mr D L Brazier

IN ATTENDANCE: Mr M Austerberry (Corporate Director, Environment and Enterprise), Mr P Crick (Director of Planning and Environment), Mr D Hall (Future Highways Manager), Mr B Haratbar (Head of Programmed Work), Mr D Joyner (Transport & Safety Policy Manager), Ms C McKenzie (Sustainability and Climate Change Manager), Mr H Miller (Acting Finance Business Partner), Mrs E Milne (Flood Risk & Natural Environment Manager) and Mrs K Mannering (Democratic Services Officer)

UNRESTRICTED ITEMS

52. Minutes- 27 September 2011 *(Item A4)*

(1) Mr Manning referred to paragraph 46 – Reducing Congestion (Management of Road Works), and suggested that a working group be established to look at the management of road works across Kent. Mr Hall undertook to discuss, with Mr Manning and Mr Robertson, a possible Members' briefing session being arranged, and an in-depth report being submitted to a future meeting of the POSC.

(2) RESOLVED that the Minutes of the meeting held on 27 September 2011 are correctly recorded and that they be signed by the Chairman.

53. Cabinet Member's Update *(Item A5)*

(1) Mr Sweetland gave a verbal report on the following issues:-

Planning & Environment

RAC Report; Third Thames Crossing; Operation Stack; National Policy Consultations; and Local Development Frameworks

Waste Management

Household Waste Recycling Centres

Highways & Transportation

Tackling Congestion; Tunbridge Wells Hospital at Pembury; Community Buses; Road Safety; Jacobs professional services consultancy contract; Winter preparations; Highway Inspections; and Highways Management Centre (HMC).

(2) During discussion it was suggested that a visit to the Highways Management Centre at Aylesford be arranged for POSC Members; and that a report be submitted to the January meeting of the POSC on Traffic Control progress, including the HMC role.

(3) RESOLVED that:-

- (a) a visit to the HMC be arranged for Members and a report relating to traffic control be submitted to the January meeting; and
- (b) the update be noted and a copy circulated to Members of the Committee.

54. Financial Monitoring 2011/12

(Item B1)

(1) Members were asked to note the August budget monitoring exception report for 2011/12 reported to Cabinet on 17 October 2011.

Revenue

(2) The overall position for the EHW Directorate reported to Cabinet on 17 October remained unchanged from the detailed quarterly monitoring reported to the POSC on 27 September 2011. This was a predicted underspend of £2.186m due to a net underspend on waste, predicated on the estimated waste tonnage for 2011/12 being 25000 tonnes lower than the affordable level and a break-even position for the remainder of the Directorate.

Capital

(3) The forecast variance for 2011/12 had moved by -£0.285m and was due to a combination of real variances and variances arising from re-phasing projects. Where real variances arose, it was important that funding sources were identified to compensate for the potential overspend. Variances arising from re-phasing did not require funding sources as they were the result of moving capital funding between years.

(4) During debate Mr Cubitt requested further information about the revenue funding applied to the North Farm Transfer Station development; and also expressed concern that the nature of 'exception reporting' meant that there was no reference base available for comparison purposes. Mr Miller undertook to provide information relating to both issues to Mr Cubitt direct, and would copy to all POSC members.

(5) RESOLVED that the budget variations for the EHW Portfolio for 2011/12 based on the August exception report to Cabinet on 17 October 2011, be noted.

55. Revenue Budget 2012/13 and Medium Term Financial Plan 2012/13 to 2014/15

(Item B2)

(1) The report identified the latest forecasts for next year's budget and the financial plans for the following years. This included an analysis of the overall financial outlook for the whole council, appraisal of the existing plans for 2012/13, an update on the budget pressures facing the Environment, Highways and Waste portfolio and recommendations from the Informal Member Group on areas for budget savings.

(2) The Autumn Budget Statement was due to be presented to Cabinet on 5 December 2011 and would set out the County Council's proposed budget strategy following the Chancellor of the Exchequer's statement to Parliament on 29 November. The Spending Review 2010 (SR 2010) set out the Government's four year plans to reduce the budget deficit, and showed an anticipated 21.9% reduction in the Formula Grant for local government over the four year period. The Local Government Finance settlement for 2011/12 was published on 13th December 2010 and included provisional grant figures for 2012/13 but did not provide any provisional figures for 2013/14 or 2014/15. The 2012/13 provisional grant showed a £26.9m reduction in Formula Grant on 2011/12 (8.5%) for KCC. The overall planning assumption for the next medium term financial plan (MTFP) was a £340m reduction in spend in real terms between 2011/12 to 2014/15.

(3) The approved MTFP for the Environment Highways and Waste portfolio was set out in appendix 1 to the report. At the time the plan was approved £15m had been set aside for unforeseen "emerging" budget pressures and £28m of savings still needed to be identified in order to balance the budget for 2012/13 against the anticipated level of resources (CLG grants and Council Tax).

(4) For 2012/13 POSCs were asked to consider what savings would be feasible or acceptable within the Environment, Highways and Waste portfolio in order to close the estimated overall £32m gap across KCC (3.5% of net spend) arising from the combination of additional pressures and the unidentified savings in the existing plan partially offset by the additional grant that would be available. For the medium term POSCs were asked to consider what strategies should be considered for the Environment, Highways and Waste portfolio if, overall, the council needed to make 15% saving over the next two years.

(5) The council's overall strategy would be set out in the Autumn Budget Statement setting out how the authority planned to deal with reducing funding and continuing additional spending pressures. The EHW Directorate would continue to focus on cost avoidance, efficiencies and service reductions.

(6) Very significant savings were being made in 2011/12 from the Directorate's revenue budget strategy and additional savings would be made in the medium term as the full year effect of those savings came into effect. The savings had resulted from contract relets in Waste and Highways, diversion of waste to less costly outlets,

major staffing efficiencies and reductions in some service areas. Proposals were currently being developed to deliver additional savings within the medium term and outline proposals had been discussed at the Budget Informal Members Group and the Waste Informal Members Group meetings.

(7) Members of the POSC had had informal member group meetings (IMG) meetings throughout the summer/autumn. IMGs had found the meetings useful to gain a more detailed insight into budgets controlled by the Environment, Highways and Waste portfolio. The IMG meetings provided the opportunity to share the budget planning process in some detail with Members as well as discussing areas where the Directorate could potentially make savings in the future. Members were supportive of the direction of travel outlined by officers and provided some helpful ideas, but it was accepted that due process would be required before they could be factored in to the Directorate's medium term financial plan.

(8) RESOLVED that the latest forecasts for 2012/13 and the next two years, be noted.

56. Kent Environment Strategy

(Item C1)

(1) Further to Minute 37 of 5 July 2011, the report summarised midyear progress towards delivery of the Kent Environment Strategy plus gaps and challenges to delivery for scrutiny by the POSC. It outlined potential opportunities for Members to get involved. The Kent Environment Strategy had three Themes and 10 priorities. Appendix 1 of the report gave key progress highlights against expected outcomes and was RAG rated. Currently four of the priorities were green, five amber and one red. The priority which was red related to the Kent Design Guide and new development. The Kent Design Guide review was currently delayed, and therefore it had not been updated to include changes relating to issues such as energy, low carbon technologies, water, waste and climate change.

(2) This was a fast moving agenda and many areas of policy, such as the emerging Green Deal were still unclear or subject to rapid change e.g. the Feed In Tariff. For Kent to deliver real improvement another step change in approach was needed to accelerate progress. An element of informed evidence based risk must be taken, for example piloting new low carbon technologies. External funding was needed in order to deliver real change. The public sector had a key role in attracting external funding of all types into Kent.

(3) As already identified in external discussions through the Kent Partnership and lately the Kent Forum, strong and visible leadership was crucial. The public sector, business and communities needed to examine in full the way they operated and behaved, identifying smarter ways of working and new ways of delivering services. Identifying accountable leads to take action forward and champions to challenge progress within public sector bodies would be crucial. The environment and related issues such as high energy prices and water metering continued to remain an important concern for the public, business and the voluntary sector.

(4) A number of tools had been or were being developed to help Members and key decision makers, including:-

- KCC's Environmental Performance Report – outlining progress in KCC delivering the Kent Environment Strategy (due end of November 2011).
- Climate Change – A Guide for Kent's Decision Makers – available at www.kent.gov.uk/climatechange and distributed through the Information Point.
- Kent Environment Strategy Area Briefings – focusing on KCC activity in each District (in development).

(5) Members were asked to:-

- (a) Review and provide feedback on progress, including the level of ambition being delivered;
- (b) Highlight any gaps in delivery and any further opportunities; and
- (c) Identify what further support they needed to be able to actively participate in the delivery of the Kent Environment Strategy

Members' ideas/input could be provided to Paul Crick or Carolyn McKenzie direct.

(6) RESOLVED that the report be noted.

57. Natural Environment White Paper and development of Local Nature Partnership for Kent

(Item C2)

(1) In June 2011, Defra published the Natural Environment White Paper, which launched the formation of Local Nature Partnerships, which aimed to secure the wider social and economic benefits of a healthy natural environment. The report provided an overview of the Paper's vision and the establishment of a Local Nature Partnership for Kent.

(2) Much like the Kent Environment Strategy, the White Paper recognised that a healthy, properly functioning natural environment was the foundation of sustained economic growth, prospering communities and personal wellbeing. The Paper aimed to mainstream the value of nature across society by a number of key reforms.

(3) One initiative announced by the White Paper, to facilitate the protection and improvement of nature at the local level, was the establishment of Local Nature Partnerships, which represented a more holistic view of the natural environment and recognised the wider social and economic benefits biodiversity brought. The Kent Biodiversity Partnership had recognised the value of working towards becoming a Local Nature Partnership, broadening the vision for the county's natural environment and widening the spectrum of delivery partners.

(4) The Partnership had recently secured £27,000 of capacity building funding from Defra to take the work forward, which would focus on engaging additional partners and establishing a vision and set of targets for the natural environment that recognised the potential for social and economic benefits also. As outlined as a

requirement in the White Paper, the Partnership would also be seeking constructive and cooperative working arrangements with the Local Enterprise Partnership, to ensure opportunities for a green economy were realised. Partnerships that fulfil Defra's vision would be invited to submit applications in early 2012 to be recognised by Government and its environmental agencies.

(5) The White Paper closely mirrored the ethos of the Kent Environment Strategy, whereby nature was valued not just for its own sake but as an asset which supported economic and social regeneration. The Kent Local Nature Partnership would reflect the three cornerstones of theme 3 of the Kent Environment Strategy, *Valuing our natural, historic and living environment* – the economic value of the natural environment; the quality of life that it supported; and that the natural environment must be protected and enhanced if the services were to be realised. The Partnership would therefore provide a framework for delivery of the theme and its aims and objectives, that would last (and continue to deliver) past the timeframe of the Strategy.

(6) The White Paper did not pose any additional burdens or statutory duties on local authorities. However the Paper emphasised the need for “*greater local action*”. Whilst recognition of the local authority role was welcomed, there was some element of concern over delivery as, other than some one-off funding for specific initiatives, there was no additional funding from central government. KCC had an important strategic role to ensure that the county did fully engage with, and contribute to, the vision of the White Paper.

(7) RESOLVED that the establishment of a Partnership which would help the county to fully realise the economic and social benefits of a healthy natural environment, be supported.

58. Recommended Marine Conservation Zones

(Item C3)

(1) Further to Minute 4 of 4 November 2010, the report presented the recommendations that had been made for sites off the coast of Kent. The Balanced Seas Project, one of four regional projects established to identify the Recommended Marine Conservation Zones (rMCZ) coordinated a Regional Stakeholder Group that was responsible for recommending the boundaries and conservation objectives for rMCZs in the south-east.

(2) Selection of the sites was guided by statutory selection criteria, which set out the conservation principles and targets for the MPA network. The decisions were based not only on the location of habitats and species but also on how the sea was used for both commercial and recreational purposes. In addition to identifying rMCZs, recommended Reference Areas (rRA) had also been identified. The purpose of the sites was to return them to as close to a natural state as possible, to act as a benchmark for other MCZs and illustrate how well protection measures within MCZs were working.

(3) The following Recommended Marine Conservations Zones had been identified off the Kent coast

- Thames Estuary
- Medway Estuary
- The Swale Estuary
- Thanet Coast
- Goodwin Sands
- Offshore Foreland
- Dover to Deal
- Dover to Folkestone
- Folkestone Pomerania
- Hythe Bay

(4) The following Recommended Reference Areas had been identified off the Kent coast

- Westgate Promontory
- Turner Contemporary
- Goodwin Knoll
- South Foreland Lighthouse
- Hythe Flats
- Flying Fortress

(5) The rMCZs and rRAs had been submitted to Natural England. Currently, an Impact Assessment was being prepared by the project economist and would estimate the costs and benefits associated with the recommendations, including the costs of potential management measures. Over the coming months, Natural England, JNCC and the MCZ Science Advisory Panel would be assessing whether the recommendations from each of the four regional projects together satisfied the Ecological Network Guidance design criteria and principles. They would submit their statutory advice to Defra early next year. Ministers would then consider all supporting evidence before deciding which rMCZs to take forward to the public consultation. This would provide an opportunity for stakeholders to review, comment and feedback to Government before designation decisions were made.

(6) RESOLVED:-

- (a) that the report be noted; and
- (b) a further report be submitted to the POSC during the 2012 consultation period.

59. A Sensible Approach to Supported Bus Services (Item C4)

(1) The report made recommendations to update the existing criteria for prioritising support for Socially Necessary Bus Services. It had been considered by and had the support of the Finance Working Group to the Committee.

(2) Kent County Council (KCC) currently committed around £6.4m annually to supporting local bus services. The budget was fully committed in the current financial year and was likely to come under increasing pressure over the coming years for the following reasons:

- Commercial service withdrawals - when a commercial bus service was withdrawn KCC had a duty to assess whether it should intervene and support the service;

- Operator gave Contractual Notice to cease operation of a subsidised bus service – KCC could procure a replacement service but the cost might increase

In addition, KCC could decide to vary the supported bus budget. It was essential that there was a method through which bus services were prioritised for support. The paper set out the proposed prioritisation approach that would be used for adding/de-prioritising services.

(3) Given the inter-relationship with other public transport budgets including the English National Concessionary Travel Scheme and the Kent Freedom Pass there was also a proposal to form an Informal Member Group to consider policy development, integration and delivery.

(4) The report set out proposed new criteria for support of bus services; procedure to be followed in the event of commercial bus service being deregistered or Contractual Notice being given on a subsidised bus service; and procedure to be followed in the event of bus service withdrawals due to future budget reductions.

(5) During debate the following issues were raised:-

- Local engagement and consultation was a key part of the review
- Support for volunteer schemes, i.e. Kent Karrier, Weald on Wheels
- Dialogue with local supermarkets
- Possible kick start funding/local Member funding
- Establishing a common framework for individual routes

(6) RESOLVED that:-

- the processes outlined in the report to prioritise the support of bus services in the event of a commercial withdrawal by an operator or reduction in funding availability being approved, be noted;
- the creation of a contingency of £100k from the existing budget to cover interim periods when KCC was supporting additional services, be noted; and
- the formation of an Informal Member Group to assist with implementing policies and to consider how integration across all public transport could be improved, be supported.

60. A Common Sense Plan for Safe and Sensible Street Lighting (Item C5)

(1) The report set out how the County Council could reduce energy costs in street lighting whilst working with the community to improve acceptance of this and reduce the perception that such a policy increased crashes and reduced personal safety. The proposals in the report for safe and sensible street lighting in Kent were informed by the Street Lighting Policy agreed by the POSC in May 2010.

(2) Street Lighting energy cost the County Council £5.1m p.a. It was on an upward trend and the cost of energy was set to rise year on year, the anticipated increase for the next financial year was over 10%. KCC had some 118,500 street lights and 29,000 lit signs/bollards. Provision of street lighting was not a legal requirement, except when linked to demonstrable road safety. However it had become established practice over time and almost all street lights in Kent were continually lit during the hours of darkness, ie automatically turn on at dusk (due to a fitted light sensor in each column) and turn off at first light.

(3) A number of initiatives had been introduced in the past two years to reduce energy consumption:

- Upgrades
- Trimming
- Dimming

The initiatives had reduced the energy charges by £128,000 annually.

(4) Light pollution and costs could be reduced in locations where the street lights were not contributing to safety at all. Many road lights were installed when vehicles had poor lighting systems and ambient light levels on major urban roads were low. Today, some street lighting was far less effective than the illumination provided by traffic or nearby buildings yet it remained switched on all night. Where streetlights had been dimmed or switched off, data showed that crashes and crime had **not** increased. There was a clear difference between perception and actual data. It was the design of lighting schemes, rather than the number or hours of illumination that was most important. Kent County Council's aim was to target the wasted lights and energy. To overcome the negative perception, it was vital to involve residents in discussions about what made some people feel they were less safe.

(5) A number of potential areas suitable for energy conservation had been identified, including Part Night Lighting; and Removal of Lights. Future areas for possible review included Dimming; and Central Monitoring System.

(6) In order to ensure that KCC utilised its limited resources in the best manner it was proposed to follow the agreed Street Lighting Strategy agreed by POSC in May 2010. This would reduce energy costs and protect the environment. The County Council should:-

- Ensure value was achieved by supplying lighting at the time of greatest demand or need.
- Manage energy sensibly thus reducing consumption for street lighting. This would help address the financial challenge to reduce costs of service delivery as outlined in Bold Steps for Kent.
- Reduce CO2 emission to help meet the challenge of climate change as set out in Bold Steps for Kent.
- Engage with Kent stakeholders to consult on ways to ensure an appropriate and effective level of street lighting.

(7) During debate Mr Sweetland

- Stressed the importance of positive support from the media, and discussions with communities and Joint Transportation Boards
- Stated that an exception list would be drawn up of locations, street by street, detailing lights to be switched off
- Recognised the benefit of learning from other County Councils

(8) RESOLVED that:-

- (a) the specific proposals outlined above, to introduce a common sense approach to safe and sensible management/operation of street lighting, be endorsed with some Members suggesting the proposals could go further; and
- (b) the report and relevant draft minute be circulated to the next round of JTBs for discussion and feedback.

61. Select Committee - update

(Item D1)

(1) The report updated Members on the following reviews which were underway – Dementia; Educational Attainment at Key Stage 2; and The Student Journey.

(2) A formal proposal for a Select Committee topic review on Domestic Abuse was approved by the Scrutiny Board on 2 November, and would commence in the New Year.

(3) RESOLVED that:

- (a) the review work currently underway be noted; and
- (b) Members advise the Democratic Services Officer of any topics which they would like to put forward for consideration for inclusion in the future Select Committee Topic Review Work Programme.