

SCRUTINY COMMITTEE

Wednesday, 21st September, 2016

2.00 pm

**Darent Room, Sessions House, County Hall,
Maidstone**





AGENDA

SCRUTINY COMMITTEE

Wednesday, 21st September, 2016, at 2.00 pm

Ask for: **Joel Cook/Anna Taylor**

Darent Room, Sessions House, County Hall, Maidstone

Telephone: **03000 416892/416478**

Membership

Conservative (6): Mr R J Parry (Chairman), Mr J E Scholes (Vice-Chairman), Mr E E C Hotson, Mr A J King, MBE, Mr L B Ridings, MBE and Mrs P A V Stockell

UKIP (2) Mr H Birkby and Mr R A Latchford, OBE

Labour (2) Mr G Cowan and Mr R Truelove

Liberal Democrat (1): Mrs T Dean, MBE

Church Mr D Brunning, Mr Q Roper and Mr A Tear

Representatives (3):

Parent Governor (2): Mr P Garten and Mr G Lawrie

Tea/coffee will be available 15 minutes before the start of the meeting

County Councillors who are not Members of the Committee but who wish to ask questions at the meeting are asked to notify the Chairman of their questions in advance.

Webcasting Notice

Please note: this meeting may be filmed for the live or subsequent broadcast via the Council's internet site or by any member of the public or press present. The Chairman will confirm if all or part of the meeting is to be filmed by the Council

By entering into this room you are consenting to being filmed. If you do not wish to have your image captured please let the Clerk know immediately.

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

A - Committee Business

- A1 Introduction/Webcast Announcement
- A2 Substitutes
- A3 Declarations of Interests by Members in items on the Agenda for this Meeting
- A4 Minutes of the meeting held on 9 June 2016 (Pages 5 - 12)

B - Any items called-in – none for this meeting

C - Any items placed on the agenda by any Member of the Council for discussion

- C1 KCC's Consultation Protocol (response to consultations received), clarification of the requirement to inform Local Members, following KCC's response to planning application OL/TH/16/0550 (Stone Hill Park - Manston) (Pages 13 - 30)

MOTION TO EXCLUDE THE PRESS AND PUBLIC

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.

EXEMPT ITEMS

- C2 Regional Growth Fund Schemes - to follow

Peter Sass
Head of Democratic Services
03000 416647

Tuesday, 13 September 2016

KENT COUNTY COUNCIL**SCRUTINY COMMITTEE**

MINUTES of a meeting of the Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Thursday, 9 June 2016.

PRESENT: Mr J E Scholes (Vice-Chairman), Mr H Birkby, Mr G Cowan, Mrs T Dean, MBE, Mr M Heale (Substitute for Mr R A Latchford, OBE), Mr E E C Hotson, Mr A J King, MBE, Mr R A Marsh (Substitute for Mr R J Parry), Mrs P A V Stockell and Mr R Truelove

ALSO PRESENT: Mr M A C Balfour, Mr R H Bird, Mr M C Dance, Mr G K Gibbens, Mr M J Harrison and Mr M J Vye

IN ATTENDANCE: Ms M Anthony (Commissioning and Development Manager), Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Mrs E Harrison (Economic Development Manager), Mr T Harwood (Resilience and Emergencies Manager), Mr A Ireland (Corporate Director Social Care, Health and Wellbeing), Mr P Lightowler (Head of Public Transport), Mr P Sass (Head of Democratic Services), Mr D Smith (Director of Economic Development), Mrs K Stewart (Director of Environment Planning and Enforcement), Mr A Tait (Democratic Services Officer), Mr M Tant (Flood Risk Manager) and Mrs A Taylor (Scrutiny Research Officer)

UNRESTRICTED ITEMS**102. Vice Chairman in the Chair**

(Item)

In the absence of the Chairman, the Vice-Chairman, Mr Scholes assumed the Chair for the meeting.

103. Minutes of the meeting held on 19 April 2016

(Item A4)

RESOLVED that the minutes of the meeting held on 19 April 2016 were an accurate record and that they be signed by the Chairman.

104. Select Committee Work Programme

(Item A5)

(1) The Scrutiny Committee received 'bids' for three Select Committee topics to be completed by March 2017.

Emergency Financial Assistance

(2) Mr Vye presented Emergency Financial Assistance and explained that the emphasis of his proposal was not on the Kent Support and Assistance Service but rather prompted by the Joseph Rowntree Foundation report on the extent and causes

of destitution in the UK, which showed that destitution was increasing. The definition of destitution, as used in the Joseph Rowntree report, was:

If they or their children lacked two or more of these six essentials over the past month because they could not afford them; shelter, food, heating, lighting, clothing and footwear or basic toiletries or their income was so extremely low they were unable to purchase these essentials for themselves.

(3) The report concluded that at a point during 2015, 1.25million people were in a state of destitution. Destitution had an effect on services provided by KCC; it was a major contributor to domestic violence, poor educational attainment and poor mental health. Mr Vye cited some of the causes of destitution: lack of affordable housing, lack of support for vulnerable people, poor debt management options, low wages and poor quality/intermittent employment. Mr Vye was proposing a Select Committee to look at the following:

- The scale and causes of destitution in Kent,
- The nature and extent of other emergency assistance including counselling, to people who find themselves in destitution,
- Whether better co-ordination of this assistance is desirable and achievable,
- And whether KCC can take a lead in this co-ordination

(4) It was not suggested that KCC should become a major provider of financial assistance; however, KCC had a role as a facilitator and a leader and had strong relationships with the voluntary sector. Mr Vye referred to the December 2014 report to the Adult Social Care and Health Cabinet Committee, which found that there were gaps and overlap in the assistance available.

(5) Mr Gibbens confirmed that he appreciated the concern expressed by Mr Vye; however the issues raised had been and continued to be given considerable focus. Supporting vulnerable people was the top priority of the Cabinet Member. The Cabinet Committee had undertaken work in the area and in addition the Policy and Resources Cabinet Committee had also discussed issues around welfare reform. There was a strong focus on ensuring that the voluntary sector was properly supported and the Council had a strong record in this. It was not considered to be the appropriate time to conduct this Select Committee.

(6) Mr Ireland expressed concerns about 'mission creep' away from core business; many of the issues were not the direct responsibility of the County Council as a provider and commissioner of services. Reservations were expressed about expectations of such a review, which was looking into areas that, in the main, were the responsibility of other agencies. Mrs Anthony confirmed that there were a range of services in Kent; KCC was working with over 500 organisations in Kent to support vulnerable families. The scope of the proposed review was enormous and there were concerns over whether the review would deliver what it was hoped to.

Digital Exclusion

(7) Mr Bird presented the bid for a Select Committee on Digital Exclusion and explained that this proposal was not about the roll out of high speed broadband. It was accepted that in Kent everyone had potential access to digital services but there were difficulties around affordability, lack of understanding, lack of trust/confidence

and lack of perceived need. 10% of Kent residents were digitally excluded. It was considered that those who were digitally excluded were socially and economically disadvantaged. An example was given of consumer tariffs for gas and electricity; the best tariffs could be found online with prices up to 25% cheaper online. Another example was given of a long distance rail ticket, which was £200 cheaper online. Elderly people were being encouraged to live independently and Mr Bird gave an example of the support provided by family members doing online shopping for them. Referring to primary school children being required to use the internet for their homework, families did not all have internet or a computer in their homes. It was suggested that these families use the library; however this was not practical for all families. KCC had completed a thorough review into social mobility in the school system; however this review had not addressed the issue of school children without access to the internet at home. Education was needed through voluntary organisations and District Councils via a co-ordinated county wide approach to ensure that residents understood the internet, felt confident using it, saw the need to use it and could afford to do so.

(8) Mr Dance responded to Mr Bird's proposal, some good points had been raised. In relation to young people with access to superfast broadband, the council had worked hard to ensure that superfast broadband was available in as much of the county as possible. A lot of work had been done to ensure that internet access was available in the libraries with buddy systems in libraries. Mr Dance offered a briefing to all members of the County Council to discuss the issues around internet access. Mrs Harrison stated that Mr Bird had identified an important subject, over the last 5 years KCC had undertaken a range of initiatives to ensure people were online using digital technologies. The work undertaken by KCC had been seen as outstanding nationally and all KCC libraries had access to free wifi in addition to the training courses run alongside the volunteer buddying system. Free computer courses were offered by the adult education centres and courses were also available nationally through a number of national organisations. There was also a prolific availability of free wifi in Kent. A number of policy changes were on the horizon, with a UK digital strategy expected later in the year covering the next 5 years. It was not considered to be the most appropriate time for this Select Committee to undertake its work.

(9) A Member commented that the proposal was not about the availability of high-speed broadband but about those residents who did not have access to the internet in their own home, the difference between children who had access to a computer versus a child without a computer was widening. It was understood that 25% of people attending the Citizen's Advice Bureaux (CAB) for assistance did not have access to the internet.

(10) Mrs Harrison explained that work was underway focussing on increasing the number of people getting online in libraries as well as a national programme which the Council was part of relating to increasing skills and knowledge to allow people to get online.

(11) Another Member commented that, in his area, there were many young people who did not have access to the internet and because libraries were time restricted it was not always practical to use computers in libraries. The officer explained that there were a large number of wifi spots throughout Kent and an increasing number of people were using smart phones and tablets to access the internet. The Member did

not consider that the families he was referring to would have the income to purchase smart phones and tablets so a library was the only option available.

Bus Transport in Kent and its Public Subsidy

(12) Mr Sweetland presented Bus Transport in Kent and its Public Subsidy on behalf of Mr Brazier who was unable to attend the meeting. Mr Sweetland summarised the information contained within the Select Committee topic proposal form in the Scrutiny Committee agenda. Since the local bus service was deregulated 30 years ago it was hoped that increasing competition would improve services and reduce fares. However, commercial bus operators would only run services which were profitable therefore many communities in Kent would have no services unless they were subsidised by the public transport authority, Kent County Council. Mr Sweetland stated the proposed terms of reference as set out in the topic review form.

(13) Mr Balfour supported this select committee, budgets were being constrained and it was essential to look for the best service available in Kent in relation to subsidised buses and bus routes. Of particular interest was KCC's support to the community bus sector, which had been extremely successful in Kent. Mrs Cooper also supported the proposed Select Committee; it would be helpful to increase understanding of the bus market in Kent of which only 3% was subsidised by KCC.

(14) In response to a Member's question it was confirmed that the Terms of Reference were not final, they would be agreed by the Select Committee and should consider all areas.

(15) Members then discussed how each Select Committee proposal would benefit Kent and how much influence KCC had in relation to each proposal. Members also discussed the timing of each proposed review and which was the most appropriate review to undertake at this time.

(16) The Chairman asked for a show of hands for each Member's top priority Select Committee Topic. The Select Committee on Bus Transport in Kent and its Public Subsidy received the majority of votes and would be established with a view to reporting to County Council in March 2017. A Member asked that the other two select committee proposals be considered post May 2017 when the Select Committee work programme was re-considered.

RESOLVED that the Select Committee on Bus Transport in Kent and its public subsidy be established to report to County Council in March 2017.

105. Flood Risk Management Committee Annual Report

(Item A6)

(1) Mr Harrison introduced his report, which set out clear and concise coverage of the committee's work over the past year. Previous comments from the Scrutiny Committee about not including the minutes of the Flood Risk Management Committee had been taken on board.

(2) Mr Tant explained that one of the key themes addressed by the committee related to sustainable drainage, its provision in new development and the ongoing issue of its adoption and maintenance. The committee had noted the government's recent

changes relating to the provision of subsidised draining and the government's new role in providing oversight for technical input to planning applications. There was disappointment that there was no formal adoption and maintenance mechanism and the committee continued to monitor the progress.

(3) Mr Harwood explained that the Kent Flood Risk Management Committee had not only provided an oversight role but had brought together key partners from KCC, the District Councils, Environment Agency, Kent Association of Local Councils and Kent and Medway Fire and Rescue Service. Some 70,000 households were on the Environment Agency flood alert system in Kent and a Flood Warden training event was due to be held on 23 July at Lenham Village Hall. Kent Resilience Forum had agreed to deliver a wide area coastal flooding exercise, as originally proposed by KCC, which would be held between 27-29 September. An all-Member briefing was being held, on 27 July, with speakers from the Environment Agency and KCC which will cover Elected Member roles and responsibilities within the forthcoming coastal flooding exercise.

(4) Mr Tait confirmed that the Committee wrote to the Government Minister about sustainable drainage and the next meeting on 18 July would be held in Yalding Village Hall as guests of Yalding Parish Council. Southern Water had been invited to attend, and the deterioration of pumping stations would be discussed amongst other relevant issues. The Committee was also due to tour the previously flooded area.

(5) Mr Harrison expressed disappointment that not all 12 District Councils sent a representative to the Flood Risk Management Committee. Members commented that it was encouraging to see the improvements year on year in the work of the Flood Risk Management Committee. It was suggested that twin hatted Members be approached to improve attendance from the districts at the Committee.

RESOLVED that the Scrutiny Committee note the report of the Kent Flood Risk Management Committee with thanks.

106. Proposed establishment of a Kent Utilities Engagement Sub-Committee *(Item A7)*

(1) Mr Balfour introduced the report and explained that the proposal was to form a sub-committee of Scrutiny to improve the perceived disconnect between the development industry and the utility businesses. The County Council had no authority to summon the utility companies to a meeting, but there was opportunity to assist and work together. KCC did have the authority to 'call to account' the regulators. The sub-committee would work in partnership with the utilities and development industry to bring forward ways of doing things better to enable a more efficient use of resources and money within the county.

(2) There were concerns about the sub-committee and its Membership being drawn from the main Scrutiny Committee and why the utilities companies would attend a sub-committee rather than the main Scrutiny Committee. It was suggested that the appropriate Cabinet Committee might be a better place to discharge this function.

(3) A Member asked whether the Cabinet Member had had a dialogue with the utilities companies confirming that they would engage with a sub-committee. It was also considered that an annual report be made to the County Council. It was

suggested that the role be discharged by the Scrutiny Committee, reporting to County Council and being reviewed in 12 months' time to consider whether the role should be discharged differently.

(4) Mr Balfour responded by agreeing that it was not easy to gain confidence with the utilities companies so that they would engage and discuss. It was important to support the fragile relationships which had been built up so far and not put off any discussions with the utility companies further up the chain. It was not suggested that members of the sub-committee be limited to the main Scrutiny Committee, although they could be, but to draw membership from the whole council to gain expertise. The sub-committee would then report back to the main committee. A Member asked for clarification on the membership of the sub-committee and it was confirmed that the sub-committee would be drawn from the whole council.

(5) A Member asked whether relationships were being developed with regulators as well as developers, discussions were being held with the developers to determine where there were difficulties and once this information was available relationships with the regulators would be built on. Contacts through the districts and the developers group were currently being mapped.

(6) Members queried why the group was being set up and the Cabinet Member confirmed that there was a demand for a group to be formed in a way which did not mar the good relationships which had been built up already. Mrs Stewart confirmed that work had been undertaken with Kent Developers Group and the districts to identify whether there were barriers and it had shown that there were often difficulties in the investment planning stage or the connection stage there was often a mismatch of timings. The sub-committee would be extremely helpful in identifying where there were barriers to enable this information to be put to the regulators.

(7) A Member queried whether the Sub-Committee would have to be held in closed session to maximise benefit from the group, Mr Balfour agreed that there was a concern that a formal webcast meeting may result in a counterproductive meeting, the intention was to ensure a balance between having authority and communication behind the scenes. Mr Sass confirmed that whether the group was the full Scrutiny Committee or a Sub-Committee the usual rules around exemptions would apply. It was preferable to discuss as much in open sessions as possible but there were exemption rules around commercial sensitive data for example that might require closed sessions.

(8) A Member suggested that the Commissioning Advisory Board (CAB) might be an appropriate arena in which to discharge this function. It was also considered that this should be postponed until after the County Council elections in May 2017. Another Member considered that the CAB would not be an appropriate group for discussion with the utility companies. It was necessary for the meeting to be informal; a Sub-Committee would have no powers of decision but would get information and allow for further discussion with the utility companies. Mr Balfour agreed that the CAB was not a suitable arena for these discussions, the proposal contained within the Scrutiny Committee paper was the preferable option, it was difficult to know how successful it would be without trying the Sub-Committee and review the process in the future.

(9) A Member expressed the view that the Sub-Committee should report to the Environment and Transport Cabinet Committee rather than the Scrutiny Committee

to make it less formal. The Member did not feel he could support the proposal within the agenda papers.

(10) Another Member was pleased that the Membership could be drawn from all 84 Members of the Council depending on knowledge and experience; including an Independent Member and that the Sub-Committee should report on an annual basis to the Scrutiny Committee. Mrs Stewart confirmed that the utilities companies welcomed the opportunity to be involved in this Sub-Committee.

(11) Mr Sass confirmed that the Chairman, Mr Parry's view was that the Sub-Committee would be more appropriate than the main committee to ensure that the group was not too large, Mr Parry was also keen to extend an invitation to the Independents Group, which is why the proposed membership was 5:1:1:1:1.

(12) Mr Cowan proposed that the Sub-Committee be drawn from all 84 Members of the Council to ensure people with knowledge and experience in the field of utilities. The 9 members were to be made up of 5 Conservatives, 1 UKIP, 1 Labour, 1 Liberal Democrat and 1 Independent.

(13) This was seconded by Mr Birkby and the proposed was carried.

RESOLVED that the Scrutiny Committee establish the Kent Utilities Engagement Sub-Committee with nine Members drawn from all 84 Members of the County Council. The nine member Sub-Committee is to be made up of 5 Conservatives, 1 UKIP, 1 Labour, 1 Liberal Democrat and 1 Independent member.

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By: Richard Parry - Chairman of the Scrutiny Committee
Peter Sass -Head of Democratic Services

To: Scrutiny Committee – 21 September 2016

Subject: KCC's Consultation Protocol (response to consultations received) following KCC's response to planning application OL/TH/16/0550 (Stone Hill Park – Manston)

Status: Unrestricted

Summary: Following a letter sent from KCC to Thanet District Council formally responding to a planning application for the redevelopment of the former Manston Airport site (Appendix 1) Members have requested that formal arrangements for responding to consultations be discussed, with particular reference to the proposed revisions to KCC's Consultation Protocol, to ensure that it reflects the requirement for Local Members to be kept informed of issues affecting their area.

Attached at Appendix 2 is the draft Consultation Protocol for KCC, discussed at Policy and Resources Cabinet Committee on 8 September, which sets out proposals on how Officers and Members should deal with the drafting and submission of responses to consultation received from other bodies. The formal decision to determine the protocol has been postponed to allow the Scrutiny Committee to make recommendations on the content of the Protocol.

Recommendation:

The Scrutiny Committee is asked to consider and endorse or make recommendations on the Consultation Protocol as set out at Appendix 2 prior to its approval by Cabinet.

1. Introduction

- (1) On 30 August a letter was sent (Appendix 1) from KCC to Thanet District Council formally responding to the hybrid planning application received for the comprehensive redevelopment of the former Manston Airport site.
- (2) On 8 September the Policy and Resources Cabinet Committee received a report on KCC's Consultation Protocol (response to consultations received), prior to it being submitted to Cabinet for approval (Appendix 2). The Scrutiny Committee Chairman requested that, in view of the letter sent on 30 August, the Scrutiny Committee also be given opportunity to contribute to this protocol.

- (3) On 12 September a meeting was held with the Chairman and Spokespersons and the Cabinet Member and Corporate Director to discuss the response sent regarding the planning application, without relevant local member involvement as required by paragraph 13.1 of Appendix 6 Part 3 of the Constitution. As a result of this meeting Members agreed to place an item on the Scrutiny Committee agenda to provide an opportunity for Members to consider and comment on the Consultation Protocol with a specific emphasis on Local Member engagement.

2. Witnesses

- (1) The Cabinet Member for Environment and Transport, Mr Balfour and Corporate Director, Growth, Environment and Transport, Mrs Cooper will be present to answer Members' queries on the response sent by KCC to Thanet District Council on planning application OL/TH/16/0550 (Stone Hill Park – Manston).
- (2) KCC's interim General Counsel, Ben Watts and Democratic Services Manager (Executive), Lou Whitaker, will be present to answer Members' queries on the Consultation Protocol and Local Member involvement.

3. Attached Documents

- (1) KCC's response to Thanet District Council on planning application ref: OL/TH/16/0550 Stone Hill Park – Former Manston Airport Site, Manston Road, Ramsgate – Appendix 1
- (2) Consultation Protocol (Responses to consultations received) – Appendix 2

4. Recommendation, that:

The Scrutiny Committee is asked to consider and endorse or make recommendations on the Consultation Protocol as set out at Appendix 2.

Contact: Anna Taylor
scrutiny.committee@kent.gov.uk
03000 416478

Background information – discussion had at Policy and Resources Cabinet Committee 8 September 2016
http://kent.public-i.tv/core/portal/webcast_interactive/234351



Growth, Environment & Transport

Room 1.62
Sessions House
MAIDSTONE
Kent ME14 1XQ

Phone: 03000 415961
Ask for: Barbara Cooper
Email: Barbara.Cooper@kent.gov.uk

30 August 2016

Mr. Iain Livingstone
Planning Applications Manager
Thanet District Council
PO BOX 9
Cecil Street
Margate
Kent CT9 1XZ

BY EMAIL ONLY

Dear Iain

Re: Stone Hill Park – Former Manston Airport Site, Manston Road, Ramsgate (OL/TH/16/0550)

Thank you for inviting Kent County Council (KCC) to comment on the hybrid planning application received for the comprehensive redevelopment of the former Manston Airport site comprising the following:

- Full planning permission - sought for the change of use of retained existing buildings and the development of Phase 1 including four industrial units with ancillary car parking and associated infrastructure; and
- Outline planning permission - sought for the provision of up to 2,500 residential units, 85,000 sq. m of employment floorspace, a new local centre, two primary schools and other non-residential institutions, open space, car parking and associated infrastructure.

The County Council **strongly supports** the proposed redevelopment of the Manston Airport site led by Stone Hill Park Ltd. The proposals represent a unique opportunity to transform the vacant site at Manston and make a significant contribution to the delivery of homes and jobs in the Thanet District and the wider prosperity of the East Kent sub region. KCC notes that the objectively assessed housing need for the Thanet District has increased from 12,000 to 15,600 homes (to 2031) and therefore additional deliverable housing sites will need to be allocated to meet the shortfall.

KCC has historically provided unequivocal support to the owners of the site following their acquisition of Discovery Park, Sandwich from Pfizer in 2012 and the economic and social success of this venture is well documented. The mixed use development proposed at Manston will complement the commercial offer provided at Sandwich. As a provider of key strategic infrastructure in Kent, the County Council will continue to proactively engage with the applicants and their consultants to ensure the overall

viability and deliverability of an outstanding scheme which will leave a legacy for East Kent¹.

KCC Officers have actively and constructively engaged with the applicant and the consultant team as part of a series of ongoing pre-application discussions. Following the submission of the planning application and statutory consultation period, Officers of the County Council have taken the opportunity to provide an update on a number of technical matters as set out below. As the preparation of the scheme evolves and various supporting assessments and studies are completed, there will be a need for the County Council to update its position in autumn 2016.

Highways and Transportation

In accordance with KCC's response to the associated EIA scope, the creation of a strategic level transport model to assess the key routes within the surrounding highway network is necessary to support an application of this scale. Therefore, the level of assessment provided to date (using manual spreadsheet assignment model) is insufficient to comprehensively appraise the impact of this development. In view of this issue, at this stage the outputs and mitigation identified within the current Transport Assessment (TA) document cannot be assessed with an appropriate level of confidence.

As outlined within the TA, work is currently underway by the applicant on the above transport modelling and the highway authority are engaged in the associated scoping, assessment and validation process in relation to this. It is necessary for the highway authority to reserve its position in relation to any potential mitigation package (including public transport strategy and other transport related matters) until this process has been completed.

The TA makes reference to the emerging local plan and its accompanying Transport Strategy (TS). The TS is currently in draft form. Any future external mitigation strategy for this development site should reflect the longer term requirements of the TS. Whilst the internal parameter plans for the development are well thought out and have the potential to align with the TS, but the outputs of the pending strategic model will be key in making informed decisions in relation to these development proposals going forward and how they feed into this process.

The site is located in close proximity to the primary road network to the south, which provides good quality road links to the wider highway network in that vicinity. However the highway network to the north consists of lower quality local rural routes, without dedicated pedestrian or cycle infrastructure. Page 27 of the TA illustrates the distribution of local amenities and services, it is evident that the existing site is relatively remote and is not currently well linked to Westwood by both vehicular and pedestrian/cycle means.

¹ In March 2015, Kent County Council published a position statement on Manston Airport documenting the consistent strong support which the Authority has given to various investors in a commercial aviation operation. However, the economic reality is that during 16 years of private ownership, the airport incurred significant losses by a series of operators. The statement sets out KCC's view on alternative options for the site with the ultimate aspiration of supporting the economy of East Kent through inward investment and the creation of a significant number of new jobs.

The Highway Authority has some initial queries in relation to the way in which traffic has been assigned to the local highway network within the spreadsheet model. Some of the baseline trip and distribution methodology will need to be agreed prior to the completion of the strategic model, for which technical discussions will need to take place in due course.

The proposed development is of significant scale and will generate additional job-related and residential-related trips. Therefore, it is considered that a proportionate financial contribution towards the provision of required highways and transportation infrastructure may be appropriate.

In summary, KCC considers that the current level of transport assessment does not provide sufficient detail with which to make an informed decision in relation to highway and transportation matters and would welcome further discussions in relation to the above.

Thanet Parkway Railway Station

The site is located some distance from the existing principal railway station in Ramsgate and the other stations at Birchington-on-Sea and Minster which are served by very limited rail services. Whilst these stations could be accessed with an enhancement to existing or new bus services, they are outside of reasonable reach by either walking or cycling. Car parking provision at these stations is extremely limited, and journey times to and from them using local routes are typically unreliable in peak times; as such, the scope for modal shift is clearly reduced.

The strategy for enabling sustainable transport in this part of Thanet since the publication of KCC's strategic transport planning documents², is for the creation of a new Parkway Station in Cliffsend which would significantly enhance accessibility to sustainable means of transport. Such access to sustainable transport is a key component in realising sustainable development as a whole in line with national planning policy. The principle of a new railway station is supported by TDC, and the emerging Thanet Local Plan to 2031 safeguards land at the preferred location west of Cliffsend (Policy SP39).

The Thanet Parkway Railway Station is also a key feature of the South East Local Enterprise Partnership (SELEP) Strategic Economic Plan and has been previously allocated a contribution of £10 million from the Local Growth Fund subject to approval of a Full Business Case by the SELEP Accountability Board. KCC has committed its own capital funds for the design work and will be submitting a planning application for the new station in due course.

The proposed development is of significant scale and will generate additional job-related and residential-related trips. This demand will in part be met by the Thanet Parkway Railway Station.

² KCC's Transport Delivery Plan 'Growth without Gridlock' in 2010, 'Local Transport Plan for Kent (2011-2016)' and the current 'Consultation Draft Local Transport Plan 4: Delivering Growth without Gridlock (2016-2031).

As the proposed development progresses and particular demand placed on the project is identified, it can be considered that a proportionate financial contribution towards the construction of the Thanet Parkway Railway Station will be appropriate.

Public Rights of Way

KCC considers that the proposed development will directly impact Public Bridleways TR8, TR9 and TR10.

The local area has a very limited Public Rights of Way network available to residents. With regard to connectivity associated with the wider Rights of Way network and the existence of historic route alignments, the County Council welcomes the proposed reconnection of the historic network, as set out in the current Masterplan and draft s106 document. The proposed development will provide greater provision of walking and cycling routes and opportunities for active recreation.

In establishing sustainable access choice, it is recommended that improved facilities for walking and cycling are provided from the site to the destinations of Ramsgate Railway Station, the Marlowe Academy and the proposed Thanet Parkway Railway Station. Such improvements include those to footways on Canterbury Road West and surfacing of Public Bridleway TR10.

The County Council has actively engaged with the applicant in reviewing requests in relation to the requirements to provide for walking and cycling, as well as other active recreation, and such requests are detailed in the draft s106 document submitted as part of this application.

Provision and Delivery of County Council Community Services

KCC has assessed the implications of this proposal in terms of the delivery of its Education and Community Services (i.e. Libraries, Youth, Community Learning and Social Care) and is of the opinion that the proposed development will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

Primary Education

The proposed development is forecast to give rise to 700 additional primary pupils which cannot be accommodated within existing or currently proposed capacity in local schools. To mitigate the increased demand from the proposed development, the provision of two new primary schools, each providing two forms of entry (420 places) is required.

KCC requests **£6 million** towards the construction of each new primary school, as well as the provision of land for each school, at nil cost to the County Council. **A total financial contribution of £12 million will be required for primary education provision** and should be recovered through the associated planning obligation. This

is costed at current prices and will need an appropriate uplift to reflect sector inflation between now and the point of commissioning the schools.

A copy of the County Council's General Site Transfer Requirements and education assessment is appended to this letter.

Secondary Education

The proposed development is forecast to generate 500 additional secondary pupils, these cannot be accommodated within existing capacity in the area. To mitigate the additional impact, the County Council proposes the provision of additional places in a new secondary school in the Thanet District. It is requested that the cost of this additional capacity, at **£25,458 per pupil** is incorporated within a planning obligation.

The number of pupils generated and resulting total contribution required will be dependent on the final housing mix; based on the current 500 pupil forecast a total contribution of **£12.7 million** is requested. This is costed at current prices and will need an appropriate uplift to reflect sector inflation between now and the point of commissioning the schools.

Community Services

The County Council notes that a community facility is included within the wider development proposal. In order for KCC to fulfil its statutory obligations and provide the new community with access to County services, the County Council requests that provision within the proposed community building is made for the on-site delivery of community learning, adult social care, youth services and library services.

To meet demand and deliver the range of services required, it is recommended that the proposed community facility includes at least the following: a 50m² classroom, small hall, kitchen, storage space for class equipment, sufficient toilet facilities for classes of 30, a changing place facility, automatic doors and full Disability Discrimination Act 1995 compliance for access by service users in wheelchairs. In addition, KCC also requests 35 hours use of part of the facility per week with no rent charged.

Additionally, the delivery of a range of services from the community facility will require necessary capital equipment (including IT equipment). **The associated cost of this is £177,000** which KCC requests should form part of any resulting planning obligation.

Adult Social Care

It is noted that the application proposes up to 250 age-restricted dwellings. The County Council welcomes the principle of the proposed development incorporating an element of age-restricted housing and confirms that there is need for such provision in the local area. The tenure type and level of support provided to residents will be an important factor in ensuring that the broad proposals for age-restricted dwellings meet the specific needs of the local area. Therefore, KCC recommends the provision of an older persons' care home of a minimum 60 beds in the area, as well

as supported accommodation for people with learning disabilities or mental health needs in 16 self-contained flats.

It is also requested that 50 wheelchair accessible homes are provided as part of the affordable housing element within the proposed development with nomination rights given in consultation with KCC Social Care.

Heritage Conservation

Investigations including those undertaken in 2010 on the adjacent East Kent Access Road indicate the rich archaeological resource present in Thanet District with remains of prehistoric, Roman, Anglo-Saxon and medieval date likely to be present at the proposed development site.

The County Council notes comments provided by Historic England dated 29 June 2016 and supports its view that the cultural heritage assessments undertaken are incomplete and do not adequately set out the significance of the heritage assets and buried archaeology that will be affected by the development proposal. Therefore, it is recommended that further work is undertaken to robustly analyse the background and data model for the proposed development site in order to understand its archaeological potential.

KCC also concurs with Historic England's view that more consideration should be given to the historic layout of the former airfield and preservation of the historic character within the design as the preparation of the Masterplan advances. Additionally, further explanation is needed to justify the scoping out of the assessment of designated and key undesignated heritage within and surrounding the airfield.

Following engagement between KCC and the applicant, it has been agreed that further evaluation works regarding geophysical surveys and trial trenching will be undertaken and the outcomes of such works, combined with a revised desk based assessment, will be submitted as an Addendum to the EIA.

Arts and Culture

The Thanet District has an international reputation for outstanding cultural provision and it is advised that the applicant clarifies how the proposed development relates to the unique local culture and heritage of the District's three main towns: Margate, Broadstairs and Ramsgate.

As it stands, the application does not set out how residents will gain access to cultural activity. Consideration should be given to access to such cultural activity in the District's main towns.

The County Council recognises the applicant's vision for an array of different parks and open spaces that could provide opportunities for creative interventions and public art.

Sustainable Urban Drainage

In its response to the District Council dated 21 June 2016 the County Council – as Lead Local Flood Authority – raised concerns regarding the submitted outline Drainage Strategy and recommended the following: the undertaking of further ground investigation works; the preparation of a detailed Surface Water Management Strategy; and the provision of Conditions should the District Council be minded to grant planning permission.

A full copy of KCC's Sustainable Drainage response is appended to this letter.

Biodiversity

In its letter of response dated 23 June 2016, KCC Ecological Advice Service set out its comments regarding the following requirements: the submission and consideration of information concerning the potential ecological impacts and the completion of ecological surveys with outcomes, conclusions and any necessary mitigation proposals submitted to the District Council prior to determination. In addition, the County Council requested the submission of further information regarding the following: Great Crested Newts; Barn Owls; habitat extents; and the parameters associated with the proposed ecological green infrastructure.

A full copy of KCC's Ecological Advice Service response is appended to this letter.

If you require any further information or clarification on any matter, please do not hesitate to contact me.

Yours sincerely



Barbara Cooper

Corporate Director – Growth, Environment and Transport

Encs:

1. General Site Transfer Requirements
2. Education Assessment

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To: P & R Cabinet Committee – 8 September 2016

Subject: Consultation Protocol (Responses to consultations received)

Classification: Unrestricted

Past Pathway of Paper: DMT 26 April 2016, CMT 16 May 2016

Future Pathway of Paper: Executive decision

Electoral Division: No particular division is affected.

Summary: This report contains proposed amendments to the Consultation Protocol for KCC, which sets out how Officers and Members should deal with the drafting and submission of responses to consultations received from other bodies.

Recommendation:

The Cabinet Committee is asked to consider and endorse or make recommendations on the proposed decision of Cabinet to adopt the Consultation Protocol as set out at appendix 1.

1. Introduction

1.1 This report is intended to provide a background to and justifications for the amendments to the Consultation Protocol and seek agreement to the draft attached at **Appendix 1** for approval and adoption by Cabinet.

2. Background

2.1 The Protocol has been in existence in various forms for some time. It was originally produced as a guidance note relating to consultations from central Government only and was not regularly relied upon.

2.2 The first consultation on the Lower Thames Crossing in July 2013 brought the Protocol prominently to the attention of Members and officers. It was relied upon to bring a report on the proposed response, to the Cabinet meeting as an information item as opposed to a formal decision. This approach was welcomed by officers and the Executive as pragmatic and efficient and was considered to be appropriate from a governance perspective as KCC was not making any decision.

2.3 Following this meeting, the reliance on the Protocol to justify the procedural route undertaken, and the first appearances of consultations on District Council Local Plans for some time, it was noted by officers that it created an odd and arbitrary distinction between consultations received from central government and those received from local government.

- 2.4 The situation as it was then would have required that a consultation from a district council on, say, sustainable drainage policy would have required a formal decision to respond (although this was not always happening) but a consultation from central government regarding a new motorway in Kent would have been the responsibility of officers with only informal input and endorsement from the Executive required.
- 2.5 This is particularly important when the opportunity to call-in a decision to scrutiny is factored in. Those responses most likely to be controversial would not be available to call-in, having not been subject to a decision, but those less controversial responses would be.
- 2.6 As a result it was agreed with the Leader that the Protocol would be amended to include consultations received from any government body.
- 2.7 Having significantly widened the remit of the Protocol and more explicitly identified in the minds of Members and officers the delegation of responsibility to officers for drafting and submitting responses to consultations, it was thought timely to properly adopt the amendments and formalise the delegation inherent in the Protocol.
- 2.8 In addition, a number of high profile consultations are currently being conducted or are due to be conducted and it is wise to have the procedure properly constituted in order that the most robust defence to enquiries about it from the public or other bodies can be put.
- 2.9 On deciding that this work was necessary and determining that an Executive decision was appropriate, amendments were made to the Protocol to reflect the governance elements inherent in it, such as the delegation of responsibility to officers and the rights and responsibilities attached to such delegations, including references to the Executive Scheme of Officer Delegation and Code of Member Conduct, in order to help Members and officers understand their particular roles within the process.
- 2.10 The Protocol was sent for comment to officers most likely to be affected by it. The additional material relating to governance and behaviours was not an issue and no comments were received on these matters, but comments were made about the existing content and its fitness for purpose. Having been created some time ago, some of the references were no longer helpful or relevant and further changes needed to be made.
- 2.11 These changes have now been included in the revised Protocol. In particular they reflect the involvement of the Information Point in gathering and distributing information on government consultations. There are also included some new responsibilities for Democratic Services (DS) to bring the fortnightly list to the attention of Cabinet Members' Meetings (CMM) and this has been included as DS attend CMM fortnightly to discuss Forthcoming Executive Decisions and therefore can conveniently add this list to the papers submitted.

2.12 In addition the matter was considered by SCS DMT where, except for one minor addition which is now included, it was agreed that the protocol should continue to cabinet member decision as proposed.

3. Financial Implications

3.1 None

4. Equality Implications

4.1 None

5. Legal Implications

5.1 The formal adoption of the Protocol, and adherence to it, is only one element of a strong position on a submission to a consultation, but adopting it in the way set out and as amended would strengthen the Council's position in any challenge received.

6. Conclusions

6.1 The amendment and formal adoption of the Protocol are necessary to formalise the delegation to officers who prepare consultation responses, to ensure that the Council has a consistent approach to producing responses, to protect officers' professional integrity and to allow Members, both executive and non-executive, to influence responses as appropriate.

6.2 It will also help to protect the Council from criticism levelled against it when responses are unpopular and provide clear pathways for escalation or sub-delegation of response writing, where appropriate, via the Executive Scheme of Officer Delegation.

9. Recommendation:

9.1 The Cabinet Committee is asked to consider and endorse or make recommendations on the proposed decision of Cabinet to adopt the Consultation Protocol as set out at appendix 1.

10. Contact details

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DRAFT - KCC PROCEDURE FOR DEALING WITH CONSULTATIONS

1. Introduction

- a) For the purpose of this protocol 'consultation' shall include:
- (i) any correspondence received from any body seeking a response to proposals they are considering implementing or policy or strategy they are considering adopting
 - (ii) those occasions where KCC is being asked to contribute to a joint response from one body (e.g. KMEP, LEP, JTB) to another
 - (iii) consultations where KCC is a statutory consultee and has a duty to respond, such as in planning applications and local plan development and those where it is a non-statutory consultee.
 - (iv) those consultations to which a Cabinet Member requests that a response be made.
- b) This Procedure is designed to sit alongside any detailed guidance Directorates may have to cover their own requirements and internal processes. Its aim is to ensure that:
- (i) responsibility for the drafting and submission of consultation responses is clear and properly delegated to officers
 - (ii) general principles for dealing with consultations are applied consistently across the Council
 - (iii) all consultations are given the appropriate level of consideration by the relevant Cabinet Member, Corporate Director or senior staff and non-executive Members, and each has an opportunity to influence the response where appropriate
 - (iv) any Member can view on KNet consultations received and responses made on behalf of the Council
- c) The Government's Code of Practice on written consultation¹ lays down a standard period of 12 weeks for government consultations, although increasingly they are becoming shorter, other consultations normally run for between 4-12 weeks and the urgency of the response required will also influence the approach taken.

2. The Process

- a) There are a number of routes through which consultations can be received by the Council. The Information Point maintains a database of Government consultation exercises to identify relevant and forthcoming consultations.
- b) When a Consultation is identified by the Information Point or received by another officer, Cabinet Staff Officers or Executive Assistants must be notified and they in turn must notify their Cabinet Member and relevant Director who together will determine:

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/2695/code-practice-consultations.pdf

* relevant officer will be the

- (i) whether or not a response should be made:
 1. No response - some consultations may be regarded as relatively unimportant, un-contentious or technical in nature and the relevant officer, in consultation with the Cabinet Member can determine that a formal response is not required.
 2. Level 1 response - others will be important but relatively uncontentious, related to the work of only one Directorate and within the remit of only one Cabinet Member portfolio. In these cases, a response will be drafted by the relevant officer in consultation with the Cabinet Member.
 3. Level 2 response - for particularly important or contentious consultations or where more than one Directorate or Cabinet Member portfolio is affected, Directors should take responsibility for ensuring that, all appropriate parties are consulted on developing a response.

- (ii) If a response is to be made, the relevant officers in consultation with the relevant Cabinet Members must decide whether (and, if so, how) additional Members (for instance, political Group Leaders or relevant Local Members) and committees (e.g. Cabinet or the relevant Cabinet Committee) should be involved in an advisory capacity. In practice most level 2 and some level 1 consultations will be considered by the relevant Cabinet Committee.

- (iii) It may be appropriate for advice to be sought from more than one body as a draft response is prepared, relevant Members may be consulted by email if a meeting is not to be held within the required timeframe.

- d) Once the preferred approach has been agreed, and in any event not less than five working days after the consultation has been received, Directorates should “star” rate the consultation in terms of its perceived importance and pass this detail to the Information Point along with the proposed sign off route. Star ratings are assigned as follows:
 - 3 star – High Importance
 - 2 star – Medium Importance
 - 1 star – Low Importance
 - 0 Star – No further action

The Information Point in conjunction with Democratic Services will arrange for a list of all the consultations which the Council has received to be reported to Cabinet Members collectively on a fortnightly basis. This list will include the following information:

- (i) Consultation title
- (ii) The date the consultation was received
- (iii) Who the consultation has been issued by and details of how to respond as an individual
- (iv) A description of the subject, whether it is proposed that a response will be made and, if so, the date by which it must be submitted
- (v) The proposed course of action/star rating

- (vi) Details of the relevant officer and Member to whom representations can be made to influence the KCC response
- e) The list will be published on line fortnightly by the Information Point
- f) A draft response will be published to the KNet page and an email alert sent to all Members. At this point comments may be received and can be reflected in the response.
- g) If comments are received but are not reflected within the draft response. Members will be advised to submit a response to the consultation directly.
- h) Directorates must send a copy of the final response to the Information Point for publication on KNet and in the next appropriate edition of the Members Information Bulletin.
- i) Any Member not satisfied with the final KCC response, or lack of response, may submit an individual response to any consultation. Information on how to do so will be included at stage (iii) of the process above.

3. Other relevant Information

- a) The Code of Conduct applies to Members acting in their official capacity on behalf of the authority, either alone as part of a meeting, and therefore applies to the undertaking of steps within this Protocol. Members should be mindful of any interest that they may have in the subject matter of any particular consultation. Where a Member believes that they have an interest in the matter they must not seek to influence the response nor take part in any of the drafting of that response.

The Council's Constitution states that:

Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an executive decision), you must:

- (i) notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent
 - (ii) not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you
 - (iii) not seek improperly to influence a decision about the matter
- b) Members are reminded that non-declaration of a disclosable pecuniary interest is a criminal offence. Members may, of course, respond to the Constitution as an individual, not representing the Council.
 - c) Officers must also be mindful of any interest that they may have in any matter on which a consultation response is requested. A register of financial and non-financial interests is maintained by each Directorate. HR maintains a register for senior managers, who should ensure appropriate entries are made and the nature of any potential or perceived conflict of interest is recorded in the register. Officers are advised in the event that they have an interest and could be perceived to be conflicted, that another officer undertakes the necessary actions related to the drafting of the response. If the response is very technical in nature and only one

officer may be qualified or able to draft the response, a dispensation should be sought from the Monitoring Officer.

- d) The Convention on Member:Officer relations contained in the Council's Constitution seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and officers and is a useful guide when officers are acting under delegated authority.
- e) This Protocol constitutes a delegation of authority to respond to consultations to the appropriate officers. While these powers are exercised after consultation with Cabinet Members, it must be recognised that while ultimate accountability rests with the Leader, it is the officer who takes the decision and who is accountable. Therefore, they must at all times be true to their professional judgment. As such, it is important that any dealings between Members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- f) Under the Executive Scheme of Officer Delegation, any officer may escalate the delegation to a more senior officer or to the Cabinet Member. Likewise any Cabinet Member may at any time require officers to refer a matter that would otherwise be taken under existing delegations to either themselves or Cabinet for decision.

Geoff Wild
Director of Governance and Law

June 2016