

**ENVIRONMENT & TRANSPORT
CABINET COMMITTEE**

Tuesday, 16th July, 2019

10.00 am

Darent Room - Sessions House



AGENDA

ENVIRONMENT & TRANSPORT CABINET COMMITTEE

Tuesday, 16 July 2019 at 10.00 am
Darent Room - Sessions House

Ask for: **Georgina Little**
Telephone: **03000 414043**

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

Membership (16)

Conservative (12):	Mr M A C Balfour (Chairman), Mr M D Payne (Vice-Chairman), Mr A Booth, Mr T Bond, Mr D L Brazier, Mr A Cook, Mr N J Collor, Mr S Holden, Mr A R Hills, Mr R C Love, OBE, Mr J M Ozog and Mr H Rayner
Liberal Democrat (2):	Mr R H Bird and Mr I S Chittenden
Labour (1)	Mr B H Lewis
Independents Green Party) (1)	Mr M E Whybrow

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UNRESTRICTED ITEMS

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

- 1 Introduction/Webcast announcement
- 2 Membership
Rob Bird to replace Antony Hook
- 3 Apologies and Substitutes
- 4 Declarations of Interest by Members in items on the Agenda
- 5 Minutes of the meeting held on 24 May 2019 (Pages 5 - 16)
- 6 Verbal Update

- 7 19/00051 - Fastrack Full Network - Bean Road Tunnel (Pages 17 - 44)
- 8 KCC Bus Feedback Portal - Summary of Feedbacks Received January to May 2019 (Pages 45 - 58)
- 9 Performance Dashboard (Pages 59 - 68)
- 10 2018/19 Growth, Environment and Transport Directorate Equality Review (Pages 69 - 80)
- 11 Gypsy and Traveller Service - Emerging Policies (Pages 81 - 90)
- 12 19/00053 - Dover Bus Rapid Transit (BRT) - Infrastructure delivery partner with Dover District Council (Pages 91 - 114)
- 13 19/00054 - KCC Country Parks - Decision to approve fees and charges for Pay and Display and Season Ticket charging, and the principles for establishing future fees and charges (Pages 115 - 130)
- 14 Fly Tipping Enforcement Plan (Pages 131 - 136)
- 15 Kent County Council's Response to Transport for the South East's Proposal Consultation (Pages 137 - 168)
- 16 19/00055 - Contract for Coroners' Post-Mortem Examinations, North West Kent Coroners Area (Pages 169 - 186)
- 17 Serious and Organised Crime (Pages 187 - 196)
- 18 Work Programme (Pages 197 - 202)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Monday, 8 July 2019

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

KENT COUNTY COUNCIL

ENVIRONMENT & TRANSPORT CABINET COMMITTEE

MINUTES of a meeting of the Environment & Transport Cabinet Committee held in the Darent Room - Sessions House on Friday, 24 May 2019.

PRESENT: Mr M A C Balfour (Chairman), Mr M D Payne (Vice-Chairman), Ms S Hamilton (Substitute for Mr T Bond), Mr D L Brazier, Mr A Cook, Mr N J Collor, Mr S Holden, Mr A R Hills, Mr R C Love, OBE, Mr J M Ozog, Mr I S Chittenden, Mr A J Hook, Mr B H Lewis, Mr M E Whybrow and Mr H Rayner

ALSO PRESENT: Mr P M Hill, OBE and Mr M Whiting

IN ATTENDANCE: Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Mrs S Holt-Castle (Interim Director of Environment, Planning and Enforcement), Mr S Jones (Director of highways, Transportation and Waste) and Miss G Little (Democratic Services Officer)

UNRESTRICTED ITEMS**172. Membership**

(Item 2)

Members noted that Mr D Brazier had joined the Committee in place of Mr P Messenger.

173. Apologies and Substitutes

(Item 3)

Apologies were received from Mr T Bond, Ms S Hamilton attended as a substitute.

174. Declarations of Interest by Members in items on the Agenda

(Item 4)

There were no declarations of interest received.

175. Minutes of the meeting held on 19 March 2019

(Item 5)

RESOLVED that the minutes of the meeting on 19 March 2019 are a correct record and that they be signed by the Chairman.

176. Verbal Update

(Item 6)

1. Mr Hill, OBE (Cabinet Member for Community and Regulatory Services) announced that Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) had its fifth annual PEEL (Police effectiveness, efficiency and legitimacy) assessment. Mr Hill was pleased to announce that out of the three categories, Kent Police achieved one 'good' rating for its effectiveness and two

'outstanding' ratings for its efficiency and legitimacy. He said that Kent Police had officially been graded as the best Police force in the country and that the Prime Minister described Kent Police as an outstanding example of an excellent police force. Mr Hill commended the forces performance and had written to the Chief Constable on behalf of Kent County Council to congratulate Kent Police on their achievements.

2. Mr M Whiting (Cabinet Member for Planning, Highways, Transport and Waste) provided a verbal update on the following issues:

(a) Highways Pot-hole Blitz Programme

Phase 4 of the pothole blitz programme concluded in April 2019 and phase 5 had commenced with a further £5m allocated for patching and filling potholes throughout the summer period. Mr Whiting confirmed that weekly updates would continue to be sent to KCC Members, District and Council Leaders; and Kent MPs.

(b) Road Re-surfacing

The road resurfacing programme was well underway with a substantial increased volume of work due to additional KCC capital funding investment of around £20m.

(c) Pilot Transport Schemes

As a result of the Big Conversation, five pilot schemes had been produced to help the Council identify alternative ways to support rural bus services. The first of the five pilot transport schemes was due to be launched on 3rd June 2019. The other pilots were due to be rolled out over a six-week period and take place in; Dover, Maidstone, Sevenoaks, Tenterden and West Malling. Mr Whiting informed the Committee that the Member Working Group led by Mr H Rayner would review the overall performance of the pilots and identify areas where improved services could be implemented using existing budgets.

(d) Kent County Council Travel Saver and Kent County Council 16+ Travel Saver

Applications for the KCC Travel Saver and KCC 16+Travel Saver bus pass would be accepted from 3rd June 2019. Mr Whiting confirmed that eligibility rules would remain the same, however, applicants could now pay via instalments through direct debit to help improve the affordability of the pass for parents. Mr Whiting said that the cost of the Travel Saver Pass had increased to £350, however, the cost of the 16+ Travel Saver pass remained at £400. For families on low income, the passes remained at £100 and Kent County Council continued to supply passes that were free-of-charge to those in care.

3. In response to queries regarding the benefits of purchasing a bus pass compared to the benefits of purchasing rail pass, Mr Whiting informed Members that the cost benefit would vary depending on a family's financial circumstances and therefore benefits would need to be reviewed on a case-by-case basis. Mr Whiting assured Members that the subsidised Travel Saver scheme offered families the opportunity to purchase a pass at half the cost of an annual season ticket.

177. Performance Dashboard

(Item 7)

Richard Fitzgerald (Business Intelligence Manager, Performance, Strategic Business Development & Intelligence) was in attendance for this item.

1. Mr Fitzgerald introduced the Performance Dashboard which showed progress made against targets set for Key Performance Indicators (KPIs) up to March 2019.
2. The officers responded to Members comments and questions as follows:
 - (a) In response to queries regarding WM02: Municipal waste diverted from landfill and converted to energy, Mr Jones (Director of Highways, Transportation and Waste) said that the Waste Partnership in Kent worked with district councils to help coordinate and segregate recyclable material from non-recyclable material. Whilst work was being done to improve recycling rates, this would have a negative impact on the conversion rates.
 - (b) With regards to the Digital Take-up indicators, Mr Jones informed the Committee that work was on-going to improve public facing IT interfaces to encourage increased usage of the online portals rather than via telecommunication methods. Mr Whiting (Cabinet Member for Planning, Highways, Transport and Waste) commended the success of the IT infrastructure and said that other interfaces needed to be designed in the same user-friendly fashion to encourage members of the public to access Kent County Council's services online. Mr Whiting paid further credit to those who had devised the workflow and said that the improved online access had generated a significant financial saving.
3. Members and officers thanked Mr Fitzgerald for his work and wished him well with his future endeavours.
4. RESOLVED that the report be noted.

178. Growth, Environment and Transport Performance KPIs 2019/20

(Item 8)

Richard Fitzgerald (Business Intelligence Manager, Performance, Strategic Business Development & Intelligence) was in attendance for this item.

1. Mr Fitzgerald introduced the report that set out the proposed indicators that would be reported within the Growth, Environment and Transport Dashboard for 2019/20. Mr Fitzgerald said that an extensive amount of work had been carried out to review the Key Performance Indicators (KPIs) and associated targets.
2. Officers responded to comments and questions and follows:
 - (a) With regards to the Digital Take-up indicators, Mr Jones informed the Committee that work was on-going to improve public facing IT interfaces to encourage increased usage of the online portals rather than via telecommunication methods. Subject to the approval of Mr Whiting (Cabinet Member for Planning, highways, Transport and Waste) there would also be further campaigns to help promote digital take-up and encourage the public to report faults and/or concerns online. Some of the improvements included enhanced map imagery to make it easier for those reporting potholes etc. to pinpoint the exact location and an improved drop-down list. Mr Jones said that the aspiration of the digital interface was to ensure that all service reporting could be accomplished within five clicks of entering the portal. Mrs Cooper (Corporate Director of Growth, Environment and Transport) paid tribute to Mr Jones and his team who had process mapped all the reporting systems to ensure a LEAN approach which in turn would reduce the customer call-time and letters and increase customer satisfaction rates.
 - (b) Mr Jones informed the Committee that KPIs HT01 and HT02 were comparatively lower than the previous years targets due to the exceptional winter conditions experienced which had allowed the highways team to carry out more pothole repairs than initially anticipated. Mr Jones informed Members that weather conditions were likely to fluctuate and therefore the target levels for 2019/20 were still aspirational having taken into account the variable weather conditions. With regards to the reduction of municipal waste converted to energy, the target for 2019/20 was an aspirational target as Kent County Council were working with the district and borough councils to improve recycling rates. Mr Jones highlighted to Members that Kent County Councils waste to landfill target had remained as the lowest in the country and work would continue to minimise that target year-on-year.
 - (c) In response to Members queries regarding KPI WM01 and WM02, Mr Whiting agreed to liaise with Mr Jones outside of the meeting to review the proposed target levels.
 - (d) Mrs Cooper agreed to bring a report a future Committee that explained how the district collection process impacted on the recycling targets. Mrs Cooper informed Members that the KPIs and Activity Indicators reflected a whole system approach, however, Members needed to remain mindful that not every district had the same recycling process or same ambition.

- (e) Mr Jones said that as a result of the increased budget, the Council was paying less per pothole, less per patch and repair rates were significantly quicker.

3. RESOLVED that the proposed indicators and associated targets be noted.

179. 19/00039 - Award of a short-term contract to the Commercial Services Group for the operation of three household waste recycling centres
(Item 9)

Simon Jones (Director of Highways, Transportation and Waste) was in attendance for this item.

1. Mr Jones introduced the report that sought approval from the Committee to implement a short-term variation for the operation and management of three Household Waste Recycling Centres to a Commercial Services Group as the incumbent supplier would cease to manage the three sites as of June 2019. The report set out how Kent County Council planned to continue the supply of its services and how it intended to align the operation and management of Household Waste Recycling Centres to the long-term commissioning strategy for all its waste services in future years.
2. Officers responded to Members comments and questions as follows:
 - (a) Mr Jones said that the co-terminus end dates of the contracts was intentional as this would help the directorate to align the commissioning period and as a result help Kent County Council secure substantial commissioning in the future, consolidate its procurement activity and review an ever-evolving market to ensure it entered into contracts with the right suppliers.
 - (b) In response to queries as to whether the contract would be awarded to a single supplier or to the Lot numbers, Mr Jones said that he was unable to provide a definitive answer, however assured Members that a procurement exercise would be undertaken to ensure that the contracted supplier offered the best value for money at that point in time.
 - (c) With regard to economies of scale, Mr Jones said that there were obvious economies such as staff coverage to ensure operational certainty over the various site locations, it presented potential opportunities for improved back-office functions and it also offered certainty in the haulage cost if there was one single source. There was also the opportunity to avoid duplication of costs that could arise when there were multiple suppliers. Mr Jones assured the Committee that in terms of economy, the proposed decision to have the same termination date for all Lots would invite potential discussions around the development of a common commissioning plan for the whole county and attract a variety of potential suppliers. It would also offer consistency in terms of Key Performance Indicators and provide Kent County Council with the opportunity to obtain a consistent approach with the districts and improve working relationships.

(d) Mrs Cooper (Corporate Director for Growth, Environment and Transport) informed Members that a full commissioning strategy for all Lots would be proposed for the consideration of the Committee in the autumn of 2019.

(e) Mr Jones confirmed that Pepper Hill was subject to a separate long-term contract, however, work would be done in the future to review how the Pepper Hill site would form part of the commissioning strategy.

3. RESOLVED that the proposed decision (19/00039) to be taken by the Cabinet Member for Planning, Highways, Transport and Waste to:

a) award a short-term variation of the contract for the operation and management of three Household Waste Recycling Centres at Tovil, Maidstone & Swanley, to Commercial Services Group (CSG) from June 2019 until November 2020; and

b) note that Officers will prepare a common commissioning plan for the whole County. The detail of the various options within this commissioning plan, will be discussed at a future meeting of the Environment and Transport Cabinet Committee,

be endorsed.

180. 19/00040 - South West Kent Dry Recyclables Processing Contract - SC18061
(Item 10)

Simon Jones (Director of Highways, Transportation and Waste) and David Beaver (Head of Waste Management Services) was in attendance for this item.

1. Mr Jones introduced the report that set out the proposal to enter into a contract for the processing of dry recycling materials collected at the kerbside by Tunbridge Wells Borough Council (TWBC) and Tonbridge & Malling Borough Council (TMBC). As a result of changes to the mix of co-mingled dry recyclable materials which were to be collected at the kerbside by Boroughs from September 2019, Kent County Council needed to source an alternative supplier who could process the waste at a Material Recycling Facility (MRF).
2. Officers responded to Members comments and questions as follows:
 - (a) Mr Jones said that the final decision paperwork would include the updated version of the Kent Joint Municipal Waste Management Strategy.
 - (b) In response to queries regarding the four-year duration of the contract and whether this was an efficient length of time to obtain maximum value, Mr Jones said the four-year period was the maximum term permitted through the proposed buying framework and was based on two factors; the availability and capacity of the Material Recycling Facilities (MRF's). The four-year duration also offered KCC greater flexibility in terms of aligning

itself to the commodity rates and ensured a shared risk of price variances with the provider during the life of the contract.

- (c) Mr Jones said that the current MRF was located in Crayford, however, discussions had taken place with various stakeholders to identify potential sites for a further MRF and assured the Committee that they would be informed should there be any further updates.
 - (d) Mr Beaver informed Members that in 2018 the Committee approved the South West Kent Partnership model (*Decision 18/00023 - Inter-Authority Agreement in respect of the management of the Waste Project between Tonbridge and Malling Borough Council (TMBC) and Tunbridge Wells Borough Council (TWBC)*) which commissioned a new kerbside model of waste collection to significantly increase recycling and composting rates. However, due to the revised borough collection specification which separated paper and card from glass, cans and plastic, the original contracted MRF in Crayford could no longer process the new recycling mix and therefore a new MRF needed to be identified.
 - (e) In terms of the income generated through recycling, Mr Beaver said that the only materials that produced an income for KCC were paper, cardboard, textiles and batteries.
 - (f) Mr Beaver referred again to the decision paper that was approved in 2018 and said that the South West Kent Waste Partnership agreed a system of performance payments whereby the savings generated through diverting residual waste from Allington would be shared between the two district councils and Kent County Council. Mr Beaver said that the new proposed commissioning solution would offer savings of £1m a year and had already been activated in Gravesham Borough Council which had achieved a minimum level of 20% recycling and received increased payments from KCC. The scheme was due to be rolled out in East Kent in 2021 and throughout Mid-Kent in 2023.
3. RESOLVED that the proposed decision (19/00040) to be taken by The Cabinet Member for Planning, Highways, Transport and Waste to award contractual arrangements for the disposal and processing of recycled materials collected by these two Waste Collection Authorities up to a 4-year contract period, be endorsed.

181. 20mph - Policy Review

(Item 11)

Simon Jones (Director of Highways, Transportation and Waste) Nikola Floodgate (Schemes Planning and Delivery Manager) and Steve Horton (Casualty Reduction Manager) were in attendance for this item.

- 1. Mr Whiting (Cabinet Member for Planning, Highways, Transportation and Waste) introduced the report that set out the review of the County Council's approach to 20mph speed limits to ensure they met the requirements of the latest guidance. Mr Whiting highlighted to Members that there were over 1,000

roads within Kent that were subject to 20mph zones or limits and that in the past 24 months, there had been 22 schemes implemented that covered 286 roads. Mr Whiting said that the report explored the benefits of modifying the criteria required to implement a 20mph speed limit through greater flexibility, and in particular, the measures that could be taken in locations where prevailing road speeds were between 24mph and 28mph.

2. Mr Jones informed the Committee that a review of the research published by the Department for Transport (DfT) was carried out as well as a review of the policy which compared Kent County Councils approach to 20mph with other local authorities, the results of which confirmed that Kent's policy was aligned to national policy. However, Kent County Council was keen to review and consider the use of more innovative and less intrusive traffic calming measures, which was reflected throughout the report.
3. As a supplement to this, Ms Floodgate said that whilst the current approach remained compliant and consistent with national standards, there was merit in exploring the benefits of modifying the criteria required to implement a 20mph speed limit by providing greater flexibility. The proposed scheme would also help to deliver a more cost-effective approach and would be aligned to the active travel and public health agenda with a shared aim of reducing accidents on Kent's roads. The pilot schemes would be located in locations where there were prevailing road speeds between 24mph and 28mph and results of the trials would be reported back to the Committee within 12 months of their implementation. The success of the scheme would be measured by speeds before and after, the number of collisions and the perception of safety by local residents.
4. Officers responded to Members comments and questions as follows:
 - (a) Mr Whiting said that funding had been allocated to carry out a review and develop an evidence base to support the future use of an expanded list of traffic calming measures. This evidence would include best practice in other parts of the country and how this may be applied to Kent's schemes.
 - (b) Ms Floodgate confirmed that the allocated budget for the review was £75,000 and this was from the 2019-20 Local Transport Plan budget
 - (c) With regard to community support, this would be instigated and undertaken by Town/Parish Council/Residents' Groups. Mr Whiting provided Members with an example of community support from within his own constituency and said that residents had carried out a survey which received full support for a 20mph speed limit zone. This was then presented to Mr Whiting with the confidence to address the Parish Council and offer combined funding to the Traffic Regulation Order (TRO) to support the implementation of the

request. Ms Floodgate added that common support trials had already been carried out and work was being done with Faversham Town Council and the 20's Plenty Group to review scenarios where a blanket 20mph approach was going to be adopted and instead, a compromise was found to adopt an approach that was most effective for that area in question.

- (d) Ms Floodgate said that whilst the DfT enabled Kent County Council to use a blanket approach and enforce 20mph speed limits, a more risk adverse approach through innovative calming measures to identify the right speed for the right environment helped to reduce casualty numbers. In Many cases Kent County Council had gone against the recommendations of the Police and taken into account other factors that supported the need for a 20mph speed limit. Mrs Floodgate also confirmed that the Policy did not support the suggestion that 20mph limits were not permitted on A and B roads but that they were not normally suitable.
- (e) Mr Whiting informed the Committee that there was a separate policy and fund for road safety interventions. If the 20mph scheme was the solution to a proven safety issue, there would be a separate budget to address that and would be implemented as part of a Road Safety Improvement Plan.
- (f) Mr Jones addressed Members queries regarding Margate Town Centre and said that the scheme allowed District/ Parish Council's to request intermittent traffic calming measures where there were seasonal changes and this would ensure that variable speed limits were applied at the appropriate times of year and times of the day to help balance tourist need with business need.
- (g) Ms Floodgate said that whilst the report states that a further report to the Committee would be presented 12 months after the implementation of the scheme, the aim was to have all schemes in place within a 12-month period and then to provide feedback to the Committee as soon as practically possible.
- (h) In response to the effects of lowering speed limits, Mr Horton said that following a road traffic collision, life care would usually cost around £4m. In terms of the speed severity, Government statistics identified that when a person is hit at 30mph there was a 7% fatality rate, when hit at 35mph there was a 14% fatality rate and when hit at 40mph there was a 33% fatality rate.
- (i) Mr Jones said that air quality was a significant factor, however, due care needed to be taken to ensure that by implementing lower speeds within one area, this did not have a negative impact in other areas as vehicles

would then increase their speeds. Air quality needed to be resolved, not re-located to other areas.

5. RESOLVED that the proposed modifications to the current approach to reflect current learning and best practice; and the proposed series of research pilots that would need to be undertaken to determine the effectiveness of alternative (innovative) traffic calming measures at locations where the prevailing road speeds were between 24mph and 28mph, be noted.

182. Kent & Medway Energy and Low Emissions Strategy - Draft for Public Consultation

(Item 16)

Carolyn McKenzie (Head of Sustainable Business and Communities) was in attendance for this item.

1. Mr Payne introduced the report that set out the final draft of the Kent and Medway Energy and Low Emissions Strategy for public consultation. Mr Payne commended the officers for their work and paid tribute to the Members of the Cross-Party Working Group for their contribution in helping to draft the final strategy and the proposals that were set out within the report.
2. Mrs McKenzie reminded Members that the Energy and Low Emissions Strategy was a joint strategy with Medway and was created as a sibling document to the Kent Environment Strategy. The report proposed that a public consultation would run for 12 weeks from 11 June 2019 to 2 September 2019. Following the consultation, comments would then be evaluated, and a final Draft Strategy would be presented to the Committee in November 2019 together with a draft Implementation Plan and Evidence Base.
3. Officers responded to Members comments and questions as follows:
 - (a) Mrs McKenzie confirmed that Kent County Council was working closely with the private sector and academic bodies to look at air quality. A briefing note was available to Members and Mrs McKenzie agreed to re-circulate this.
 - (b) Mrs McKenzie thanked Members for their comments and recommendations and assured the Committee that wherever possible the team always strived to exceed targets.
4. RESOLVED that the content of the Final Draft Strategy and any further avenues of engagement that should be undertaken during the public consultation phase, be noted.

183. Kent's Plan Bee - (Kent County Council Pollinator Action Plan)

(Item 13)

Stephanie Holt-Castle (Interim Director of Environment, Planning and Enforcement) was in attendance for this item.

1. Mr Whiting (Cabinet Member for Planning, Highways, Transport and Waste) introduced the report that provided an overview of the Kent County Council Pollinator Action Plan – “Kent’s Plan Bee” and commended Mr Holden for leading the cross-party working group.
2. Mr Holden informed the Committee that in May 2018, a motion was presented before Full Council calling for the establishment of a cross-party working group to produce a Pollinator Action Plan. The motion was unanimously carried and over the last 12 months, the working group, supported by Allison Campbell-Smith (Programme Manager, Kent Ambassador, Kent Vision Live and KEIBA) and Elizabeth Milne (Natural Environment and Coast Manager), had drafted the action plan and sought the Committee’s approval for the Cabinet Member for Planning, Highways, Transport and Waste to agree the draft Pollinator Action Plan prior to final endorsement at County Council.
3. The officer responded to Members comments and questions as follows:
 - (a) Mrs Holt-Castle informed the Committee that Ms Milne had engaged with a number of services to ensure a cross-authority action plan, this included: Highways, Public Rights of Way, Infrastructure, Country Parks, Countryside Management Partnerships, as well as external organisations which included Kent Wildlife Trust, Natural England and the Bumblebee Conservation Trust.
 - (b) Mrs Holt-Castle said that whilst specific elements of the action plan could not be undertaken yet due to contractual commitments, there was an opportunity for other elements to be taken forward by undergraduate or recently graduated trainees as part of a project funded by the Heritage Lottery Fund.
 - (c) Mrs Holt-Castle reminded Members that the “Kent’s Plan Bee” was an action plan, not a strategy or a policy and therefore after its endorsement at County Council, it would be delivered with immediate effect.
4. RESOLVED that the draft Pollinator Action Plan be approved prior to final endorsement at County Council.

184. Work Programme

(Item 14)

1. RESOLVED that the Work Programme be noted, subject to the inclusion of the following items:
 - (a) A report that explained the District Council collection process and how this had an impact on recycling targets.

- (b) The Pitch Allocation Policy for Gypsy and Traveller Service Charge (July 2019)
- (c) Final Draft Energy and Low Emissions Strategy following public consultation (November 2019)
- (d) An interim report on the 20mph Policy (May 2020)

From: Mike Whiting, Cabinet Member for Planning, Highways, Transport and Waste
Barbara Cooper, Corporate Director of Growth, Environment & Transport

To: Environment & Transport Cabinet Committee – 16 July 2019

Decision No: 19/00051

Subject: Fastrack Full Network – Bean Road Tunnel

Key Decision: Major Scheme with cost over £1m and affects more than two Electoral Divisions

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: None

Electoral Division: Dartford East and Swanscombe & Greenhithe (with Dartford Rural just to the South)

Summary:

A key element of the large-scale regeneration that is underway at Ebbsfleet Garden City relies on a hugely increased use of public transport. Fastrack is a high-quality Bus Rapid Transit system which will provide the core infrastructure to deliver the public transport offer. The focus of this report is the Bean Road Tunnel which is an important element in the Fastrack Full Network and will provide a bus route and a footpath/cycleway linking Eastern Quarry and Bluewater.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposed decision to underwrite loan funding and, subject to formal sign off of the legal agreement and commissioning plan, take the scheme through the next stages of development and delivery. Specifically, for the Cabinet Member to:

- i) give approval to the progress of the reference design as shown on Drawing No. B2350500-JAC-HA-XX-DR-D-0001 Rev P01 for development control and land charge disclosures;
- ii) give approval to progress all statutory approvals or consents required for the scheme including transfer of land and rights;
- iii) give approval to carry out consultation on the scheme;

iv) give approval to underwrite and enter into forward funding and investment funding agreement(s) subject to the approval of the Infrastructure Commissioning Board;

v) give approval to enter into a design & build construction contract as necessary for the delivery of the scheme subject to the approval of the Infrastructure Commissioning Board to the recommended procurement strategy; and

vi) give approval for the Corporate Director of Growth, Environment & Transport, under the Officer Scheme of Delegations, to take further or other decisions as may be appropriate to deliver the Fastrack Full Network – Bean Road Tunnel scheme in accordance with these recommendations.

as attached at Appendix A.

1. Introduction and Background

- 1.1 The Fastrack Project was identified in the late 1990's as being critical to the sustainable delivery of Kent Thameside. Fastrack is fundamentally a transport project, and Kent County Council as the local Highway and Transport Authority is responsible for delivery of the Fastrack network.
- 1.2 Fastrack is critical to the economic development and sustainable regeneration of Kent Thameside (Ebbsfleet Garden City) and in preventing unacceptable traffic congestion. A key element of the large-scale regeneration is a hugely increased use of public transport and without Fastrack, these plans cannot be delivered. Fastrack must continue to evolve to become a totally credible mass transit system carrying capacity of up to 30million passengers per annum when Kent Thameside (Ebbsfleet Garden City) is fully developed which is comparable to the capacity of light rail schemes such as the Docklands Light Railway or Croydon Tramlink.
- 1.3 Henley Camland are the developers of Eastern Quarry, a substantial housing development of 6,250 homes, which is located in the site of the former quarry, bordered by the B255 Bean Road/Bluewater to one side and Ebbsfleet International to the other side. The development incorporates the construction of a spine road which will run the length of the development, providing access to homes and acting as the main point of access for residents/visitors. It will also provide the key route for the Fastrack service and at the B255 Bean Road/Bluewater end, the Spine Road will connect to Bluewater. Henley Camland is committed to the delivery of the development platform in Eastern Quarry (Spine Road which they are funding) to facilitate the Fastrack link across Eastern Quarry. To provide the connection to Bluewater from the Spine Road, the B255 Bean Road which sits on a chalk spine between the two former quarries, must be crossed. The connection would provide for Fastrack and for a walking / cycling link, which is then connected into the road infrastructure in Bluewater.
- 1.4 Two haulage tunnels previously constructed through the chalk spine supporting B255 Bean Road to facilitate earthworks movements during the construction of Bluewater Shopping Centre during the mid-1990's, still exist and are suitable to

form a new direct connection. As part of the highway infrastructure for Eastern Quarry a residential road network will be constructed that crosses the Spine Road and will link to the existing Hedge End roundabout on Bean Road at the Northern edge of Bluewater. This route could be made available for Fastrack by moving from the dedicated Spine Road to shared use residential roads. The most obvious connection is a continuation of the dedicated Spine Road through a tunnel under B255 Bean Road going directly into the Bluewater road infrastructure and bus interchange.

- 1.5 The works will be delivered by KCC using forward funding and investment funding provided by Ebbsfleet Development Corporation (EDC) and Bluewater with forward funding repaid by the Fastrack revenue surplus. These works are required to link up with the Fastrack Spine being complete across Eastern Quarry by developer Henley Camland who are also contributing to the scheme.

2. The Current Situation

- 2.1 Following work into the potential use of the haulage tunnels it has been determined that it would be more cost effective to construct a new tunnel for both Fastrack/cycling/walking and leave the existing tunnels as is. The proposed new bore tunnel with combined bus, walking and cycling renders both haulage tunnels redundant.
- 2.2 Recent ecological investigation in the haulage tunnels has revealed that there is some low-level bat activity and mitigation will be required in the construction of a new tunnel. Whilst one tunnel would be retained for bat conservation, the other would be filled to reduce maintenance and potential risk of exposure to unauthorised access.

3. Next Steps

- 3.1 Consultants have worked on the design and have produced a reference design and documentation for a Regulation 3 Planning Application. This planning application has been submitted, for resolution by October 2019. This will be followed by contract documentation for a NEC Design & Build (D&B) construction contract.
- 3.2 Using the SCAPE framework, a scheme estimate and feasibility report will be obtained which subject to cost will enable moving to the preconstruction stage followed by construction to commence in 2020.

4. Financial Implications

- 4.1 The works will be delivered by KCC using forward funding and some investment funding provided by Ebbsfleet Development Corporation (EDC) and Bluewater.
- 4.2 The overall scheme budget is £12.20m (including risk) for a new bore tunnel with compliant one-way signal-controlled bus way and walking and cycling. This is detailed in **Table 1 & 2** below.

- 4.3 Repayment of the proposed forward funding from Bluewater is to be over the period 2025 to 2041 (16 years), funded from the Fastrack revenue surplus (Fare Box). There is no interest payable on this loan and the rate is a flat £250,000 per annum.
- 4.4 EDC has accepted that, in respect of the repayment of forward funding this is dependent on Fastrack achieving its mode share objectives, beyond the 25% that has been modelled by KCC and as such the funding could be paid over a longer time period. EDC also acknowledge that Fastrack will need continuous modernisation and funding must be allocated for this purpose. Subject to an annual surplus of £350,000 (after Bluewater repayment), EDC will receive £150,000 annually in repayment. The remaining balance will then be paid at £300,000 per annum from 2041, after the Bluewater payments have been completed. See **Table 3**.
- 4.5 The EDC and Bluewater investment will be confirmed through legal agreements to formally secure its repayment as the new Fastrack service becomes commercially successful. See Table 2.

Table 1. Scheme costs

	New one-way bus with walking & cycling provision (£m)	Bat mitigation measures (£m)	Total Estimate (£m)
Construction Cost	7.57	0.05	7.63
Scheme Costs (Inc. Risk)	3.68	0.04	3.72
Sub-Total	11.26	0.09	11.34
Inflation Cost	0.86	0.01	0.86
Total Estimate	12.11	0.09	12.21

Table 2. Funding

	Loan / Refundable Funding (£m)	Non-Refundable Funding (£m)	Contribution (£m)
Bluewater	4.00		
EDC	5.05	2.40	
Henley Camland			0.75
Total	9.05	2.40	0.75

Table 3. Fastrack Annual Budget (2025 Base figures at 25% mode share)

Item	Income (£)	Cost (£)	Running Total (£)
Annual Fastrack A&B Bus Operating cost		4,871,272	-4,871,272
Assumed operator profit margin		487,127	-5,358,399
KCC forecast management & infrastructure maintenance costs		300,000	-5,658,399
Annual farebox revenue	6,082,484		424,085
TfL Fastrack contribution	210,000		634,085
Bluewater Repayments 2025-2041		250,000	384,085
Forecast Surplus			384,085
Desired payment to Fastrack reserve for service ongoing upgrades and modernisation.		200,000	184,085
Payment to EDC if surplus of £600k is achieved		150,000	34,085

5. Policy Framework

- 5.1 Fastrack is one of the core infrastructure projects for the Ebbsfleet Garden City and the completed scheme will contribute substantially to enabling the Ebbsfleet Garden City to function effectively through modal shift from the private car to public transport. In the design of the new transport system the EDC has worked closely with KCC. Once delivered, every resident will be within 10 minutes of a Fastrack stop and 90% within 5 minutes ensuring that residents and business users can move freely around the development and between housing, business and leisure locations.
- 5.2 Expansion of the Fastrack bus network is also included as a Transport priority within the draft Local Transport Plan 4: Delivering Growth without Gridlock 2016-2031, which highlights how investment in these infrastructure projects is vital to boost Kent's economy and support a growing population.
- 5.3 The extension of Fastrack is covered in the HT&W Divisional Business Plan and Performance Management Framework 2019-20 under Service Unit Priorities:
- Maximise inward investment into Kent
- Working closely with the EDC, Department for Transport (DfT) and Highways England to support the planning, development and delivery of necessary infrastructure to support this key area of economic growth (including the Fastrack extension).

6. Legal Agreement

- 6.1 Appendix B summarises the overarching legal agreement between KCC, EDC and Bluewater, highlighting the key items and risk.

7. Conclusions

- 7.1 Fastrack Bean Road Tunnels is a vital component of the expansion of the Fastrack network into Ebbsfleet Garden City. This will contribute substantially to enabling modal shift from the private car to public transport. The programme will be challenging but there is confidence that the scheme can be delivered to link with the Fastrack Spine being delivered across Eastern Quarry by developer Henley Camland.

8.0. Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposed decision to underwrite loan funding and, subject to formal sign off of the legal agreement and commissioning plan, take the scheme through the next stages of development and delivery. Specifically, for the Cabinet Member to:

- i) give approval to the progress of the reference design as shown on Drawing No. B2350500-JAC-HA-XX-DR-D-0001 Rev P01 for development control and land charge disclosures;
- ii) give approval to progress all statutory approvals or consents required for the scheme including transfer of land and rights;
- iii) give approval to carry out consultation on the scheme;
- iv) give approval to underwrite and enter into forward funding and investment funding agreement(s) subject to the approval of the Infrastructure Commissioning Board;
- v) give approval to enter into a design & build construction contract as necessary for the delivery of the scheme subject to the approval of the Infrastructure Commissioning Board to the recommended procurement strategy; and
- vi) give approval for the Corporate Director of Growth, Environment & Transport, under the Officer Scheme of Delegations, to take further or other decisions as may be appropriate to deliver the Fastrack Full Network – Bean Road Tunnel scheme in accordance with these recommendations.

9.0 Background Documents

- Appendix A – Proposed Record of Decision
- Appendix B – Overarching Agreement For Fastrack Tunnels Works Contractual Summary June 27 2019
- Appendix C - Drawing No. B2350500-JAC-HA-XX-DR-D-0001 Rev P01
- Appendix D – EqIA: Fastrack Full Network

9.0 Contact details

Lead Officers:

Graham Killick – Major Capital Programme Project Manager

03000 419369

graham.killick@kent.gov.uk

Shane Hymers – Fastrack Development Manager

03000 414723

shane.hymers@kent.gov.uk

Relevant Director:

Simon Jones - Director of Highways, Transportation & Waste

03000 411683

simon.jones@kent.gov.uk

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

**Mike Whiting, Cabinet Member for Planning, Highways,
Transport and Waste**

DECISION NO:

19/00051

For publication

Key decision: YES

Subject Matter / Title of Decision

Fastrack Full Network - Bean Road Tunnel

Decision:

As Cabinet Member for Planning, Highways, Transport and Waste, I agree on the proposed decision to:

- i) give approval to the progress of the reference design as shown on Drawing No. B2350500-JAC-HA-XX-DR-D-0001 Rev P01 for development control and land charge disclosures;
- ii) give approval to progress all statutory approvals or consents required for the scheme including transfer of land and rights;
- iii) give approval to carry out consultation on the scheme;
- iv) give approval to enter into forward funding and investment funding agreement(s) subject to the approval of the Infrastructure Commissioning Board;
- v) give approval to enter into a design & build construction contract as necessary for the delivery of the scheme subject to the approval of the Infrastructure Commissioning Board to the recommended procurement strategy, and
- vi) give approval for the Corporate Director of Growth, Environment & Transport, under the Officer Scheme of Delegations, to take further or other decisions as may be appropriate to deliver the Fastrack Full Network – Bean Road Tunnel scheme in accordance with these recommendations.

Reason(s) for decision:

A key element of the large-scale regeneration that is underway at Ebbsfleet Garden City relies on a hugely increased use of public transport. Fastrack is a high-quality Bus Rapid Transit system which will provide the core infrastructure to deliver the public transport offer. The focus of this report is the Bean Road Tunnel which is an important element in the Fastrack Full Network and will provide a bus route and a footpath/cycleway linking Eastern Quarry and Bluewater.

Cabinet Committee recommendations and other consultation:

Consultation will be carried out as the scheme progresses.

The scheme is being discussed at the Environment and Transport Cabinet Committee on 16 July

Any alternatives considered and rejected:

None

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

**KENT COUNTY COUNCIL AND OTHER STAKEHOLDERS
SUMMARY REPORT OF CONTRACTUAL TERMS SET OUT IN THE
OVERARCHING AGREEMENT FOR FASTRACK TUNNELS WORKS**

NOTES

- (1) The following is not intended to be a substitute for reading / referring to the executed Overarching Agreement (“OA”) and should be read in conjunction with the same.
- (2) This document is intended to be a high-level summary of the key provisions of the OA and is not intended to cover the legal, financial or technical aspects of the OA.
- (3) The terms of the OA reflect the agreed positions as negotiated between the parties.
- (4) The OA is bespoke to the requirements of Kent County Council (“KCC”) Ebbsfleet Development Corporation, (“EDC”), Blueco Limited (“Blueco”) and Bluewater Outer Area Limited (“BOAL”) and is not based on an "industry standard" form of contract.

The authorised officers of KCC, EDC and Blueco/Bluewater have had several project meetings to negotiate and agree the terms of the Overarching Agreement. Graham Killick, Shane Hymers, Adeola Sonola (Invicta Law) acted on behalf of KCC.

1. Parties to the Overarching Agreement (“OA”)

- 1.1 The Kent County Council (“KCC”), Ebbsfleet Development Corporation (“EDC”), BLUECO LIMITED (“Blueco”) and Bluewater Outer Area Limited (“BOAL”); (the “Parties”)
- 1.2 The Parties have entered into the OA to agree the terms and provisions relevant for the construction and delivery of the works for a new bus, pedestrian and cycle connection between Eastern Quarry and Bluewater by means of constructing a new fastrack tunnel under the B255 (the “Works”).
- 1.3 KCC will receive funding from EDC and Blueco to construct and deliver the Works. Blueco and BOAL own the land where the tunnel will be constructed.

2. Duration

- 2.1 KCC will commence constructions of the Works on the Effective Date. In the OA, the Effective Date is defined as the date on which all conditions precedent have been satisfied or waived by the Party for whose benefit the relevant condition precedent has been inserted. The condition precedents are set out in clause 2 of the OA.
- 2.2 The Works are to be delivered by 31 August 2021 (Target Date).
- 2.3 The Target Date is subject to an extended period of two years, defined in the OA as the “Long Stop Date”. If KCC fails to deliver the fastrack tunnel by the Longstop Date, then it will be in breach of the OA. Please see paragraph 8 below.

3. Construction of the Works

- 3.1 KCC is to follow a duly compliant tender process under the Public Contracts Regulations 2015 to appoint a construction company to construct and deliver the Works ("Works Contractor").
- 3.2 KCC will procure Balfour Beatty under the SCAPE Framework Agreement to construct the fastrack tunnel. The industry standard NEC 4 form of contract (including additional KCC clauses and other stakeholder requirements) will form the executed Works contract between KCC and Balfour Beatty ("Works Contract").
- 3.3 KCC will apply to register title to the land within which the new tunnel is to be constructed and, as owner, will charge bus operators for the use of the new tunnel.

4. Funding

- 4.1 The Funding available to KCC for the construction of the tunnel is in the sum of £14,080,000.00 in total.
- 4.2 The Parties have entered into a separate funding agreement to deal with the relevant details associated with the funding for the Works.

5. Property Documents

- 5.1 A few property arrangements are required, and legal documents will be executed between the Parties to formalise these. The property documents include leases, mutual deeds, registration of titles, access, planning permission and other required consents.
- 5.2 Diane Hayes (property lawyer at Invicta Law) with client's instructions is acting for KCC in relation to formalise these documents.

6. Contract Management

- 6.1 KCC is in-charge of appointing the Works Contractor to construct the tunnels. KCC will apply for planning permissions and other required consents necessary for the construction of the tunnels/delivery of the Works.
- 6.2 The Works will be supervised by KCC and other professional teams appointed by KCC and nominated by the other Parties.
- 6.3 KCC will procure that the Works Contractor comply with Blueco's requirements attached to the Works Contract as additional provisions.
- 6.4 The Parties shall meet regularly and through other governance arrangements set up to discuss the progress of the construction and deal with any related issues.
- 6.5 The OA provides for Step-In Rights, if KCC fails to perform or deliver the tunnels. This is dealt with in clause 16 of the OA.

7. Dispute Resolution

7.1 By agreement of the Parties, all disputes shall be referred to any independent person set out in clause 34.2 of the OA.

7.2 All disputes shall be governed in accordance with English Law.

8. Termination

8.1 KCC can terminate the OA if EDC and Blueco fail to provide the funding required to construct the tunnel and deliver the Works.

8.2 The consequences of termination by KCC are (i) to reinstate the tunnel/land and (ii) to refund to EDC and Blueco all the funding received up to the date of the termination, including legal costs paid by EDC and Blue in entering the OA. This is covered in particular by clause 16.10 of the OA.

8.3 The Parties can terminate the OA if by the Long Stop Date, KCC fails to finish the construction of the fastrack tunnel as set out in clause 13 of the OA.

8.4 The consequences of the termination in paragraph 8.3 shall be the same as those set out in paragraph 8.2 above. These are set out in clause 13.10 of the OA.

8.5 The mitigation for KCC in relation to the consequences of termination in the OA is to ensure that there are back to back provisions in the Works Contracts to pass on these liabilities to the Works Contractor (Balfour Beatty).

9. Interest

9.1 If KCC fails to perform, KCC shall be liable to pay Interest on the funding in accordance with clause 13.2.1 until such time that all the funding (including any interest payable thereon) has been paid back to EDC and Blueco.

5.2 Interest will be charged at the rate of 4% over the base rate of the Bank of England from time to time (as well after as before judgment), or such other comparable rate as Blueco may reasonably designate if the base rate ceases to be published, compounded at quarterly rests on 31 March, 30 June, 30 September and 31 December in each year.

5.3 The mitigation for KCC in relation to this interest rate set out in the OA is to ensure that there is a back to back provision in the Works Contracts to pass on this interest rate to Works Contractor (Balfour Beatty).

10. Insurances

10.1 Under the OA, KCC in relation to the delivery of the Works, shall insure in the joint names of KCC, Blueco and BOAL the Works - covering Public Liability, Professional Indemnity and Employment.

10.2 The obligation in paragraph 10.1 above will be passed on to the Works Contractor under the Works Contract.

11. Statutory Compliance

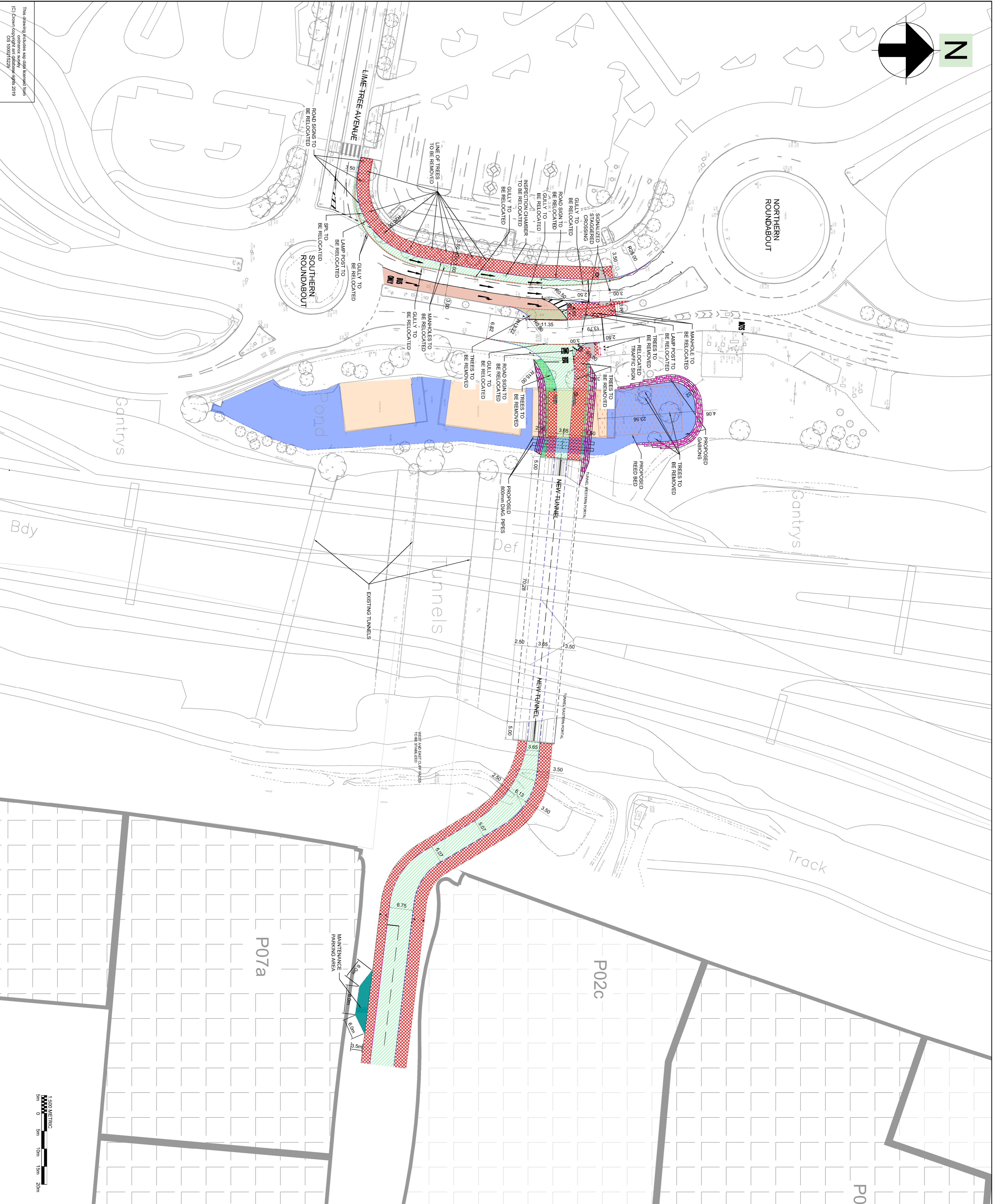
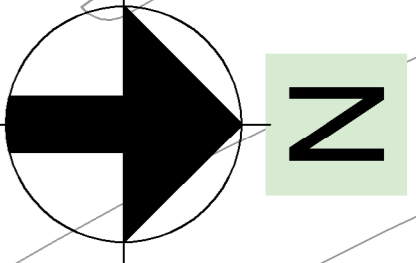
During the construction of the Works, KCC will and shall procure that Balfour Beatty and other procured professionals comply with the provisions of the law and ensure that the Works Contract enables KCC to bring actions against them for all claims, demand, proceedings, damages, costs, charges and expenses whatsoever in respect of any breach.

12. **Boilerplate**

The OA contains the usual boiler-plate terms to govern notices, a duty to mitigate losses, etc. record-keeping, data protection, dispute resolution, assignment and terms on expiry/termination. The OA provides for meetings and liaison.

I therefore conclude that the Overarching Agreement is in a form suitable for the Kent County Council to enter into, as it reflects the position agreed between the parties during negotiations.

***Adeola Sonola
Invicta Law Limited
27 June 2019***



- NOTES**
- Drawing to be printed in colour.
 - Do not scale from drawing.
 - All dimensions are in metres unless stated otherwise.

KEY

	Proposed Road Markings
	Proposed Traffic Signal
	Proposed Traffic Sign
	Proposed bollard
	Proposed kerb
	Proposed splay kerb
	Proposed edging
	Proposed footpath pavement
	Proposed carriageway pavement
	Existing kerb to be removed
	Proposed HFS
	Existing water course and ponds area
	Existing Road bed
	Proposed verge
	Proposed maintenance parking area
	Proposed pedestrian fence
	Proposed gabions
	Proposed reed bed
	Proposed tactile paving
	EQ Country-side Clutter parcel plan

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

In addition to the manufacturer's normal association with the type of work detailed on the drawing, note the following:

CONSTRUCTION
 A000 - kerb and local existing services
 All buried services to be isolated / protected prior to start of works

MAINTENANCE / CLEANING
 - As above

DECOMMISSIONING / DEMOLITION
 - As above

It is assumed that all works will be carried out by a competent contractor or workers, where appropriate, to an approved method statement.

Rev	Rev. Date	Purpose of revision	Drawn	Checked	Revised	Approved
P02	JUNE 2019	FOR SUBMITTAL/UTLALIED	GP	ML	SR	PW
P01	MAY 2019	FOR CONSULTATION	GP	ML	SR	PW

Client
Kent County Council

Project
Fasttrack Full Network
Bean Road Tunnel

Drawing title
REFERENCE DESIGN
GENERAL ARRANGEMENT PLAN

Drawing status
FOR CONSULTATION

Scale
1:500 @ A1
DO NOT SCALE

Client No.
B2350500

Client No.
P02

Drawing number
B2350500-JAC-HA-XX-DR-D-0001

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 OS 100045229

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**Kent County Council
Equality Analysis/ Impact Assessment (EqIA)**

Directorate/ Service: Growth, Environment & Transport

Name of decision, policy, procedure, project or service: Expanded Fastrack Network (Civils schemes).

Responsible Owner/ Senior Officer: Graham Killick

Version: 1.0 First Issue

Author: Graham Killick

Pathway of Equality Analysis: HTW Div.MT

Summary and recommendations of equality analysis/impact assessment.

- **Context**

Fastrack is a highly accessible public transport route that links existing and new communities and provides a focus for all development and density. Fastrack's speed, frequency and reliability will be radically expanded through the building-out of missing sections of segregated track and by the maximising of levels of priority across the network. The completed Fastrack network will aim to reduce car-dependency in the area, therefore achieving greater public transport modal split across Dartford and Gravesham.

- **Aims & Objectives**

The proposed Fastrack expansions will provide better integration with the central transport hub at Ebbsfleet International Station and a more direct route to Bluewater Shopping Centre, Darent Valley Hospital and facilities in Dartford and Gravesend town centres.

Certain of the proposed Fastrack expansions will also be able to encourage walking and cycling to support healthy living and focus points of convergence at local centres to encourage interaction of new and existing communities.

- **Summary of equality impact**

- o Potential Impact: Highway scheme - Low impact.
- o Adverse Impact: Low
- o Positive Impact: Medium for younger and disabled people using the expanded Fastrack full network and new / additional footway cycleway links. Medium for carer groups using public transport who will benefit from an expanded Fastrack network to support and access Clients.

Adverse Equality Impact Rating **LOW**

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning the expanded Fastrack network and the connection to Bluewater Infrastructure from Eastern Quarry Infrastructure. I agree with risk rating and the actions to mitigate any adverse impact(s) that has / have been identified.

Head of Service

Signed: 

Name: TIM READ

Job Title: HEAD OF TRANSPORTATION

Date: 21/5/2018

Div.MT Member

Signed: 

Name: T.M. READ

Job Title: INTERIM DIRECTOR
HFT

Date: 21/5/2018

Part 1 Screening

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

Could this policy, procedure, project or service promote equal opportunities for this group?

Protected Group	Please provide a <u>brief</u> commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact EqIA	Medium negative impact Screen	Low negative impact Evidence	High/Medium/Low Positive Impact Evidence
Age				Yes – The expanded Fastrack network and infrastructure connections to Bluewater and Eastern Quarry development will facilitate a new Fastrack bus route, expanded existing routes plus provide new / additional footway & cycleway links
Disability				Yes – The expanded Fastrack network and infrastructure connections to Bluewater and Eastern Quarry development will facilitate a new Fastrack bus route, expanded existing routes plus provide new / additional footway & cycleway links
Gender	No Impact	No Impact	No Impact	No Impact
Gender identity/ Transgender	No Impact	No Impact	No Impact	No Impact
Race	No Impact	No Impact	No Impact	No Impact

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Religion and Belief	No Impact	No Impact	No Impact	No Impact	No Impact
Sexual Orientation	No Impact	No Impact	No Impact	No Impact	No Impact
Pregnancy and Maternity	No Impact	No Impact	No Impact	No Impact	No Impact
Marriage and Civil Partnerships	N/A	N/A	N/A	N/A	N/A
Carer's Responsibilities	No Impact	No Impact	No Impact	No Impact	Yes – The expanded Fastrack network and infrastructure connections to Bluewater and Eastern Quarry development will facilitate a new Fastrack bus route and expanded existing routes.

Part 2

Equality Analysis /Impact Assessment

Protected groups

No groups will be directly or indirectly negatively affected by this proposal.

Information and Data used to carry out your assessment

The planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), for the Eastern Quarry development. These are the mechanisms which make the development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of the development.

Who have you involved consulted and engaged?

Land Securities (LS) and Ebbsfleet Development Corporation (EDC). Once outline design has been completed there will be an engagement exercise to share details of the design with the general public, local businesses, protected groups and other key stakeholders. Local and District Councillors will be kept updated together with regular reports to the Fastrack Advisory Board (once formed).

Analysis

The proposal will impact three of the Protected Groups, Age, Disability and Carer Responsibilities.

Without the direct link from Eastern Quarry to Bluewater the alternative route will be much longer adding at least 3 minutes to bus travel time and considerable inconvenience for pedestrian and cyclists.

Adverse Impact,

There are no adverse impacts currently identified in the delivery of this project.

The direct link from Eastern Quarry to Bluewater will utilise refurbished haulage tunnels which are less than 100m in length with no perceived impacts on Health, Safety and Welfare for tunnel users. Zero emission buses (all electric) are proposed to operate on the expanded Fastrack network with the resultant positive environmental and operational benefits.

Positive Impact:

Direct link between Bluewater (and beyond to Darent Valley Hospital and Dartford Town Centre) and Eastern Quarry development (and beyond to Ebbsfleet International Station and Gravesend Town Centre).

JUDGEMENT

- **No major change** - no potential for discrimination and all opportunities to promote equality have been taken

Internal Action Required YES/NO

There is potential for adverse impact on particular groups and we have found scope to improve the proposal.

Equality Impact Analysis/Assessment Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications
<p>Access to and use of the highway network and the Bluewater highway infrastructure by all users' with disabilities and mobility problems</p>	<p>Designs to be in accordance with current guidelines and best practice</p>	<p>Ensure designs are carried out in accordance with the Design Manual for Roads and Bridges (DMRB), which gives guidance based on current legislation for non-motorised users (NMU) and those with disabilities and Department of Transport (DoT) Guidance on Inclusive Mobility first published 15 December 2005.</p> <p>Regular design review with the designers.</p>	<p>Compliant design with the DMRB and DoT Guidance on Inclusive Mobility.</p> <p>Accepted NMU Audit</p>	<p>Graham Killick</p>	<p>At appropriate times between 2018 to 2019 (Provisional Design period)</p>	<p>Integral to the project budget.</p>

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<p>Access to and use of the highway network and the Bluewater highway infrastructure during construction for those with disabilities and mobility problems</p>	<p>The need to advise all users of the highway network and the Bluewater highway infrastructure of proposed traffic management and restrictions on use of any parts of the route during the construction phase of the project</p>	<p>NMU audits will be undertaken to ensure due consideration is given to all road users</p>	<p>Public engagement, via letter drops, websites, social media and public meetings where appropriate.</p>	<p>To ensure all users are aware of construction works/programme and any temporary access arrangements to ensure they can access and use the highway safely during the construction works.</p>	<p>Graham Killick</p>	<p>At appropriate times between 2019 to 2021 (Provisional Construction period)</p>	<p>Included within current project budget</p>
<p>Consultation on plans with protected groups identified above.</p>	<p>The need to consult with the general public and representative groups / forums</p>	<p>Consultation by KCC once the outline design is finalised to share further details of the design.</p>	<p>Users and representative groups / forums will have an acceptable understanding of</p>	<p>Users and representative groups / forums will have an acceptable understanding of</p>	<p>Graham Killick</p>	<p>At an appropriate time in 2018 or 2019</p>	<p>Included within current project budget</p>

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	for the protected groups identified above	Further information will be shared via the KCC website, information leaflets and exhibitions. Regular communication will take place with representative groups / forums as the scheme develops.	the design and proposals		

Have the actions been included in your business/ service plan?

Yes / No

Appendix

Please include relevant data sets

Please forward a final signed electronic copy and Word version to the Equality Team by emailing diversityinfo@kent.gov.uk

Updated 16/04/2018

10

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If the activity will be subject to a Cabinet decision, the EqIA must be submitted to committee services along with the relevant Cabinet report. Your EqIA should also be published.

The original signed hard copy and electronic copy should be kept with your team for audit purposes.

From: Mike Whiting, Cabinet Member for Planning, Highways, Transport and Waste
Steve Pay, KCC Public Transport Planning and Operations Manager

To: Environment and Transport Cabinet Committee – 16 July 2019

Subject: KCC Bus Feedback Portal – Summary of Feedbacks received January to May 2019

Key decision: N/A

Classification: Unrestricted

Past Pathway of Paper: Cabinet, 11 July 2019

Future Pathway of Paper: N/A

Electoral Division: Countywide

Summary: This report presents results for the first 5 months of feedback from the bus feedback portal and explains how the results are being actioned with the bus operators.

Recommendation: Cabinet Committee is asked to note the contents of the report , comment on the actions taken and consider how and at what frequency results are published.

1. Introduction

- 1.1 The Bus Feedback Portal was introduced in January 2019 as a response to feedback received during last year’s Big Conversation on rural transport..
- 1.2 The portal is designed to enable bus users to tell KCC about their experiences of using services and allows KCC to capture data and identify trends. Although the Council does not contract, control or regulate the operators nor fund the majority of their services, understanding these trends enables KCC to seek to address issues on behalf of Kent’s bus users with operators accordingly.
- 1.3 This report and the more detailed summary (Appendix A) provides information on the feedback received from residents and bus users in the period between January and May 2019. It is provided for information but requests feedback from Cabinet to the outputs presented and any actions that they would like to see taken.

2. Summary of Report

- 2.1 Appendix A provides a summary of the feedback received broken down as totals, by month, by area, by operator and by complaint type. Due to the amount of complaints about Arriva in quarter 1, and Stagecoach in April and May, there is some more detailed analysis relating to these services.
- 2.2 The volume of responses is positive, averaging 53 per month. The higher volumes of responses in January and February most likely reflect the early interest in the portal and promotion of its launch. It is expected that more typical feedback volumes will settle to between 20 and 30 per month.
- 2.3 Unsurprisingly, the majority of feedback relates to complaints which account for around 92% of all comments received. Around 50% of feedback related to complaints about reliability, 12% were capacity related and 11% related to driver behaviour and conduct.
- 2.4 Ashford (14%), Maidstone (41%), Tonbridge & Malling (10%) and Tunbridge Wells (7%) districts account for over 70% of all feedback received which reflects likely owing to the complexity of some journeys and the high level of use of buses for school journeys in these areas.
- 2.5 Naturally given the proportion of the network that they operate, Arriva and Stagecoach account for 80% of all feedbacks received. Whilst there maybe a number of actors influencing this, some further, analysis of comments relating to Arriva in Quarter 1 and Stagecoach in Quarter 2 has been completed.
- 2.6 Analysis of Arriva feedback shows that around 60% of these related to reliability with capacity and driver behaviour also featuring. Over 50% of complaints received relate to 5 services; 5 (Hawkhurst to Maidstone) , 12 (Tenterden to Maidstone), 59 (Grafty Green to Maidstone), 71 (Kings Hill to Maidstone) and 89 (Coxheath to Maidstone but also including school journeys from Grafty Green). , Many relate to the reliability of school journeys which is known to be a common complaint in this area and was particularly problematic at the start of the school year.
- 2.7 Analysis of the Stagecoach feedback in Quarter 2 shows that whilst there was a spike in complaints, 75% related to one service; Service B in Ashford. All of the complaints concerned a road in south Ashford where bus priority measures have been recently introduced. Local residents have also expressed dissatisfaction with the presence of buses more generally.

3. Feedback and Actions

- 3.1 Public Transport officers have established portal results as a standing item on the agenda of all Quality Bus Partnership meetings which provides a more formal setting to highlight these trends with the operators concerned and to work with the operators and District Councils to improve performance.

- 3.2 Less formally, feedback has and will continue to be shared with other operators by the Cabinet Member for Planning, Highways, Transport and Waste in his regular meetings with them. Public Transport officers also use the feedback as part of their periodic management meetings with bus operators.
- 3.3 Cabinet is asked to comment on how often they would want the results to be published including publically.

4. Conclusion

- 4.1 The bus portal was launched in January 2019 following feedback on the 'Big Conversation.' In the first 5 months, there has been an average of 53 responses made though this is expected to settle to between 20 to 30 per month.
- 4.2 Particular trends have been identified relating to specific services provided by Arriva and Stagecoach. Officers are seeking to address these concerns through the Quality Bus Partnership meetings and as part of regular management meetings with operator. .

5. Recommendation:

- 5.1 Cabinet Committee is asked to note the contents of the report , comment on the actions taken and consider how and at what frequency results are published.

6. Background Documents

- Appendix A – Summary of results

7. Lead Officers

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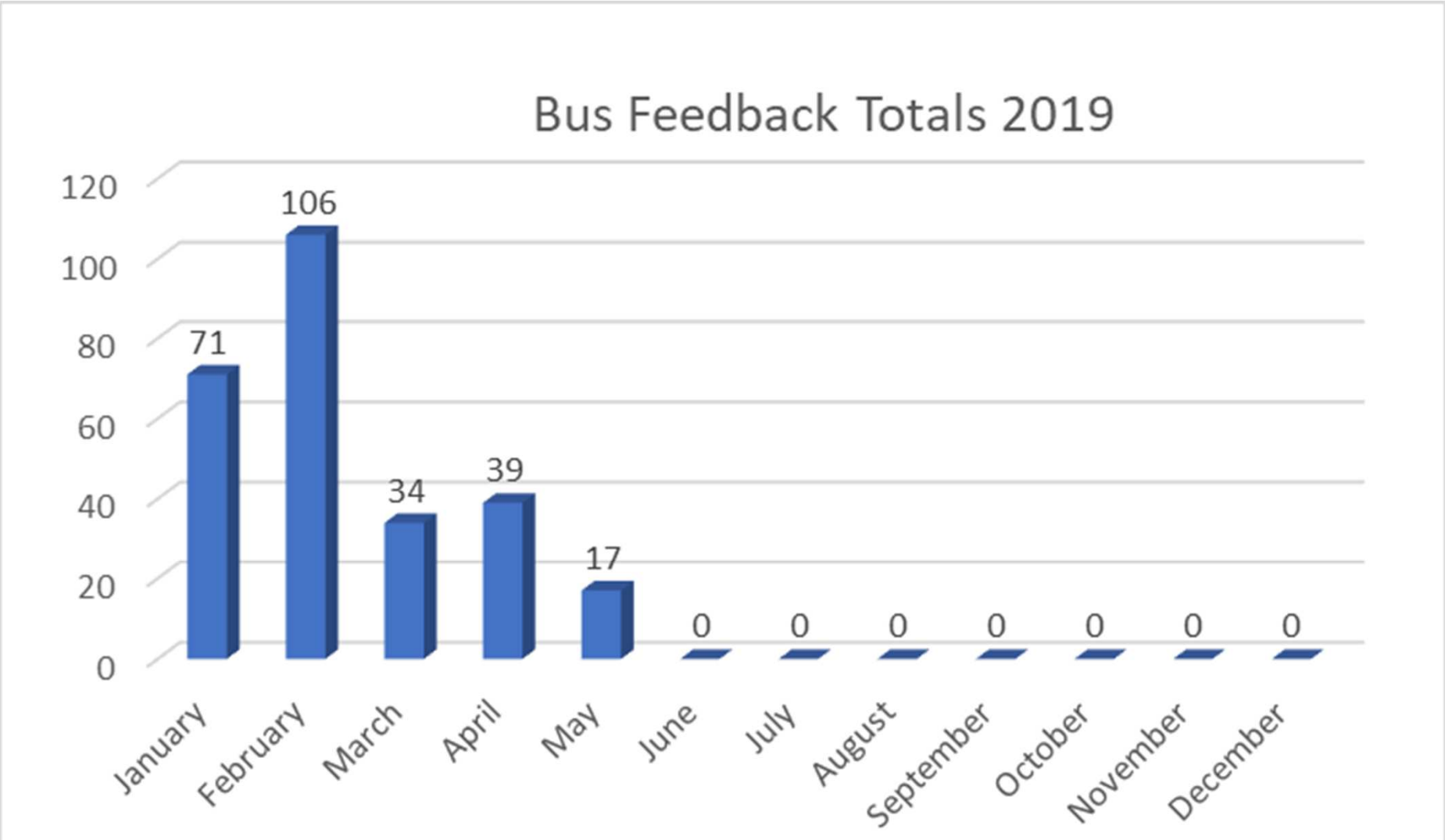
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KCC Bus Feedback Portal

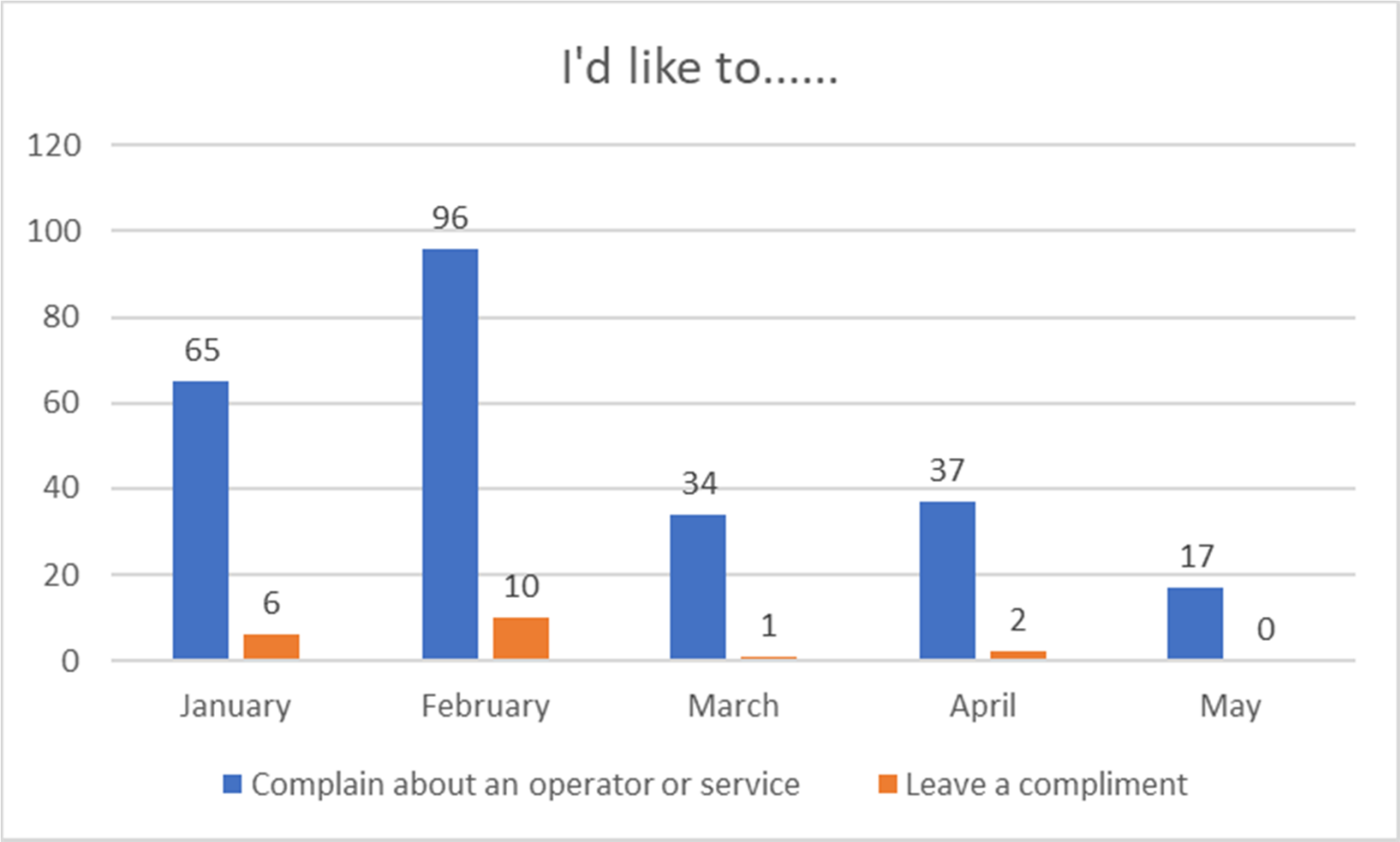
Summary of Feedback (January – May 2019)



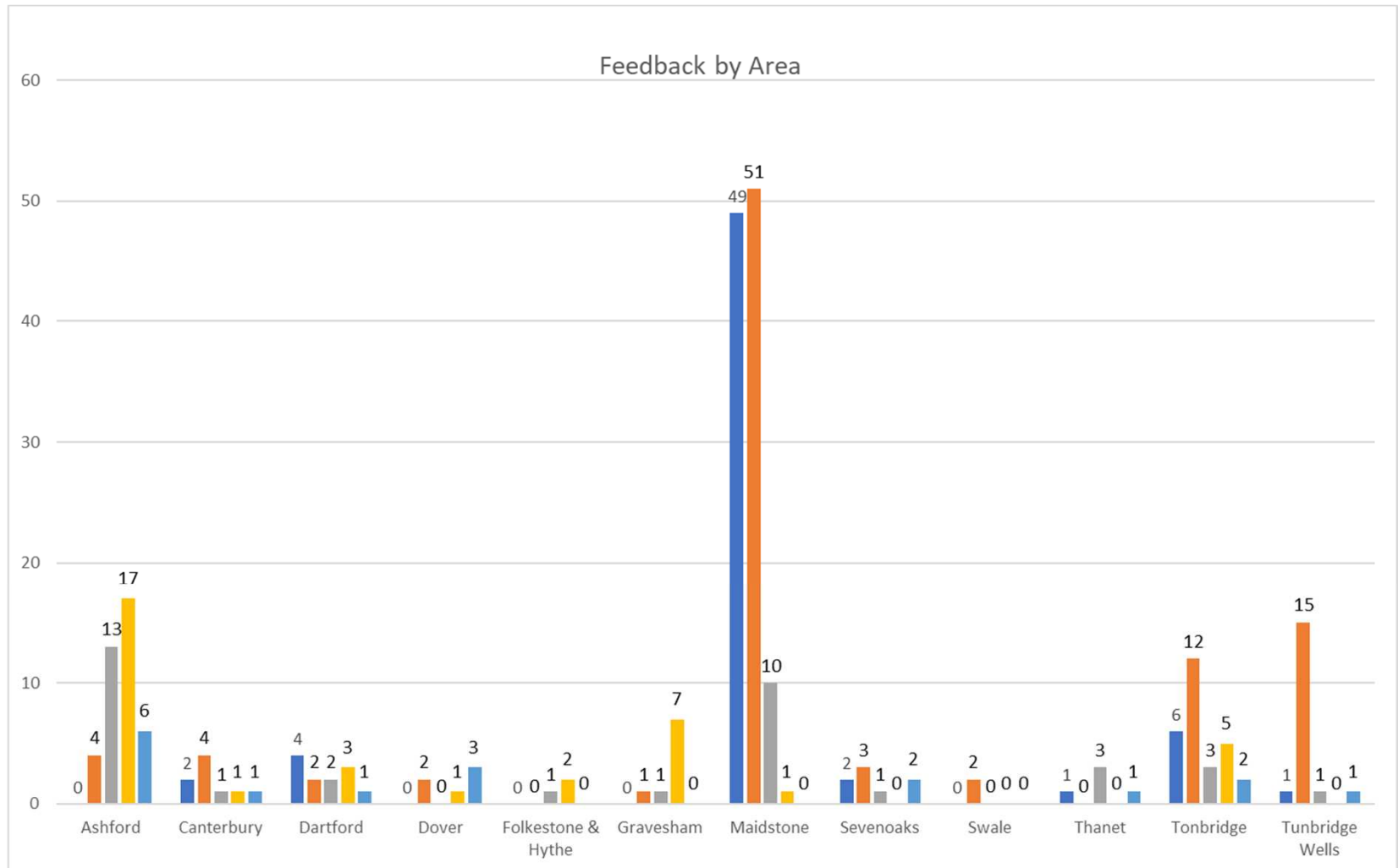
Total Feedbacks Received by Month



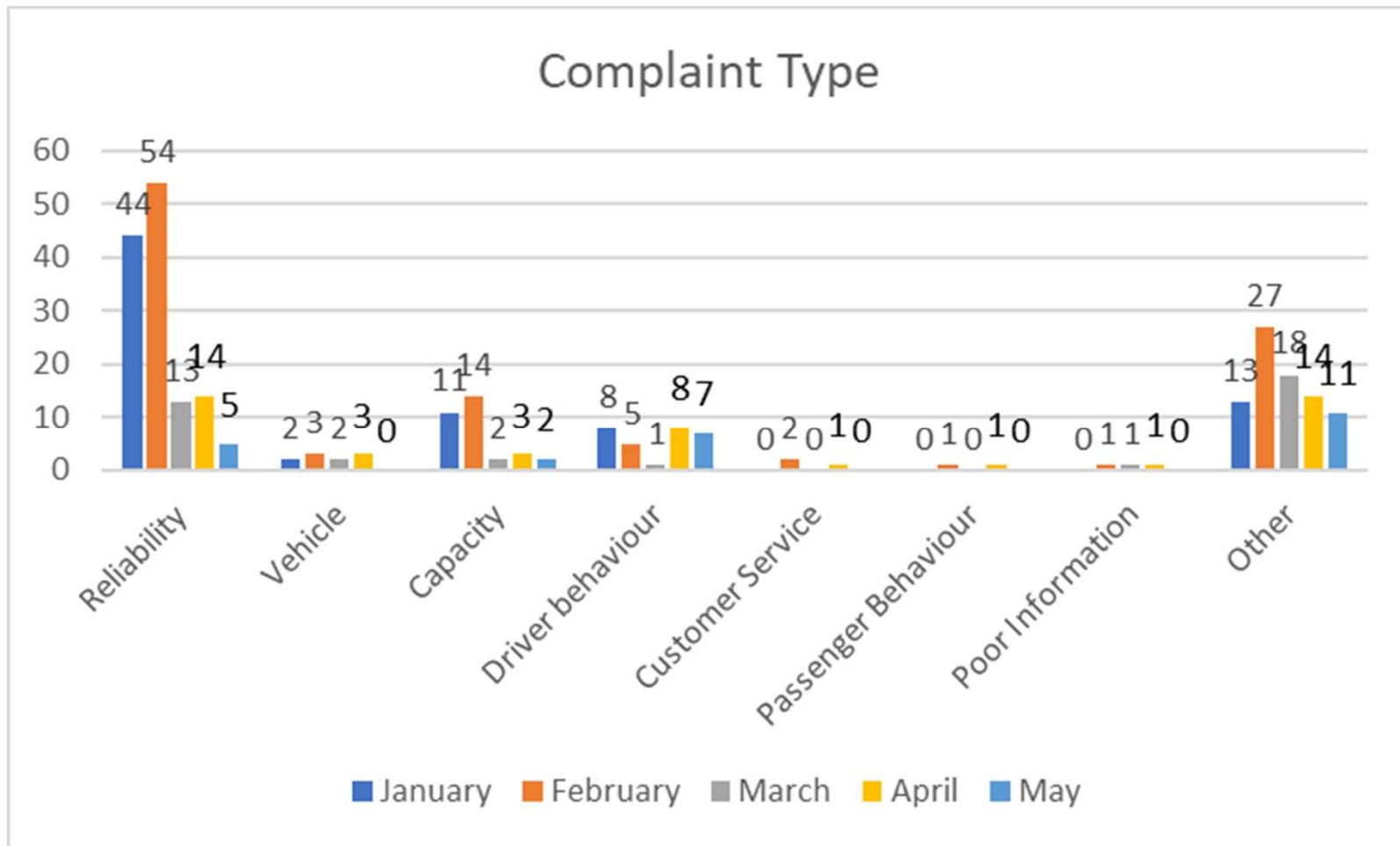
Feedbacks by Type



Feedbacks by District

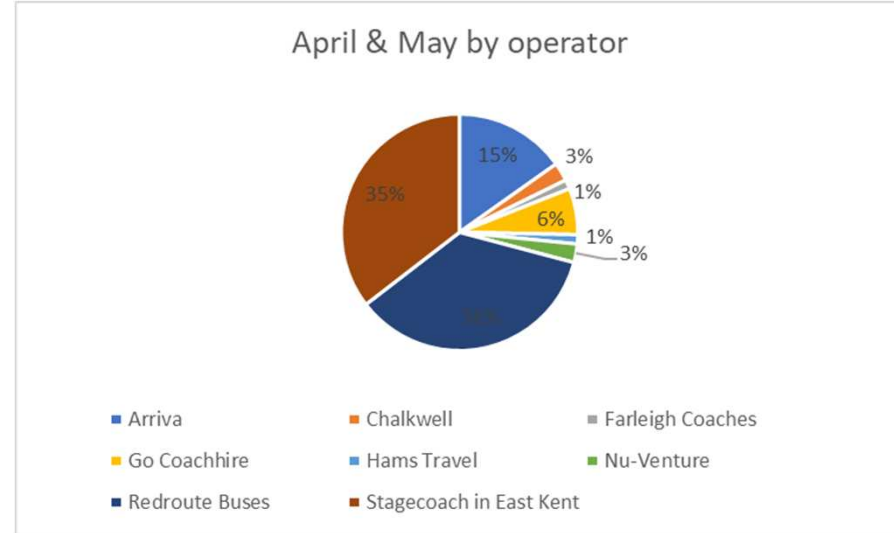
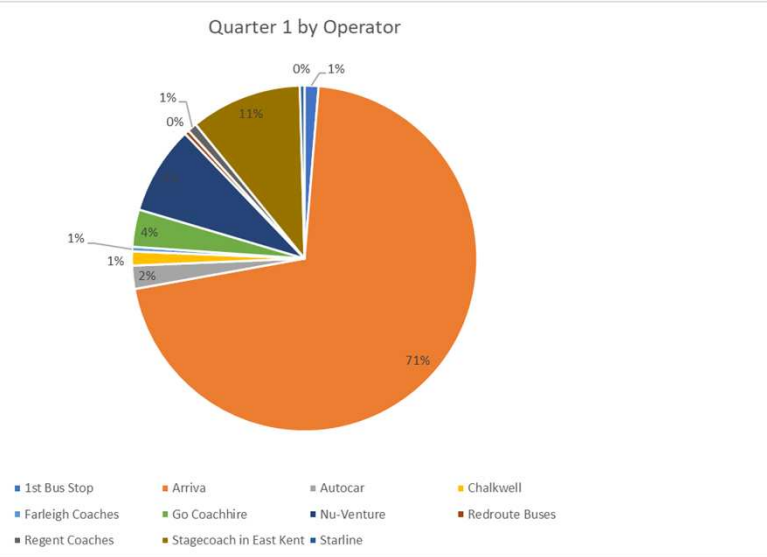


Feedbacks by Complaint Type



Themes with 'Other' includes; Service Levels, Cost, Fares and Speeding

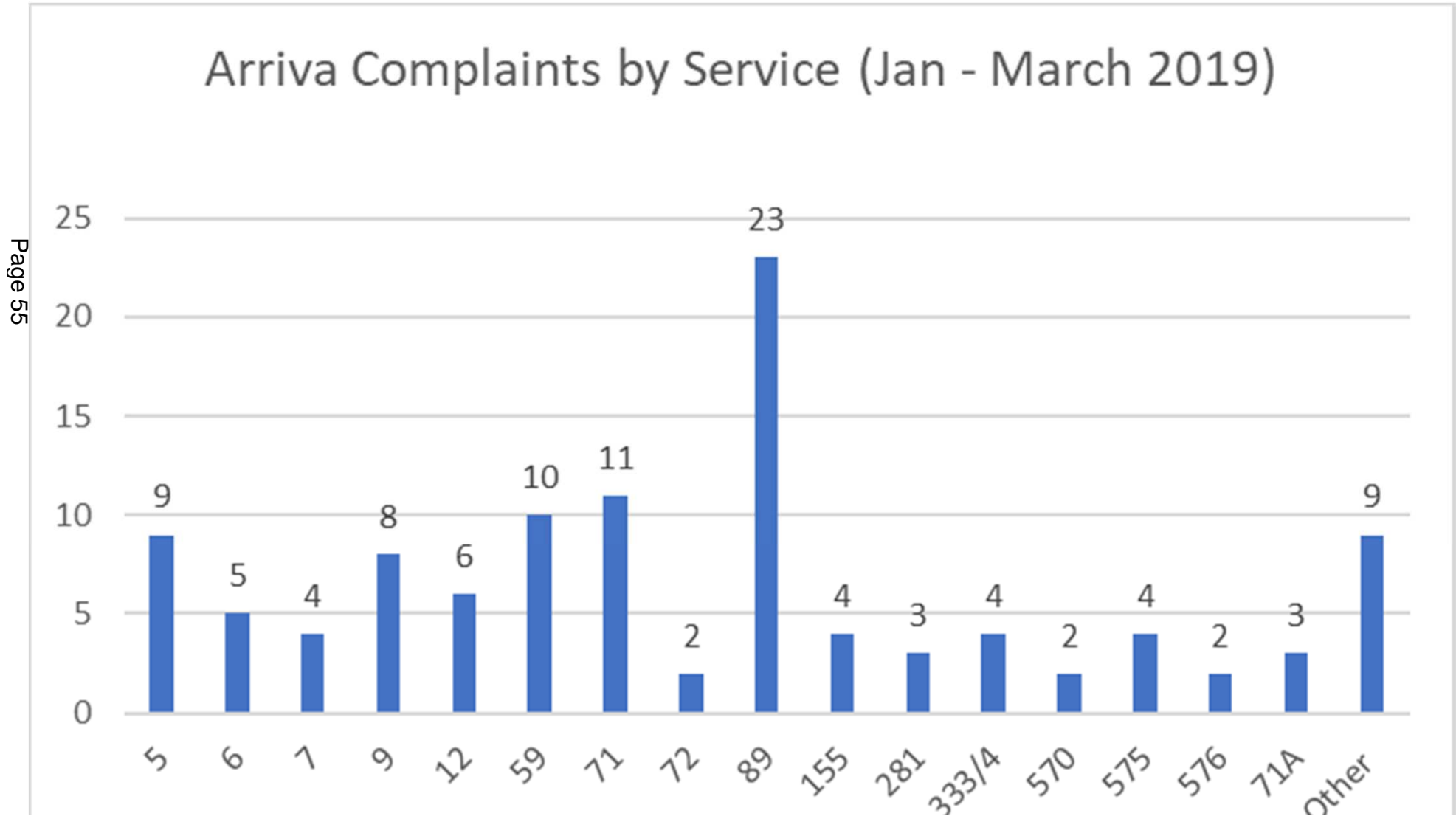
Feedbacks by Operator



	January	February	March	April	May
1st Bus Stop	1	0	2	0	0
Arriva	48	106	9	8	4
Autocar	1	1	3	0	0
Chalkwell	0	1	2	2	0
Farleigh Coaches	1	0	0	1	0
Go Coachhire	1	6	1	3	2
Hams Travel	0	0	0	0	1
Nu-Venture	9	9	1	2	0
Redroute Buses	0	0	1	1	2
Regent Coaches	1	1	0	0	0
Stagecoach in East Kent	2	8	14	20	8
Starline	1	0	0	0	0

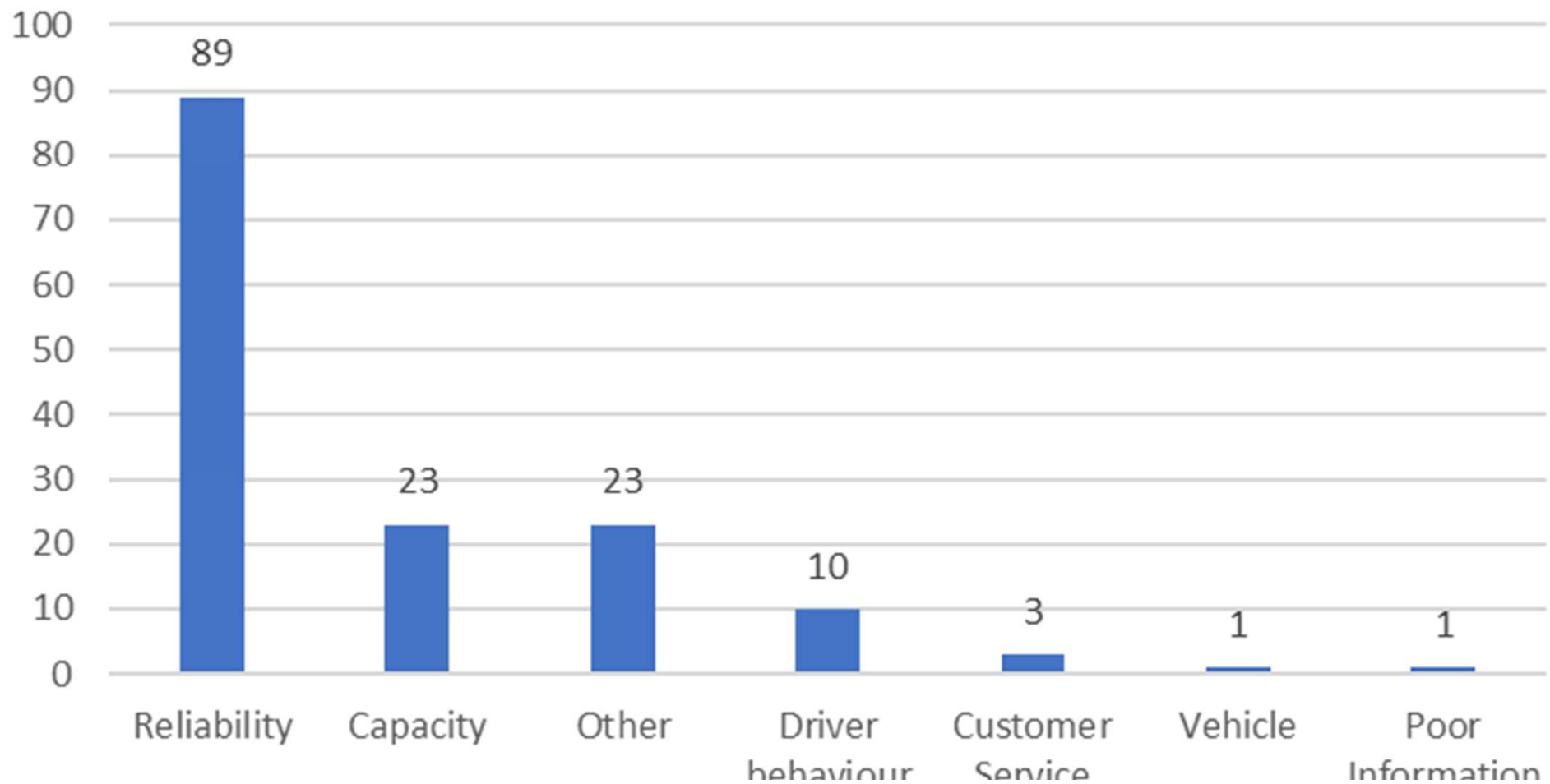
Arriva Complaints by Service

Arriva Complaints by Service (Jan - March 2019)

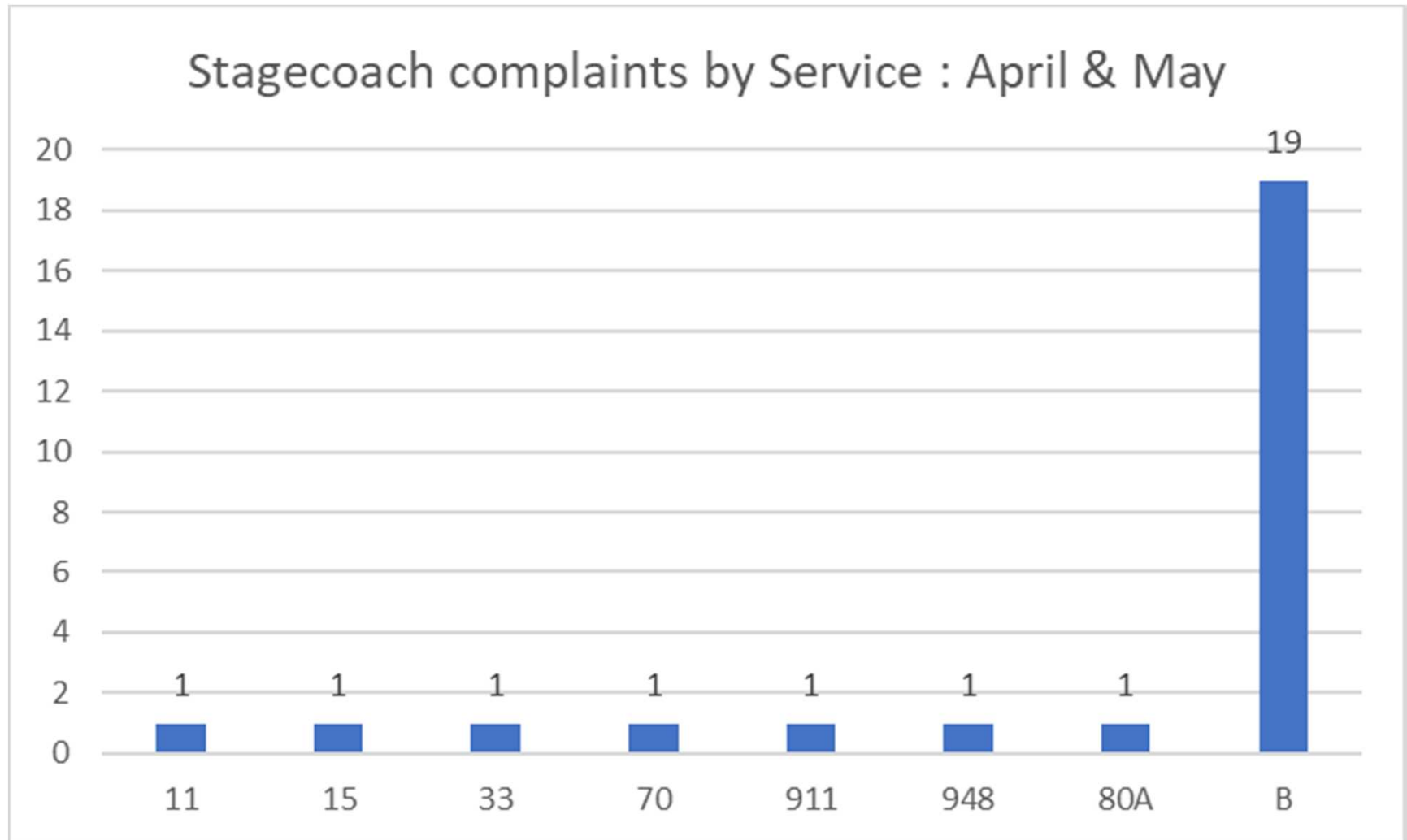


Arriva Complaints by Type

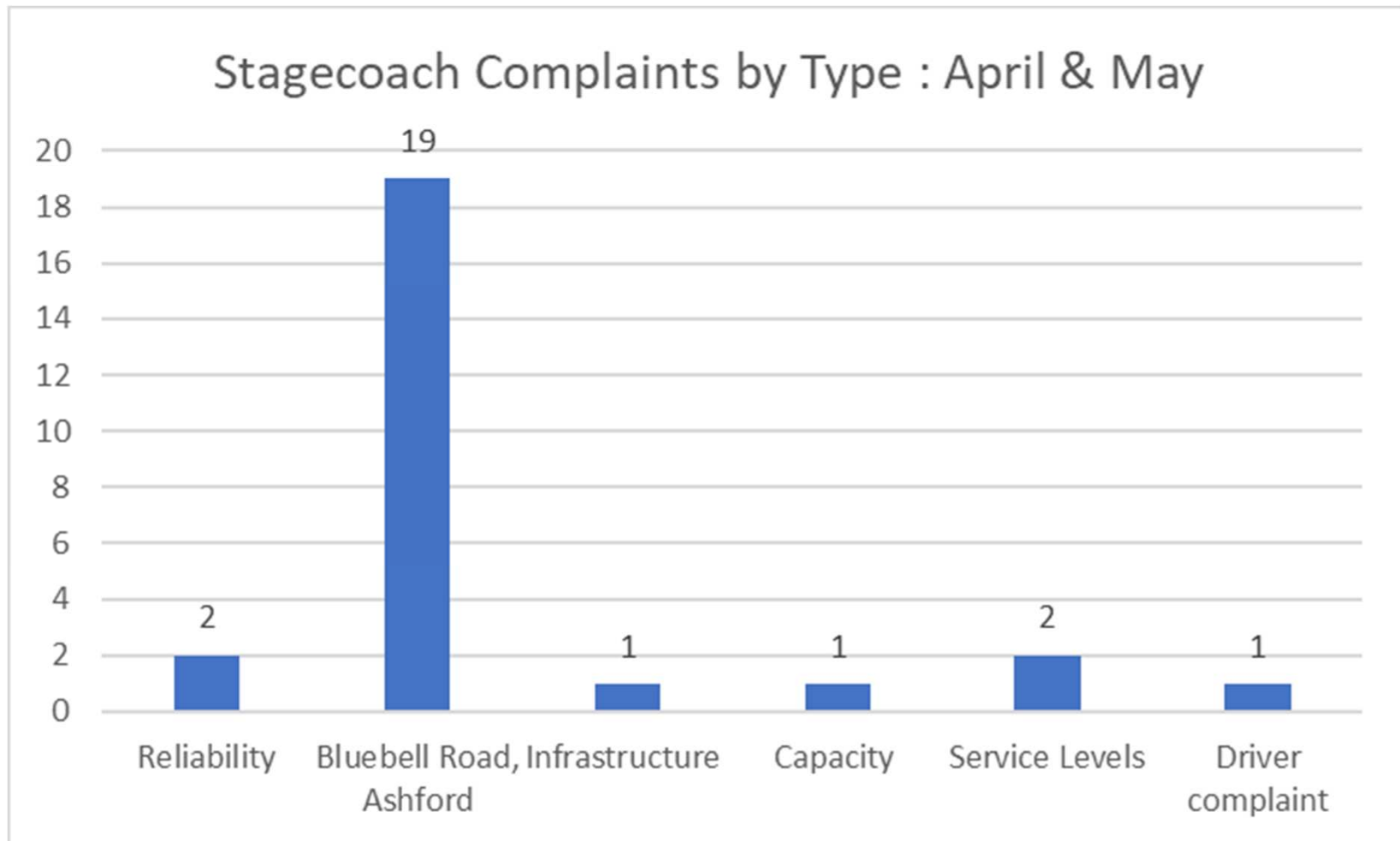
Arriva complaints by type (Jan. to Mar. 2019)



Stagecoach Complaints by Service



Stagecoach Complaints by Type



From: Mike Whiting, Cabinet Member for Planning, Highways, Transport and Waste
Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 16 July 2019

Subject: Performance Dashboard

Classification: Unrestricted

Summary:

The Environment and Transport Performance Dashboard shows progress made against targets set for Key Performance Indicators. The latest Dashboard has data up to May 2019.

Recommendation(s):

The Environment and Transport Cabinet Committee is asked to NOTE the report.

1. Introduction

- 1.1. Part of the role of Cabinet Committees is to review the performance of the functions of the Council that fall within the remit of the Committee.
- 1.2. To support this role, Performance Dashboards are regularly reported to each Cabinet Committee throughout the year, and this is the first report for the 2019/20 financial year.

2. Performance Dashboard

- 2.1. The current Environment and Transport Performance Dashboard is attached at Appendix 1.
- 2.2. The Dashboard provides a progress report on performance against target for the Key Performance Indicators (KPIs) for 2019/20. These KPIs came before this Cabinet Committee for comment in May 2019.
- 2.3. The current Dashboard provides results up to the end of May 2019.
- 2.4. The Dashboard also includes a range of activity indicators which help give context to the KPIs.
- 2.5. KPIs are presented with RAG (Red/Amber/Green) alerts to show progress against targets. Details of how the alerts are generated are outlined in the Guidance Notes, included with the Dashboard in Appendix 1.
- 2.6. Latest performance is ahead of target for all but one of the five key performance indicators in Highways & Transportation. Potholes repaired in timescale is behind

target¹ as the HTM Contractor has suffered difficulties in securing resources to meet demand. Urgent faults have been attended to on time.

- 2.7. Performance is ahead of target for all Waste Management indicators with the exception of waste recycled and composted at Household Waste Recycling Centres (HWRCs) which had a general reduction due to hot weather last year, economic uncertainty and enforcement focus deterring potential trade waste. Total waste tonnage collected is increasing but is at the lower end of expectations.
- 2.8. For digital take-up, three indicators are ahead of target and four behind target. Two of those behind target, Young Persons Travel Pass and 16+ Travel Card, have only had a very small percentage of annual responses so far, with both expected to meet target in the next few months as more cards are applied for. Actions are in place to improve Speed Awareness courses and HWRC vouchers completed online.
- 2.9. For Environment, Planning and Enforcement, Greenhouse Gas emissions have reduced significantly ahead of target.

3. Recommendation(s):

The Environment and Transport Cabinet Committee is asked to NOTE this report.

4. Contact details

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¹ The KPI relates to statutory requirement for the HTM Contract to deliver emergency repairs and not the pothole blitz contract which continues to perform well.

Environment and Transport Performance Dashboard

Financial Year 2019/20

Results up to May 2019

Page 61

Produced by Strategic Commissioning – Performance & Analytics

Publication Date: June 2019

Guidance Notes

Data is provided with monthly frequency except for Waste Management where indicators are reported with quarterly frequency and on the basis of rolling 12-month figures, to remove seasonality.

RAG RATINGS

GREEN	Target has been achieved
AMBER	Floor Standard achieved but Target has not been met
RED	Floor Standard has not been achieved

Floor standards are set in Directorate Business Plans and if not achieved must result in management action.

DOT (Direction of Travel)

↑	Performance has improved in the latest month/quarter
↓	Performance has worsened in the latest month/quarter
↔	Performance is unchanged this month/quarter

Activity Indicators

Activity Indicators representing demand levels are also included in the report. They are not given a RAG rating or Direction of Travel alert. Instead they are tracked within an expected range represented by Upper and Lower Thresholds. The Alert provided for Activity Indicators is whether they are in expected range or not. Results can either be in expected range (**Yes**) or they could be **Above** or **Below**.

Key Performance Indicators Summary

Highways and Transportation	Month RAG	YTD RAG
HT01 : Potholes repaired in 28 calendar days (routine works not programmed)	RED	RED
HT02 : Faults reported by the public completed in 28 calendar days	GREEN	GREEN
HT04 : Customer satisfaction with service delivery (100 Call Back)	GREEN	GREEN
HT08 : Emergency incidents attended to within 2 hours	GREEN	GREEN
HT12 : Streetlights, illuminated signs and bollards repaired in 28 calendar days	GREEN	GREEN

Digital Take up – reported year to date	YTD RAG
DT01 : Percentage of public enquiries for Highways Maintenance completed online	GREEN
DT02 : Percentage of Young Persons Travel Pass applications completed online	RED
DT03 : Percentage of concessionary bus pass applications completed online	GREEN
DT04 : Percentage of speed awareness courses completed online	AMBER
DT05 : Percentage of HWRC voucher applications completed online	AMBER
DT06 : Percentage of Highway Licence applications completed online	GREEN
DT13 : Percentage of 16+ Travel Cards applied for online	AMBER

Waste Management	RAG
RAG reported for rolling 12 month	
WM01 : Municipal waste recycled and composted	GREEN
WM02 : Municipal waste converted to energy	GREEN
WM01 + WM02 : Municipal waste diverted from landfill	GREEN
WM03 : Waste recycled and composted at HWRCs	AMBER
WM04 : Percentage of customers satisfied with HWRC services	GREEN

Environment, Planning and Enforcement	YTD RAG
EPE13 : Greenhouse Gas emissions from KCC estate (exclud. schools)	GREEN

Service Area	Director	Cabinet Member
Highways & Transportation	Simon Jones	Mike Whiting

Key Performance Indicators

Ref	Indicator description	Latest Month	Month RAG	DOT	Year to Date	YTD RAG	Target	Floor
HT01	Potholes repaired in 28 calendar days (routine works not programmed)	78%	RED	↑	73%	RED	90%	80%
HT02	Faults reported by the public completed in 28 calendar days	93%	GREEN	↑	93%	GREEN	90%	80%
HT04	Customer satisfaction with service delivery (100 Call Back)	90%	GREEN	↑	89%	GREEN	85%	70%
HT08	Emergency incidents attended to within 2 hours	99%	GREEN	↓	100%	GREEN	98%	95%
HT12	Streetlights, illuminated signs and bollards repaired in 28 calendar days - April data	93%	GREEN	↓	93%	GREEN	90%	80%

HT01 - Potholes repaired in timescale is behind target as the HTM Contractor has suffered difficulties in securing resources to meet demand. Urgent faults have been attended to on time.

Service Area	Director	Cabinet Member
Highways & Transportation	Simon Jones	Mike Whiting

Activity Indicators

Ref	Indicator description	Year to date	In expected range?	Expected Range		Prev. Yr YTD
				Upper	Lower	
HT01b	Potholes repaired (as routine works and not programmed)	2,523	Yes	3,100	2,300	4,476
HT02b	Routine faults reported by the public completed	8,422	Yes	9,500	7,500	14,608
HT06	Number of new enquiries requiring further action (total new faults)	12,459	Below	17,500	14,300	19,780
HT07	Work in Progress (outstanding enquiries waiting action)	5,564	Yes	6,750	5,500	9,243

HT06 - The better weather over the last few months has helped keep demand to lower levels than previous years.

Service Area	Director	Cabinet Members
Waste Management	Simon Jones	Mike Whiting

Key Performance Indicators (Figures are provided as rolling 12-month totals to remove seasonality) - March data, 2018/19 targets

Ref	Indicator description	Latest Quarter	RAG	DOT	Target	Floor	Previous Quarter
WM01	Municipal waste recycled and composted	49.5%	GREEN	↔	46.8%	44.3%	49.0%
WM02	Municipal waste converted to energy	48.8%	GREEN	↓	47.9%	45.4%	50.3%
01+02	Municipal waste diverted from landfill	98.3%	GREEN	↓	94.7%	89.7%	99.3%
WM03	Waste recycled and composted at HWRCs	68.7%	AMBER	↑	69.3%	67.3%	68.4%
WM04	Percentage of customers satisfied with HWRC services (Annual Indicator)	99%	GREEN	↑	96%	85%	98%

WM03 – There was a general HWRC reduction due to the very hot year last affecting garden waste, the economic uncertainty and an enforcement focus deterring potential trade waste.

Activity Indicators

Ref	Indicator description	Latest Quarter	In expected range?	Expected Range		Previous Quarter
				Upper	Lower	
WM05	Waste tonnage collected by District Councils	539,527	Below	560,000	540,000	537,432
WM06	Waste tonnage collected at HWRCs	171,208	Yes	190,000	170,000	168,110
05+06	Total waste tonnage collected	710,735	Yes	750,000	710,000	705,684

WM05 – Waste tonnage arisings have been declining over the last 2 years despite significant population growth across the county and are slightly below expectations.

Service Area	Director	Cabinet Member
Highways, Transportation and Waste	Simon Jones	Mike Whiting

Digital Take-up indicators - April data

Ref	Indicator description	Year to Date	YTD RAG	DOT	Target	Floor	Previous Year
DT01	Percentage of public enquiries for Highways Maintenance completed online	51%	GREEN	↑	50%	40%	47%
DT02	Percentage of Young Persons Travel Pass applications completed online	37%	RED	↓	80%	60%	80%
DT03	Percentage of concessionary bus pass applications completed online	37%	GREEN	↑	25%	15%	28%
DT04	Percentage of speed awareness courses bookings completed online	75%	AMBER	↓	80%	65%	78%
DT05	Percentage of HWRC voucher applications completed online	94%	AMBER	↓	95%	85%	97%
DT06	Percentage of Highway Licence applications completed online	80%	GREEN	↔	70%	60%	80%
DT13	Percentage of 16+ Travel Cards applied for online	71%	AMBER	↓	80%	60%	79%

DT02 & DT13 – A very small percentage of annual responses have been received so far, with the majority due to come at the end of the school year. The percentage completed online are expected to increase and meet target when the bulk of applications are made.

DT04 - A project is in place to renew the online software system to improve the customer journey and encourage more people to book online.

DT05 - Improvements to the computer system which manages these vouchers has taken place and performance should be back on track in the next reporting period.

Division	Director	Cabinet Member
Environment, Planning and Enforcement	Katie Stewart	Mike Whiting

Key Performance Indicator (reported quarterly in arrears) December 2018

Ref	Indicator description	Latest Quarter	RAG	DOT	Target	Floor	Previous Year
EPE14	Greenhouse Gas emissions from KCC estate (excluding schools) in tonnes	31,885	GREEN	↑	37,200	40,200	36,885

From: Mike Hill, Cabinet Member for Community and Regulatory Services

Mike Whiting, Cabinet Member for Planning, Highways, Transport and Waste

Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 16 July 2019

Subject: 2018/19 Growth, Environment and Transport Directorate Equality Review

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: Growth, Economic Development and Communities Cabinet Committee 26 June 2019; Policy and Resources Committee date tbc

Electoral Division: All

Summary: This report sets out a position statement for the Growth, Environment and Transport (GET) Directorate in 2018//19 regarding the embedding of equality and diversity within work programmes and organisational development.

Recommendation: The Cabinet Committee is asked to note current performance, provide any comment, and agree to receive this report annually in order to comply with the Public Sector Equality Duty 2010.

1. Introduction

1.1 Publication of equality and diversity information is compulsory in England for all public authorities, as stipulated in the Public Sector Equality Duty 2010. Proactive publication of equality and diversity information ensures not only compliance with the legal requirements, but also transparency for the public in how this Directorate ensures equality and diversity considerations are part of every stage of our programmes and projects.

1.2 GET firmly places our approach to equality and diversity within our Customer Service Programme. The Duty for us is about understanding and responding to our customers and non-customers' needs, data-led across all ten protected characteristics. Everybody has protected characteristics.

1.3 The Equality and Human Rights Commission (EHRC) has identified six domains which reflect the capabilities or areas of life that are important to

people and that enable them to flourish. The six domains are work, living standards, education, justice and personal security, participation and health.

- 1.4 KCC corporately is moving to measure all services' progress against the Equality Duty 2010 by utilising these EHRC domains. This report therefore looks to do the same. Section 4 reports the detail of GET's performance against corporate equality and diversity objectives. Section 5 reports on projects that do not directly relate to the corporate equality and diversity objectives identified in Section 4 of this report but do align to EHRC domains.

2. Financial Implications

- 2.1 There are no financial implications in producing an annual review of progress against the Equality Duty 2010.

3. Policy Framework

- 3.1 This report relates to the KCC Equality and Human Rights Policy 2016 – 2020.

4. GET progress against KCC Equality and Diversity Objectives

- 4.1 **KCC Human Rights and Equality Policy Objective:**
“Protected characteristics will be considered within all highways and transport schemes identified within Local Transport Plan 4, as well as the schemes’ potential to advance equality of opportunity.”

Domain – Education

- 4.1.1 **Highways, Transport & Wastes (HTW) Driver Improvement Booking Programme.** This service provides all the driver education programmes through a Memorandum of Understanding with Kent Police which is licensed by NDORS (National Driver Offender Retraining Scheme) and audited bi-annually. The course offers are based on driver behaviours so there is no equality statement as the courses are only offered to those who have offended and met the criteria for a course (i.e. dependant on the extent of the offence). Whilst equality data is not collected due to GDPR and NDORS constraints, the service presents good practice with reasonable adjustments made for protected characteristics when they arise. These included in 18/19: one to one courses for autistic customers; allowance of a separate space (whilst continuing training) for breast feeding mothers; translators for those not proficient in English ; and signers for those who use British Sign Language.

Domain – Living Standards

- 4.1.2 **HTW's Winter Service.** Each year HTW reviews the Council's Winter Service Policy and the operational plan that supports it to reflect changes in national guidance and lessons learnt from the previous winter. Following 2017/18's "Beast from the East", further mitigations for elderly (Age characteristic) and disabled (Disability characteristic) customers have been put into place with local district plans and supply of a salt/sand mix to Parish Councils who can prioritise snow clearance for care homes, and around GP practices and hospitals for example.
- 4.1.3 **HTW's A20 Harrietsham Highway Improvement Scheme.** This scheme is to reduce the speed and manage potential traffic growth whilst retaining the village feel of Harrietsham and aspiring to make public transport more appealing. During the scheme design, a consultation took place in the form of a questionnaire which specifically asked respondents of their requirements with regards to protected characteristics. In response, crossing points were provided in certain areas where demand was identified, and a toucan (two-can - designed for pedestrians and cyclists to use at the same time) crossing provided rather than a puffin crossing to assist with cyclists' needs being accommodated at the same time as a wheelchair or pram user for example. (Age, Disability, Maternity and Carers characteristics).
- 4.1.4 **HTW's The Big Conversation.** Consultation for future delivery model of rural bus services. This project identified a number of potential negative impacts in the equality screenings of the proposed models. The characteristics concerned were Age, Disability, Carers and Maternity and issues focused on size of vehicle, financial implications, and booking requirements. Widespread consultation with networks comprising these groups was identified as the key action in the Equality Impact Assessment (EqIA) action plan, to ensure negative impacts were avoided or appropriately mitigated.

Domain - Justice & Personal Security

- 4.1.5 **HTW's Safer Roads Fund.** A252 Chilham to Charing. The Safer Road Fund project from the Department of Transport includes two eligible A roads in Kent. Working with the Road Safety Foundation and Amey who have been commissioned to design and construct the scheme, an initial Equality screening highlighted that for Age and Disability characteristics, a safety audit needed to be completed at the design and construction stage and form part of the equalities action plan. These actions included an accessible central refuge island in Charing and generally slower speeds increasing safety for all, especially those with Age, Disability, Maternity or Carer characteristics. Extending the central reservation width will improve road safety and reduce road traffic casualties amongst less experienced and vulnerable drivers, including adolescent and elderly groups.

4.1.6 **HTW's Safer Roads Fund.** A290 Canterbury to Whitstable. As per the above, the need for this scheme has been identified through analysis of crashes between 2012 and 2014. Whilst funding has been secured, this project is on hold and not due to commence before March 2020. However, an initial Equality screening highlighted that for Age and Disability characteristics, a safety audit will be completed at the design and construction stage and form part of the equalities action plan.

4.2 **KCC Human Rights and Equality Policy Objective:**
“The Equality Duty will inform all services’ efforts to maximise businesses’ potential.”

Domain – Education

4.2.1 **Economic Development's (ED) South East Business Boost.** In 2018/19, the South East Business Boost (SEBB) programme has identified other partners/bodies to work with which assist those with protected characteristics who were previously underrepresented in applying for grants, identifying or accessing the grants available through the SEBB programme, such as Kent Foundation (working with young business leaders) and the Women in Business Network. Data continues to be collected on some protected characteristics (Age, Sex, Ethnicity and Disability) but key now is the analysis of that data to inform the future and further reach of the SEBB .

4.2.2 **ED's Locate in Kent.** As funded under an EU Scheme, Locate in Kent also has a requirement to collect data on the same protected characteristics as the SEBB programme. They have reported a good return on Sex protected characteristic data but there was some reluctance by companies to provide the other requested data, usually owing to a misperception of why the data is sought and/or a reluctance of individuals to self-identify their own protected characteristics

Domain – Living Standards

4.2.3 **ED's Ashford Borough Council and Kent County Council District Deal Project.** Equalities impacts were noted from the sub-projects which will be undertaken as part of the District Deal, which will be pursued under each relevant project through EqIA screenings. Such sub-projects include: Chilmington Green (An urban development on the edge of Ashford town which includes up to 5,750 homes); Ashford International Station Spurs Project (The Ashford International Spurs scheme is essential to provide a signalling solution to enable future interoperability for all international service providers); and Enabling the Jasmin Vardimon Dance Academy (The dance

company wish to escalate the work already undertaken and establish the JVC International Dance Academy as a creative centre of excellence).

- 4.3 **KCC Human Rights and Equality Policy Objective:**
“The protected characteristics of all members of a community will be considered when investing in roads, facilities and utilities that are identified through the Growth and Infrastructure Framework, and delivered to meet the needs of Kent’s population changes”

Domain – Living Standards

- 4.3.1 **Environment, Planning and Enforcement’s (EPE) Digi-GIF.** This project aims to create and provide a digital platform for the Kent & Medway Growth & Infrastructure Framework. An initial screening has identified impacts on Age (older users are less likely to have the confidence and skills to access the GIF online), Disability (those with disabilities may have difficulty in using the website or its interactive features as well as reading the narrative and analysis provided) and Race (English will not be the first language of all users). Mitigating actions to be included in the project plan include: All functions and interactive capabilities of the Digi-GIF will be designed to meet the Government’s digital accessibility standards; Online help and guidance will be available; A digital accessibility audit will be undertaken during the development of the final platform and will also be included in tender documentation; Clear links and presentation of information will be made in plain English; Alternative formats and languages of the Digi-GIF platform will be made available.

- 4.4 **KCC Human Rights and Equality Policy Objective:**
“Irrespective of Age, Disability, Race or Religion and Belief, Kent residents should be able to access our county’s high-quality landscapes and environment”

Domain – Living Standards

- 4.4.1 **EPE’s Energy and Low Emissions Strategy.** The strategy will aim to identify and prioritise action to reduce harmful emissions that contribute to climate change and poor air quality leading to impacts on people’s health. This will particularly benefit certain protected groups including young people (Age. Maternity) and those with a Disability. The screening identified that there may be a perceived or real barrier to take up of electric vehicles by disabled people, and a key proposed action is to gather data to support or dispel this notion.

Domain – Participation

4.4.2 **EPE’s Public Rights of Way Improvement Plan.** This 18/19 project produced a new Countryside Access/Rights of Way Improvement Plan for Kent, for the period 2017 – 2027. The plan identifies action points to ensure a better experience for those with mobility limitations across Age, Disability, Maternity and Carers characteristics which include: maintenance of network; vegetation clearance; work with land owners to remove stiles; and ensure least restrictive access.

4.5 **KCC Human Rights and Equality Policy Objective:**
“The Libraries, Registration and Archives (LRA) Service in Kent will continue to understand its local communities’ needs, and tailor its services accordingly”

Domain – Participation

4.5.1 **LRA’s Website.** In 2018/19, a need was identified to improve the libraries service’s webpages. Ensuring the needs of customers with protected characteristics were met was an integral part of the goals for the project. For example, images to be used on the website were to show a broad range of ages, backgrounds, sex, race, and so on. A section on the website was also set up for customers who might not be able to come to the library due to disability, called Library Direct. Promotions are also advertised on the website, including LGBTQI (Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex) resources and events.

4.5.2 **LRA’s Schools Service Review.** Libraries data was used to assess school engagement and attendance by adults with children, thus supporting the Age characteristic. In addition to this, focus groups were held as well as an online survey for schools. Following the feedback received, a revised offer was put forward, including removing the charge for library school card, aligning fees (fines and reservations) with the public offer and maintaining free introductory class visits to the library for children.

4.5.3 **LRA’s Bockhanger Library relocation project.** As part of relocation of Bockhanger library to the local Children’s Centre, customer data was collected from the library management system, Spydus, to inform on borrowing habits. This data informed the resultant EqIA. There were a number of positive outcomes from this including: height adjustable chairs (benefiting Age characteristic); promotion of eBooks and other online resources (benefiting housebound users who may be more likely to have Age, Disability, Maternity or Carer characteristics); and changes to the stock management system, Collection HQ, to ensure that the offering remains fresh and accessible to all.

- 4.5.4 **LRA's Libraries Extra project.** In 2018/19, Libraries, Registration and Archives piloted technology-assisted opening hours at three libraries to enable customers to access library services outside of normal opening hours with no staff presence. Customer data was collected and as a result, the emergency exit at Higham Library was improved for accessibility (Disability, Age, Carers and Maternity characteristics).
- 4.5.5 **LRA's proposed strategy.** Two full EqlAs were produced for the Libraries, Registration and Archives proposed three year strategy. One for the overarching strategy and one for the proposed library tiering model (which proposed reduced library hours). A 10-week consultation took place with 20 drop-in events for the public to talk to the library staff across the county during the 10 week period. Based on protected characteristic data of likely impacted library users, versions of the consultation were produced in Easy Read and Nepalese. Specific data on protected characteristics were collated, and all Equality feedback was analysed separately. An adjusted proposed tiering proposal as a result of using more up-to date data, resulted in the the original 20% reduction in opening hours reducing to 18% and therefore the impacts identified with respect to equality and diversity were similarly lessened.
- 4.5.6 **LRA's Banning Policy.** This policy and its associated procedures were revised in 2018/19. Through an initial equality impact screening, whilst there were no negative impacts on protected characteristics, it was identified that the existing banning letters were written in such a way that they were not easily understandable due to the complex language used. The mitigating action resulted in a simple, plain English version and other accessible formats in order to meet potential requirements of those with protected characteristics associated with Age, Disability and Race.
- 4.5.7 **LRA's Bearsted Temporary Location project.** The library in Bearsted had to be temporarily housed in an alternative location in 18/19. Customer data from Spydus and local staff knowledge was used to identify the needs of the users in Bearsted and as a result flexible moveable shelving was put in place to enable access for existing groups including those with protected characteristics such as Disability and Maternity.
- 4.5.8 **LRA's Faversham Good Day Programme at Faversham Library**
As part of making better use of KCC buildings a space was identified at Faversham Library that could be used by the Faversham Good Day Programme (GDP). GDP has been running since 2008 and develops community-based day opportunities for people with learning disabilities. As part of this project, a new 'Changing Places' toilet will be built so that anyone who needs assistance with their personal care can benefit from this asset. As well as the toilet, the scheme involves a library refurbishment and reconfiguration. As part of the refurbishment, customers were consulted on what items of stock they would like to see added, or particular areas developed, which included books and resources on disabilities. Existing

groups such as Talk Time (comprising generally older customers), were relocated temporarily during the refurbishment process.

5. Additional projects delivered in 2018/19 that align to ECHR domains.

Domain – Education

- 5.1 **EPE’s Trading Standards Life Skills.** This public protection educational toolkit has been developed for young people under 18 years old in special schools, secondary schools and youth groups. It will help prepare them for the challenges of adult life and encourages safe, independent living to reduce the risk of financial harm in the future. From an equality perspective, actions identified include: use of plain English; accessible formats (e.g. audio) for those with a visual impairments or dyslexia. (Age, Disability and Race characteristics).

Domain – Work

- 5.2 **LRA’s Lone Working Policy.** In many library venues, a system of lone working is operated. The associated policy and procedures were revised in 2018. An equality impact screening identified a potential issue for staff with a disability working alone. Mitigating action has been written into the policy which stipulates that any staff self-identified within this group will have a personal risk assessment completed to ensure any reasonable adjustments are put in place (which may include only team working).
- 5.3 **HTW’s Technical & Environment Service Contract tender.** The Technical and Environment Services Contract (TESC) was implemented in April 2018/19 and provides (amongst others) the following services: Highway design; Traffic modelling; Site supervision; and Environmental advice. Whilst no negative impacts for protected characteristics were identified through an EqIA, the contractor Amey have their own robust approach to equalities. Examples include: working with Kent Supported Employment to provide disabled people work experience within the Highways contracts – with a view to full time employment; and partnering with The Prince’s Trust to provide career advice and guidance to young care leavers. (Disability and Age characteristics)

Domain – Living Standards

- 5.4 **HTW’s TW Public Realm Phase 2.** Working with Amey and Tunbridge Wells Borough Council, the scheme has been designed to provide a more pedestrian focussed Tunbridge Wells town centre allowing better pedestrian movement, cycling, access to buses, improved lighting and air quality improvements. Data was collected via a customer survey, pedestrian counts,

traffic movement data and two exhibitions which has informed equalities improvements to the scheme including tactile paving to assist road crossing for visually impaired users (Disability characteristic).

- 5.5 **EPE's Flood and Water management strategy.** KCC has a duty to develop, maintain, apply and monitor a strategy for local flood risk management in Kent under the Flood and Water Management Act 2010. The strategy sets out how local flooding will be managed in the county with one of the objectives being to support and improve the safety and wellbeing of Kent's residents and the economy of Kent through appropriate flood risk management. For the protected characteristics of Age and Disability, an equality impact screening in 18/19 identified mitigating actions for those who may have difficulty reading material published to advise about flood risk and mitigation measures or reporting flood events. Accessible alternative reading materials have been made available. (Disability and Race characteristics).

Domain – Health

- 5.6 **EPE's Coroners' Body Removal and Transfer Contract.** This project covers the renewal of contracts (1) for the removal of deceased from place of death to designated hospital mortuaries in Kent and Medway, and (2) for the transfer of deceased between designated mortuaries in Kent and Medway, and other specialist mortuaries outside of Kent. The service's EqIA identified that considerations for unaccompanied and vulnerable older or younger people (Age) and Disabled people present at a sudden death would be given by other services on the scene such as the Police. Under the protected characteristic of Race, translation can be provided for those who do not speak English as a first language, and equally the leaflet given on behalf of the Coroner 'Where a death is referred to the Coroner' which explains why the deceased is being removed, can be provided in alternative languages. Should any Religion or Belief characteristic requirements arise with regards to the removal and transportation of the deceased to the designated mortuary, the contracted Funeral Director will call the Coroners' Office for guidance. The Coroner has discretion to agree to any such requests provided that they do not compromise the preservation of the body of the deceased as evidence for the Coroners' enquiries.

Domain – Participation

- 5.7 **EPE's Kent Sport Equality and Diversity Statement.** This statement of the Kent Sport and Physical Activity Service and the Kent & Medway Sports Board is part of the requirement to comply with the highest level (Tier 3) of Sport England's Sports Governance Code as Sport England provides Kent Sport with funding. It is published online and accompanied with a Board

diversity action plan. Although there was no adverse impact identified from the screening, some specific areas were highlighted for consideration in the EqIA action plan to ensure that protected groups are not negatively affected by work undertaken. For the protected characteristics of Age, Sex, Disability and Race, it was identified that promotional material may not be representative or accessible to those groups and therefore imagery and accessible formats were annotated in the action plan. For the protected characteristics of Gender Identity, Sexual Orientation and Race it was considered that engagement with these groups would need to be addressed by considering new partners, networks for promotion of opportunities and consultation.

- 5.8 **ED's Village Halls.** Village Hall grants support communities' village halls which have a purpose to enable an environment that is based on inclusiveness, where all users and potential users, can benefit from the facility. For example, a key activity in support of village halls and other community venues has been the investment in facilities for groups of Disabled people and improved access, further benefiting Age, Maternity and Carers characteristics. Its support for improved central heating and insulation in such venues also opens up their use to wider numbers of people with certain protected characteristics. By improving the fabric of community venues, it has improved their usability.

6. Conclusions

- 6.1 GET continues to improve its compliance with the Equality Duty by improving year on year the volume, depth and underpinning data of completed equality impact assessments.
- 6.2 The Directorate's approach to equality and diversity is carefully positioned to underpin the Directorate's approach to customer insight and customer service.

7. Recommendation(s)

Recommendation: The Cabinet Committee is asked to note current performance, provide any comment, and agree to receive this report annually in order to comply with the Public Sector Equality Duty 2010

8. Background Documents

Background Documents

KCC Human Rights and Equality Strategy 2016 – 2020:
http://www.kent.gov.uk/data/assets/pdf_file/0007/67075/Executive-summary-of-our-annual-equality-and-diversity-report-2016-2020.pdf

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From: Mike Hill, Cabinet Member for Community and Regulatory Services

Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 16 July 2019

Subject: Gypsy and Traveller Service – emerging Policies

Classification: Unrestricted

Past Pathway of Paper: n/a

Future Pathway of Pathway of Paper: N/A

Electoral Division: Canterbury City North, Cranbrook, Dover North, Malling Central, Malling North East, Sevenoaks Rural North East, Sevenoaks West, Sittingbourne North

Summary: This report updates Environment and Transport Cabinet Committee on emerging proposed policy changes of the KCC Gypsy and Traveller Service. In particular taking account of the results from the consultation exercise it outlines the approach to developing an Asset Management Plan and a draft Pitch Allocation and Site Management Policy. It also describes the intention to develop a new draft Gypsy and Traveller Service Charges and Rent Setting Policy, and by the end of the financial year, an Unauthorised Encampment Strategy.

Recommendation: The Cabinet Committee is asked to note and make comments to the Cabinet Member on the emerging proposed policies and strategies and Asset Management Plan.

1. Introduction and background

- 1.1. KCC owns and manages eight gypsy and traveller sites. KCC manages a further two sites on behalf of Maidstone Borough Council.
- 1.2. The Office for National Statistics (ONS) figures suggest that there are an estimated 4,522¹ Gypsy and Travellers living in Kent. This could include individuals living on private or local authority owned sites, 'bricks and mortar' housing, unauthorised developments or travellers in the literal sense. Kent County Council has approx. 343 residents² living on the eight sites owned and run by the KCC Gypsy and Traveller Service (GTS).
- 1.3. The County Council has no statutory obligation to provide or manage sites unlike the district councils who have a duty to provide accommodation for the Gypsy and Traveller community through the Gypsy and Traveller Accommodation Assessment (GTAA). KCC contributes to a number of Kent Districts' assessments by providing 131 pitches in total, across the county.

¹ Office for National Statistics: Census 2011, CT0769 Metadata – Ethnic group: Gypsy, Traveller, Roma, Gypsy/Romany

² Gypsy and Traveller Service Census 2016.

- 1.4. The decision for KCC to own and manage sites is historic but came about as a negotiation in 1967 under the auspices of the forthcoming Caravan Act 1968 that a number transfer from six district and borough councils within Kent. The sites must be managed in line with the Mobile Homes Act 1983. In addition, as a local authority, all policies and practices relating to the sites must of course meet the Public Sector Equality Duty. Case law has determined that Romany Gypsies and Irish Travellers are protected against race discrimination as they are recognised as ethnic groups under the Equality Act.
- 1.5. In October 2017, a consultation took place on a draft Gypsy and Traveller Pitch Allocation Policy, to meet the residents' needs and changing demands on the service, developing sustainable provision fit for the future. This draft policy was wider than its title suggests, and incorporated the allocations process, the licence agreement terms and conditions, rent setting principles (including service charges), resident vetting processes including DBS checks, and enforcement processes.
- 1.6. 47 responses were received, principally from site residents (58% of respondents, both online and orally). Issues on which respondents felt most strongly were: affordability of increased rent; a proposal around a deposit scheme; literacy and ICT challenges in the affected community meaning the consultation process might not reach all of the affected community; understanding how higher charges would be calculated; wishing greater investment into the sites; and the rent approach having parity with social housing. As a result of the consultation KCC has taken into consideration the responses made and has developed further proposals to inform two future draft policies, which are introduced in this report to Environment and Transport Cabinet Committee.
- 1.7. This report outlines the new proposals to inform planning for a second public consultation on a new draft Gypsy and Traveller Pitch Allocation and Site Management policy and on a new draft Gypsy and Traveller Service Charges and Rent Setting Policy. It is intended that the public consultation on both policies will take place in the autumn 2019.

2. Proposed Service Policy Changes and Methodology

- 2.1. As a result of the initial consultation in 2017, GTS has been developing the proposals around four areas of work. Table 1 highlights the issues raised, actions being delivered and recommendations for further work.

Table 1

Area	Issues	Action	Recommendation
Asset management	8 sites requiring maintenance and improvement	Asset management strategy and plan to be developed, site action plans to be included.	Further site surveys to be carried out. Investment options to be explored. Resident engagement.
Rental income	Current rental fees do not cover the cost of running and maintaining the sites to desired standard	Rent setting policy and process to be developed in conjunction with asset management strategy.	Increase in rental fee to ensure an effective service and 'steady state asset' can be delivered

Allocations & site management	Current allocation policy does not have parity with social housing	New Pitch Allocation and Site Management policy to be developed to include housing needs banding scheme. New policy to go out to consultation.	Housing needs scheme to be adopted to ensure fair and transparent allocation and site management
Unauthorised encampments	UE service is subsidised from GTS rental income	UE policy to be developed	Funding options to be explored

- 2.2. To develop robust proposals, the GTS have developed in conjunction with GET's Systems and Data team, data capture tools. This includes a case management system to ensure regular updates inform and update planning for the site and pitch provision. In addition, national trends being realised locally such as almost entirely female licence holders, or benefit claim anomalies, have been investigated with the assistance of KCC Strategic Business Development & Intelligence (ST SBDI) team.

3. Asset Management Plan

- 3.1. Results from the first consultation in 2017 highlighted the need for an asset management approach. The GTS are currently developing an asset management strategy through which action required on the eight KCC owned and managed sites can be prioritised. The strategy and resultant action plan will detail the repairs, maintenance and investment needed to ensure compliance with the Mobile Homes Act and that standards such as the Housing Health and Safety Rating System (HHSRS) are achieved whilst the service meets budget requirements within a sustainable framework.
- 3.2. The asset management plan has sampled three Gypsy and Traveller sites out of the eight KCC own and manage, to calculate costings per pitch establishing an indicative current 'at steady state' investment position. This along with site action plans will inform the asset management strategy highlighting the capital investment required to ensure sustainability and longevity for the benefits of residents, sites and of the service.
- 3.3. To assist asset management, site visit data has additionally been recorded developing a greater understanding of asset condition.
- 3.4. The refurbishment works needed to improve outcomes for residents will bring parity between sites, ensuring standards are met, improving health outcomes and enhancing the environment. Investigation into central government funds through the Affordable Homes Programme and KCC Capital Works Programme may help to bridge the performance gap. This capital investment would ensure that the sites become sustainable and that the GTS can continue to deliver the service for the Gypsy and Traveller community.
- 3.5. In addition to KCC funding all of the GTS overhead costs, the service additionally derives an income from the residents' pitch fees which contribute to existing critical refurbishment works.

4. Draft Pitch Allocation and Site Management Policy proposals

- 4.1. The current Pitch Allocation Policy 2012 does not include site management. However, 2017 consultation feedback highlighted that the two themes were linked and in response have been included together in the emerging new draft policy.
- 4.2. The new draft Pitch Allocation and Site Management Policy will propose three principal changes from the Gypsy and Traveller Pitch Allocation Policy 2012. These three proposals set out a clear direction for the service to secure a sustainable future, maximising the positive outcomes the service can deliver. These positive outcomes include planned site improvements for residents (based on the Asset Management Strategy and Action Plan described above), an improved allocations process for customers, and efficiencies for the service.
- 4.3. Table 2 below details the key features of the draft policy proposals

Table 2

Outcome	Summary highlights
Sustainable and innovative service	<p>Proposal 1: Applying a service charge for serviced communal areas</p> <p>Communal areas including shared grass space, access paths etc that are serviced by the GTS will levy a charge in addition to the pitch rent. This will cover maintenance costs incurred for the upkeep of these areas.</p> <p>These costs in the past have either been met within the budget but consequently another issue has been forgone or no action has been taken due to budget constraints and the situation has worsened. The development of the asset management plan has not only highlighted a more efficient and effective management approach for pitches and overall sites but also for the communal areas.</p>
Reduction in debt for residents	<p>Proposal 2: Two weeks rent in advance.</p> <p>Respondents from the 2017 consultation referred to the practices of social housing, utilised by local councils. KCC has listened to these requests and is proposing a similar customer journey. As part of this process residents will be asked to pay two weeks' rent in advance.</p> <p>Two weeks' rent in advance and managing the risk of residents going into arrears, is common practice for Registered Social Landlords (RSLs) commissioned to manage social housing by the local councils. Paying rent is an important responsibility for a resident and paying rent in advance gives residents the opportunity to budget and build up credit, offering a safety net should circumstances change unexpectedly.</p> <p>KCC Gypsy and Traveller site residents are currently asked to give notice of termination at a period of four weeks, and rental for this period is required. When two weeks' rent in advance is applied, this will reduce the end debt, financially helping residents with their move off the site.</p>

	<p>In addition, should a resident vacate without notice the resident remains liable for the costs during the termination period. Again, this debt will be reduced for the resident at this time when the two weeks' rent in advance is applied.</p>
<p>Increased parity with social housing and improved customer journey</p>	<p>Proposal 3: Banded allocation process.</p> <p>Respondents from the first consultation highlighted the disparity between the application process for social housing and KCC Gypsy and Traveller pitch accommodation. The draft policy will now recommend addressing the disparity by introducing a banding (prioritisation) system used by social housing that can be applied to Gypsy and Traveller pitches, similar to that of other councils nationally such as Northumberland County Council or in Kent, Maidstone Borough Council (MBC).</p> <p>This proposed change from the current Gypsy and Traveller waiting list process to a fairer banded process will utilise mobile applications and the internet to increase digital accessibility alongside more traditional communication methods.</p> <p>Currently Home Choice Based Lettings (HCBL) is the delivery mechanism used by all district and borough councils of Kent to enable applicants to apply for 'bricks and mortar' properties. Applicants register online, are banded by the district or borough council and then properties can be applied for in line with social housing allocation processes. Applications, commonly known as 'bids', will be undertaken by the applicant to show interest in a KCC Gypsy and Traveller pitch. Under the new draft policy, the applicant by this point has already been assessed and understands the banded allocation (prioritisation) process of awarding pitches.</p> <p>Currently applicants wanting to live on a KCC site apply for a pitch and are registered as such by the GTS. The applicant is then added to the waiting list. The applicant is then only assessed for a pitch when one becomes available. This leaves the applicant uncertain as to whether they are likely to gain a pitch in the near future or at all. The consultation feedback suggested that potential residents would prefer parity with the district/borough banded allocation process.</p> <p>Whilst KCC Gypsy and Traveller pitches are outside the scope of the Choice Based Letting Scheme run by all district and borough councils, where housing applicants apply for social accommodation, the same principles can be applied for eligibility and assessment to those applicants wishing to register and apply for a pitch. To deliver a similar online process, KCC is exploring commissioning a Choice Based Lettings provider to enable applicants to apply, or bid, for the desired pitches, increasing opportunity, transparency and efficiency.</p> <p>The banding award is not based on a points system but by how the allocation of a pitch meets the accommodation need of the individual.</p> <ul style="list-style-type: none"> ● Band A – urgent need to move ● Band B – high priority

	<ul style="list-style-type: none"> • Band C – medium priority • Band D – low priority <p>These bands will be described in detail in the final draft policy. Once banded, it is intended that the applicant can bid for a pitch/pitches that they wish to be considered for and the applicant who has been in the highest priority group for the longest period is then eligible for the pitch. This gives the greatest choice and flexibility for the applicant in relation to their need. If an applicant wishes to apply for both district housing and KCC pitches banding, the GTS service will utilise the accommodation need assessed by the district/borough council to ensure consistency of assessment. However, the principle aim is to emulate the social housing processes, not necessarily delivery from the same process.</p> <p>Every assistance will be given to applicants to access the accommodation register and search for accommodation available as the GTS will work with partners to support internet applications from locations such as libraries, district and borough offices and Citizen Advice Bureaux offices etc.</p>
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4.4 The 2017 consultation highlighted that the proposed Disclosure and Barring Service (DBS) checks are not necessary, and the service will not be continuing with this proposal.

5. **Draft Gypsy and Traveller Service Charges and Rent Setting Policy proposals**

5.1. Rental fees in the past have been set by the District Valuer Services (DVS) who carry out a range of statutory duties covering rental data, fair rents and Local Housing Allowance rates. This advice changed in 2016 for Gypsy and Traveller sites, and thus rental fees are currently agreed with individual local authorities in line with the localised rent affordability calculations for social housing within any particular district or borough.

5.2. This original advice determined the pitch fee by comparing similar charges of rent in the locality and the condition of the accommodation. However, there are few genuine comparisons with Gypsy and Traveller site pitches. Nationally sites vary and there are small numbers of publicly run Gypsy and Traveller sites in the South East.

5.3. The condition of the KCC owned sites and pitches has been declining for a number of years and has contributed to a minimal rent charged.

5.4. After discussions with the DVS it was decided that an asset management approach to setting the rent would be fair and transparent. Paragraph 3 above describes the developing asset management strategy which will then inform the rental fee, helping ensure that in the medium-term the sites become sustainable and that all costs to provide the sites and pitches are recovered.

6. Draft Unauthorised Encampments Strategy proposals

- 6.1. An unauthorised encampment is a group of people with vehicles who are trespassing on land with the intention of residing there without the landowner's permission. The Unauthorised Encampment (UE) service delivered by the GTS, removes UEs from KCC owned land on behalf of Highways and Gen2. The service is frequently called upon to advise on UEs on land not owned or managed by the County Council.
- 6.2. Unauthorised Encampment numbers have risen dramatically from 2016, anecdotal evidence suggests a 50% increase on last year 2018/19 in UEs across Kent recorded by all local authorities. Data is currently being captured across Kent by a new multi-disciplinary UE working group and a county wide Memorandum of Understanding is being developed by all partner agencies.
- 6.3. The removal of a UE can take time and the duration and nature of engagement from the GTS can differ from an initial welfare visit to court appearances and finally bailiff removal. This engagement work can typically take from four to seven days for removal.
- 6.4. The cost of managing these unauthorised encampments includes additional staff resources, legal fees, bailiff support, tow trucks, storage charges, disposal charges and clear up costs.
- 6.5. The cost is currently principally absorbed by the GTS when the UE is on KCC owned land.

7. Public Consultation

- 7.1. The consultation on the draft Pitch Allocation and Site Management Policy and on the draft Gypsy and Traveller Service Charges and Rent Setting Policy is planned to take place in Autumn 2019 and will engage all current site residents, district and borough councils, the Voluntary and Community Sector (VCS) and wider stakeholders.
- 7.2. Stakeholders will be sent draft policy documents providing details of the proposals, a questionnaire, an easy-read version and a copy of the Equality Impact Assessments. The consultation documents will also be available in hard copy from KCC libraries, Gateways and will also be available online. During the consultation period, the Service will hold drop-in events at each of the eight KCC sites across the county for site residents to come and talk to staff about the proposals.
- 7.3. Pre-consultation work is taking place with district and borough councils to ensure the proposals are robust. The new Pitch Allocation and Site Management policy may directly impact the district /borough councils' existing housing policies as they currently do not include the allocation of local Gypsy and Traveller pitches. Discussion and analysis of their allocation process and application data will shape further the KCC Gypsy and Traveller pitch allocation process.
- 7.4. Following the end of the consultation a full analysis and report will be completed which will be presented to Environment and Transport Cabinet Committee. The recommendations, analysis reports and updated Equality Impact Assessments will then be considered by the Cabinet Member for Community and Regulatory

services before a key decision is taken on each of the Pitch Allocation and Site Management Policy, the Gypsy and Traveller (Service) Rent and Charges Policy, and latterly within the year, the Unauthorised Encampment Strategy.

8. Equalities Implications

- 8.1. The initial Equality Impact Assessment from the 2017 consultation is currently being updated in light of the issues raised by the respondents. New Equality Impact Assessments are being developed to inform the emerging Policies and Strategies outlined in this report. Based on the analysis to date it is concluded that there are potential effective mitigations to be tested at consultation.
- 8.2. The original consultation raised concern for the Race protected characteristic within the Gypsy and Traveller community in relation to the perceived unaffordable increase in pitch fees and lack of improvements to sites. Investigating these issues further, KCC has identified effective mitigation reducing the risk of inequality. The Equality Impact Assessments are therefore informing the new proposals including reviewing cases on a case by case basis; offering support from organisations such as Citizens' Advice Bureaux; and the proposed asset management strategy led approach.

9. Financial, GDPR and HR Implications

- 9.1. The GTS budget comprises of rental income only. KCC covers all of the wider overheads.
- 9.2. The GTS income derives from rent gained from the 131 pitches and has to date covered the cost of staffing, emergency site and pitch repairs, and unauthorised encampment costs.
- 9.3. The GTS has an income target to enable it to invest back into the sites and pitches according to their need identified through the asset management plan. The service will not be in a position to confirm the validity of that income target and therefore of the income available to reinvest, until it has completed the Asset Management Plan, Pitch Allocation and Site Management Policy, and Gypsy and Traveller Service Charges and Rent Setting Policy. The service is therefore currently presenting an ongoing financial pressure (overspend) which needs to be addressed.
- 9.4. Maintenance on-site has been reactive reflecting the short-term availability of funding rather than the consideration for durability, life cycle, replacement costs or longevity. The asset management strategy, plan and site action plans are being developed to identify the capital works needed over the next three years and identify the investment required to bring the sites to a 'steady state of asset'.
- 9.5. The asset management surveying to date has identified that the smaller more remote sites are the least cost effective and need the greatest amount of refurbishment.
- 9.6. In addition, there are two sites that have been identified as having serious fly-tipping issues needing resolution through enforcement. This has been difficult to resolve as there is no one enforcement service within KCC which is responsible for the legal enforcement of this type of waste disposal, therefore, to resolve the fly-

tipping issues on site, the GTS require additional support. A GET Directorate Investigations and Enforcement Project will support the service in taking this forward.

- 9.7. Detailed financial implications will be presented alongside each draft policy or strategy when it comes before Environment and Transport Cabinet Committee.
- 9.8. The current staffing levels are adequate therefore it is not predicted that there are any HR implications.
- 9.9. This report does not contain nor consider any personal data and therefore there are no GDPR implications of this report.

10. Conclusion

- 10.1. By delivering the two strategies and two policies described in outline within this report, KCC can ensure the GTS sites are fit for purpose, benefiting the communities on and around the sites, helping to deliver the three KCC strategic outcomes.
- 10.2. The draft Pitch Allocation and Site Management Policy, the draft Gypsy and Traveller Service Charges and Rent Setting Policy and the draft Unauthorised Encampment Strategy will all be brought to Environment and Transport Cabinet Committee in 2019, ahead of their respective public consultation, to support KCC to provide a sustainable service to the Gypsy and Traveller Community.

Recommendation: The Cabinet Committee is asked to note and make comments to the Cabinet Member on the emerging proposed policies and strategies and Asset Management Plan.

Background Documents

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From: Mike Whiting, Cabinet Member for Planning, Highways, Transport & Waste
Barbara Cooper, Corporate Director of Growth, Environment & Transport

To: Environment & Transport Cabinet Committee – 16 July 2019

Decision No: 19/00053

Subject: Dover Bus Rapid Transit (BRT) – Infrastructure delivery partner with Dover District Council

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: For Cabinet Member Decision

Electoral Division: Dover West, Dover North and Dover Town

Summary: Approval to enter into a legal agreement with Dover District Council to act as an infrastructure delivery partner at no cost or risk to the County Council and to take the project through detail design, planning, statutory approvals and to enter into a construction contract.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposed decision as follows and as indicated on the proposed decision sheet attached at Appendix A.

- i) Approval to enter into legal agreements with Dover District Council to undertake the delivery of the Infrastructure Works at no cost or risk to the County Council.
- ii) Approval for KCC officers to project manage, input into the delivery and supervision of the project, with the cost of all staff and consultant time being recoverable against the project funding.
- iii) Approval to undertake the detailed design and surveys for the project, to include a new bridge crossing the A2, associated approaches to link to existing/proposed highway, a new link road through the undeveloped White Cliffs Business Park, improvements to the existing Dover Road and links/improvements for the junction onto the existing A258. This work will be undertaken by procuring consultants through an existing framework contract.

- iv) Approval to acquire the land and rights for carrying out the construction and maintenance of the BRT project
- v) Approval to progress all statutory approvals and consents required for the scheme including Section 6 Agreement with Highways England, drainage and environmental consents and detailed planning permission.
- vi) Approval to enter into construction contracts as necessary for the delivery of the scheme subject to the approval of the Infrastructure Commissioning Board to the recommended procurement strategy.
- vii) Approval for any further decisions required to allow the scheme to proceed through to delivery to be taken by the Corporate Director of Growth, Environment & Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member.

1. Introduction

- 1.1 The Dover Bus Rapid Transit (BRT) project will provide a high quality and reliable public transport service linking major housing allocations at Whitfield (5,750 homes) to Dover Town Centre and the High-Speed Rail services at Dover Priory Station. The BRT also has the potential to facilitate Park and Ride services to Dover Castle and the Town Centre / Waterfront, assisting future growth and opportunities within the District.
- 1.2 Part of the new route will be delivered through the build-out of the housing developments and part of the route will utilise the existing highway network. However, new elements of infrastructure have been identified for the route, as follows:
 - a) New A2 overbridge for bus/ pedestrian and cycle access.
 - b) New dedicated bus link through White Cliffs Business Park (to Dover Road).
 - c) Localised widening of Dover Road.
 - d) Junction improvements at Castle Hill Road (To be delivered as part of the proposed Connaught Barracks Development which is now owned by Homes England)
- 1.3 In order to advance the project, Dover District Council (DDC) submitted a funding bid to Homes England (HE) for £15.8m through the Marginal Viability Housing Infrastructure Fund (HIF) in September 2017, for the infrastructure elements listed above.
- 1.4 Following ongoing discussions with Homes England, further clarifications were required and submitted in November 2018. Funding of £16.1m was

subsequently confirmed at HE's Grant Recommendation Panel on 12 April 2019, subject to DDC concluding the following funding pre-contract conditions:

- a) DDC to provide written evidence that independent State Aid advice has been sought and that there are no issues in this regard.
- b) DDC to confirm in writing that it accepts its obligation to use reasonable endeavours to recover the HIF grant funding via appropriate contributions from landowners/developers associated with the delivery of housing development through the planning process and recycle it into future residential housing development schemes.
- c) DDC to provide a revised cash flow for the scheme that reflects the HE opinion on land value.
- d) DDC to provide evidence that all land required for the implementation of the BRT is within its control.
- e) DDC to provide to HE its strategy for the procurement of an operator for the BRT and for DDC to confirm in writing that it will work in partnership with KCC Highways and a Bus Operator to use money from S106 Agreements to operate, or subsidise the operation, of the BRT for a minimum period of 3 years from the date of the BRT completion.

1.5 DDC have made progress with all the conditions and expect to discharge these with HE prior to the execution of the funding agreement.

2. Financial Implications

2.1 There are no implications to either the KCC revenue or capital budgets. Dover District Council made a successful funding bid through Homes England's Marginal Viability Housing Infrastructure Fund (HIF) and were awarded £16.1m in April 2019.

2.2 The County Council supported DDC with the funding bid and were involved with the production of the project estimate and risk allowances.

2.3 The funding is being drawn down quarterly by DDC directly from Homes England and KCC will invoice DDC on a monthly basis to recover costs. DDC have accepted that for KCC to provide the resources to deliver the BRT scheme there will be no financial cost and no risk to KCC – covering these aspects and ensuring KCC is not exposed to financial risk are the key aspects of the Agreement with DDC.

3. Policy Framework

3.1 The scheme supports the Strategic Statement Outcome 2 by reducing congestion, improving the highway infrastructure to provide more reliable journey times and improved public transport links and accessibility, to support

Kent business and housing growth and encourage economic activity to benefit the local and wider communities.

4. The Report

- 4.1 As part of the project development, several preliminary investigations have been carried out and reports produced to demonstrate the viability of the proposed scheme and to support the funding bid. These include:
- a) A Feasibility Options Report, a Preliminary Design Interim Report and a Geotechnical Feasibility Report.
 - b) Route options report produced by Atkins Highways & Transportation, who undertook design development work on three potential route options for BRT in 2013, identifying a preferred option through the White Cliffs Business Park between the B&Q roundabout and Dover Road.
 - c) Amey feasibility report on the proposed bridge to carry the BRT and a combined footway/cycleway across the A2 at Whitfield.
- 4.2 Initial surveys and investigations focused on some of the key risk areas to ensure the project estimate was robust and included for the appropriate level of risk.
- 4.3 DDC received approval at their Cabinet meeting on 1 July 2019 to enter into a funding agreement with Homes England. A report is to be taken to their full Council meeting on 24 July 2019, and subject to the outcome of this meeting, it is anticipated that the legal agreements will be signed at the end of July 2019.
- 4.4 There are no legal implications associated with this scheme. Invicta Law will be drafting the Infrastructure Delivery Agreement with DDC.
- 4.5 Once the legal agreements are in place the County Council will appoint a design consultant through an existing framework to undertake the work required to complete the detail design, contract documents and planning application.
- 4.6 The County Council will be appointing an independent cost consultant through an existing framework to provide support in managing the expenditure on the project.
- 4.7 Once the design is sufficiently developed, a public consultation will be held with key stakeholders, the local community and the general public, to allow the scheme to be refined and the design finalised. The consultation will be carried out jointly with DDC.
- 4.8 Highways England is a key stakeholder for the new bridge as it crosses over the A2. Both a Section 6 Agreement, that allows KCC to undertake work on the strategic road network, and technical approval will be required. Initial discussions have been held with Highways England and they have given their support in principle to the project.

- 4.9 Delivery of the scheme will be dependent on completing the detailed design, obtaining planning permission and procuring a contractor through a competitive tender process under European procurement rules. The current project estimate includes a risk and inflation allowance, but a more robust estimate will be prepared as the design develops and where it will be possible to provide a more accurate assessment of the project risks. DDC will be required to approve the final contract price before construction contracts are signed.
- 4.10 The HIF funding must be spent by 31 March 2022, so it is currently anticipated that construction will commence in early 2021.
- 4.11 DDC will be establishing a Project Board that will meet quarterly to manage the delivery of the project and sign off any significant changes to the project.
- 4.12 An Equalities Impact Assessment has been carried out and is appended to this report.
- 4.13 DDC have or are currently arranging for land agreements with developers where land is required for the project. The proposed infrastructure will become adoptable highway at completion of the project and as such all land secured for the scheme by DDC will be transferred to the County Council.
- 4.14 A risk register has been developed jointly by DDC and KCC, which identifies the key risks to the delivery of the project across areas such as cost, design, operation, planning and programme. The primary risk items are:
- a) DDC are unable to execute the funding agreement – DDC, with support from KCC have made significant progress in concluding the pre-contract conditions.
 - b) Land required for the scheme – DDC already have an agreement in place for the land through the White Cliffs Business Park and are currently progressing an agreement for the land required for the new bridge. All other land required for the project is either highway land or is already owned by DDC.
 - b) Planning/EIA Requirements – Planning is required for the new bridge and road through the White Cliffs Business Park. Work has already started to mitigate this risk by undertaking work required to seek an EIA screening opinion.
- 4.15 Subsequent to the decision by the Cabinet Member, any further decisions required to allow the scheme to proceed through to delivery will be taken by the Corporate Director for Growth, Environment & Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member.

5. Conclusions

- 5.1 This is an important project that will help support housing delivery, job creation and general economic activity, as well as provide transport mitigation to both

local and strategic road networks and improve public transport links. The project is fully funded by an allocation of £16.1m of HIF funding to Dover District Council and carries no risk or cost to KCC.

6. Recommendation(s)

Recommendation(s):

The Environment and Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Planning, Highways, Transport and Waste on the proposed decision as follows and as indicated on the proposed decision sheet attached at Appendix A.

- i) Approval to enter into legal agreements with Dover District Council to undertake the delivery of the Infrastructure Works at no cost or risk to the County Council.
- ii) Approval for KCC officers to project manage, input into the delivery and supervision of the project, with the cost of all staff and consultant time being recoverable against the project funding.
- iii) Approval to undertake the detailed design and surveys for the project, to include a new bridge crossing the A2, associated approaches to link to existing/proposed highway, a new link road through the undeveloped White Cliffs Business Park, improvements to the existing Dover Road and links/improvements for the junction onto the existing A258. This work will be undertaken by procuring consultants through an existing framework contract.
- iv) Approval to acquire the land and rights for carrying out the construction and maintenance of the BRT project
- v) Approval to progress all statutory approvals and consents required for the scheme including Section 6 Agreement with Highways England, drainage and environmental consents and detailed planning permission.
- vi) Approval to enter into construction contracts as necessary for the delivery of the scheme subject to the approval of the Infrastructure Commissioning Board to the recommended procurement strategy.
- vii) Approval for any further decisions required to allow the scheme to proceed through to delivery to be taken by the Corporate Director of Growth, Environment & Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member

7. Background Documents

- Appendix A – Proposed Record of Decision
- Appendix B – Equalities Impact Assessment

8. Contact details

Report Author

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- barry.stiff@kent.gov.uk

Relevant Director:

- Simon Jones, Director of Highways, Transportation & Waste
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- simon.jones@kent.gov.uk

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

**Mike Whiting, Cabinet Member for Planning, Highways,
Transport and Waste**

DECISION NO:

19/00053

For publication

Key decision: YES

Subject Matter / Title of Decision: Dover Bus Rapid Transit (BRT) – Infrastructure delivery partner with Dover District Council

Decision:

As Cabinet Member for Planning, Highways, Transport and Waste, I agree to:

- i) Approval to enter into legal agreements with Dover District Council to undertake the delivery of the Infrastructure Works at no cost or risk to the County Council.
- ii) Approval for KCC officers to project manage, input into the delivery and supervision of the project, with the cost of all staff and consultant time being recoverable against the project funding.
- iii) Approval to undertake the detailed design and surveys for the project, to include a new bridge crossing the A2, associated approaches to link to existing/proposed highway, a new link road through the undeveloped White Cliffs Business Park, improvements to the existing Dover Road and links/improvements for the junction onto the existing A258. This work will be undertaken by procuring consultants through an existing framework contract.
- iv) Approval to acquire the land and rights for carrying out the construction and maintenance of the BRT project
- v) Approval to progress all statutory approvals and consents required for the scheme including Section 6 Agreement with Highways England, drainage and environmental consents and detailed planning permission.
- vi) Approval to enter into construction contracts as necessary for the delivery of the scheme subject to the approval of the Infrastructure Commissioning Board to the recommended procurement strategy.
- vii) Approval for any further decisions required to allow the scheme to proceed through to delivery to be taken by the Corporate Director of Growth, Environment & Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member.

Reason(s) for decision:

The Dover Bus Rapid Transit (BRT) project will provide a high quality and reliable public transport service linking major housing allocations at Whitfield (5,750 homes) to Dover Town Centre and the High-Speed Rail services at Dover Priory Station.

The project will help support housing delivery, job creation and general economic activity, as well as provide transport mitigation to both local and strategic road networks and improve public transport links. The project is fully funded by an allocation of £16.1m of HIF funding to Dover District Council and carries no risk or cost to KCC.

Cabinet Committee recommendations and other consultation:

Once the design is sufficiently developed, a public consultation will be held with key stakeholders, the local community and the general public, to allow the scheme to be refined and the design finalised. The consultation will be carried out jointly with Dover District Council.

The scheme is being discussed at the Environment and Transport Cabinet Committee on 16 July

Any alternatives considered and rejected:

None

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

KCC - Growth, Environment and Transport Directorate (GET).

Equality Analysis / Impact Assessment (EqIA) template

Name of decision, policy, procedure, project or service:

Dover Bus Rapid Transit (BRT)

Brief description of policy, procedure, project or service

The purpose of the Dover Bus Rapid Transit project is to provide a high quality and reliable public transport service to link major housing allocations at Whitfield (5,750 homes) to Dover Town Centre and the High-Speed Rail services at Dover Priory Station. The BRT also has the potential to facilitate Park and Ride services to Dover Castle and the Town Centre / Waterfront, assisting future growth and opportunities within the District. Part of the new route will be delivered through the build-out of the housing developments in Whitfield and Connaught Barracks and part of the route will utilise the existing highway network. However, new elements of infrastructure have been identified for the route, as follows:

- a) New A2 overbridge for bus/ pedestrian and cycle access.
- b) New dedicated bus link through White Cliffs Business Park (to Dover Road).
- c) Localised widening of Dover Road.
- d) Junction improvements at Castle Hill Road (Final scheme to be delivered as part of the proposed Connaught Barracks Development)

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1

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Aims and Objectives

The infrastructure proposed as part of this project will provide key elements of the overall BRT route at an early stage of the need for its implementation, enabling it to be operational before most of the Whitfield development comes forward.

The project will provide mitigation to both the local and strategic road networks from the increase in traffic that will be generated by the Whitfield and Connaught Barracks developments.

The route will have bus only gateways at the bridge crossing over the A2 and at the access from Dover Road to the White Cliffs Business Park. This will provide significant benefits for the bus service over using a shared highway network as the service from Whitfield currently does. The improved public transport links will enable the bus operator to run a service with more reliable journey times.

In conjunction with proposed improvements at Dover Priory Station which will also see the future provision of a high-speed link to London of less than an hour it is hoped that this will stimulate the housing development at Whitfield.

JUDGEMENT

Set out below the implications you have found from your assessment for the relevant Protected Groups. If any negative impacts can be justified, please clearly explain why.

Following the completion of the Part 1 Screening Assessment, the judgement that has been identified is:

- No major change - no potential for discrimination and all opportunities to promote equality have been taken

The project will provide temporary low negative impacts during construction where it will be necessary to close Dover Road to facilitate construction safely. This may impact on an existing bus service, but every effort will be made to keep a service running at peak times. Liaison with the bus operator will be carried out during the design and implementation stages. Access to individual properties will always be maintained during construction from one end of the closure.

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2

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The project will deliver positive impacts by providing new infrastructure that will enhance existing bus services and provide additional pedestrian and cycling links to existing local amenities, including Dover District Council offices, Leisure centre, schools, business and retail areas.

I have found the Adverse Equality Impact Rating to be 

GET Document Control

Revision History

Version	Date	Authors	Comment
V0.1	25 June 2019	Barry Stiff	Draft for feedback
V0.2	05 July 2019	Barry Stiff	Amended following feedback from Equality & Diversity Team
V1 (this should be assigned to the version the Director signs off)	05 July 2019	Barry Stiff	

Document Sign-Off (this must be both the relevant Head of Service and the relevant Director)

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment. I agree with the actions to mitigate any adverse impact(s) that has /have been identified.

Name	Signature	Title	Date of Issue
Tim Read	<i>[Signature]</i>	Head of Service	5/7/2019
Simon Jones	<i>[Signature]</i>	Director	5/7/2019

Date Document Updated 05/07/2019

Part 1 - Screening

Regarding the decision, policy, procedure, project or service under consideration,

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent?

Could this policy, procedure, project or service promote equal opportunities for this group?

Please note that there is no justification for direct discrimination; and indirect discrimination will need to be justified according to the legal requirements

Protected Group	You MUST provide a brief commentary as to your findings, or this EqIA will be returned to you unsigned			High/Medium/Low Favourable Impact
	High Negative Impact	Medium Negative Impact	Low Negative Impact	
Age	No Impact	No Impact	Short term temporary impact to the existing bus services that operate along Dover Road as the road will need to be closed during construction. Access to individual properties to be maintained at all times. Other construction works off-line	Provision of new bus infrastructure, including bus only elements, will enhance existing service provision and serve new developments with every property located within 500m of a bus stop. New infrastructure will also improve access to local amenities

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5

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					including Dover District Council offices, Leisure Centre, schools, business and retail areas
Disability	No Impact	No Impact	No Impact	<p>Short term temporary impact to the existing bus services that operate along Dover Road as the road will need to be closed during construction. Access to individual properties to be maintained at all times. Other construction works are off-line</p>	<p>Provision of new bus infrastructure, including bus only elements, will enhance existing service provision and serve new developments with every property located within 500m of a bus stop. New infrastructure will also improve access to local amenities including Dover District Council offices, Leisure Centre, schools, business and retail areas</p>
Sex	No Impact	No Impact	No Impact	No Impact	No Impact
Gender identity/ Transgender	No Impact	No Impact	No Impact	No Impact	No Impact
Race	No Impact	No Impact	No Impact	No Impact	No Impact

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6

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Religion and Belief	No Impact	No Impact	No Impact	No Impact
Sexual Orientation	No Impact	No Impact	No Impact	No Impact
Pregnancy and Maternity			Short term temporary impact to the existing bus services that operate along Dover Road as the road will need to be closed during construction. Access to individual properties to be maintained at all times. Other construction works are off-line	Provision of new bus infrastructure, including bus only elements, will enhance existing service provision and serve new developments with every property located within 500m of a bus stop. New infrastructure will also improve access to local amenities including Dover District Council offices, Leisure Centre, schools, business and retail areas
Marriage and Civil Partnerships	N/A	N/A	N/A	N/A
Carer's Responsibilities			Short term temporary impact to the existing bus services that operate along Dover Road as the road will need to be closed	Provision of new bus infrastructure, including bus only elements, will enhance existing service provision and serve

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7

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			<p>during construction. Access to individual properties to be maintained at all times. Other construction works are off-line</p>	<p>new developments with every property located within 500m of a bus stop. New infrastructure will also improve access to local amenities including Dover District Council offices, Leisure Centre, schools, business and retail areas</p>
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Part 2 - Full Equality Analysis /Impact Assessment

A full Equality Analysis/Impact Assessment is not required at this stage

Part 3 - Action Plan

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Resource implications
Age	<p>Construction works impact for older people – noise, dust, access restrictions during road closures</p> <p>Restricted access to public transport (particularly young and old) during construction</p>	<p>The scheme is currently at outline stage.</p> <p>The detailed design will be carried out in accordance with:</p> <ul style="list-style-type: none"> the Design Manual for Roads and Bridges (DMRB), which gives guidance based on current legislation for non-motorised users (NMU) and those with disabilities. Department of Transport Guidance on Inclusive Mobility first published 15 December 2005. <p>NMU audits will be undertaken to ensure due consideration is given to all road users.</p> <p>Concerns raised</p>	<p>NMU audits will be undertaken and results fed back into the design process.</p>	Barry Stiff	During design phases	Minimal

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10

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				<p>through the planning consultation process will be considered in the design process.</p> <p>Engagement with residents will be carried out ahead of the construction phase to ensure that any specific requirements for residents can be planned for in order to minimise disruption.</p>		
Disability	<p>Impact for users with disabilities from noise, dust, access restrictions during road closures</p> <p>Restricted access to public transport during construction</p>	<p>The scheme is currently at outline stage.</p> <p>The detailed design will be carried out in accordance with: the Design Manual for Roads and Bridges (DMRB), which gives guidance based on current legislation for non-motorised users (NMU) and those with disabilities.</p> <p>Department of Transport Guidance on Inclusive Mobility first published 15 December 2005.</p> <p>NMU audits will be undertaken to ensure</p>	<p>NMU audits will be undertaken and results fed back into the design process.</p>	Barry Stiff	During design phases	Minimal

<p>Pregnancy and Maternity</p>	<p>Maintaining vehicle access to properties during construction</p>	<p>due consideration is given to all road users.</p> <p>Concerns raised through the planning consultation process will be considered in the design process.</p> <p>Engagement with residents will be carried out ahead of the construction phase to ensure that any specific requirements for residents can be planned for in order to minimise disruption.</p> <p>The scheme is currently at outline stage.</p> <p>The detailed design will be carried out in accordance with: the Design Manual for Roads and Bridges (DMRB), which gives guidance based on current legislation for non-motorised users (NMFU) and those with disabilities.</p> <p>Department of Transport Guidance on Inclusive Mobility</p>	<p>NMU audits will be undertaken and results fed back into the design process.</p>	<p>Barry Stiff</p>	<p>During design phases</p>	<p>Minimal</p>
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				<p>first published 15 December 2005.</p> <p>NMU audits will be undertaken to ensure due consideration is given to all road users.</p> <p>Concerns raised through the planning consultation process will be considered in the design process.</p> <p>Engagement with residents will be carried out ahead of the construction phase to ensure that any specific requirements for residents can be planned for in order to minimise disruption.</p> <p>The scheme is currently at outline stage.</p> <p>The detailed design will be carried out in accordance with: the Design Manual for Roads and Bridges (DMRB), which gives guidance based on current legislation for non-motorised users</p>	<p>NMU audits will be undertaken and results fed back into the design process.</p>	Barry Stiff	During design phases	Minimal	
Carer's Responsibilities	Maintaining vehicle access to properties during construction								

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13

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From: Mike Hill, Cabinet Member for Community and Regulatory Services
Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 16 July 2019

Decision No: 19/00054

Subject: KCC Country Parks – Decision to approve fees and charges for Pay and Display and Season Ticket charging, and the principles for establishing future fees and charges

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: For Cabinet Member Decision

Electoral Division: Canterbury South, Cheriton Sandgate & Hythe East, Gravesend East, Gravesham Rural, Maidstone Rural West, Malling Central, Ramsgate, and Sevenoaks North & Darent Valley

Summary: This paper details Pay and Display and Annual Parking Season Ticket fees and charges for Kent Country Parks (KCP) following an annual review. This paper also sets out a number of key principles applied when establishing fees and charges for discretionary parking services provided to visitors and customers using the Kent Country Parks.

Recommendation(s): The Environment and Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Community and Regulatory Services on the decision to increase fees and charges for Pay and Display and Annual Parking Season Ticket fees and to delegate authority to the Head of Country Parks to annually review and publish revised fees and charges subject to the application of a number of key principles as shown at Appendix A.

1. Introduction

- 1.1 KCC owns nine country parks, seven of which hold a Green Flag award, four of which were Silver, Silver Gilt or Gold award winners in the 2018/19 Keep Britain Tidy Awards, and one of which (Brockhill Country Park, in Saltwood, Hythe) won the South East England Country Park of the Year in 2018/19. Shorne Woods Country Park in Gravesham has previously won that prestigious award on three occasions, reflecting the quality of these community assets right across the portfolio. The average customer rating according to the most recent visitor survey is 9.25/10.

- 1.2 KCC is entitled to charge for Pay and Display at the Kent Country Parks under Section 3 of the Local Government Act 2003 (Power to Charge for Discretionary Services) and Section 43 of the Countryside Act 1968.
- 1.3 Kent Country Parks determine each site's daily car parking charges by the range and quality of services and facilities provided at the particular site to ensure a fair and consistent approach across the portfolio. The service allocates the nine country parks to one of three bands which are determined in line with the amenities on site.
- 1.4 Band 1 Country Parks, of which there are four in the portfolio, are sites with the widest range of customer facilities which can include visitor centres, permanent catering and w/c facilities, large or multiple children's play areas and a variety of marked or accessible trails. They also host a seasonal events programme, educational programmes, venue hire, children's birthday parties and team building as additional paid for activities. Band 2 Country Parks, of which there are four in the portfolio, are sites with seasonal catering facilities, w/c facilities, medium sized children's play areas and a variety of marked or accessible trails. Band 3 Country Parks, of which there is one in the portfolio, are sites with no catering, w/c facilities or children's play areas but that have a variety of marked or accessible trails.
- 1.5 Pay and Display charges are applied on a daily basis. Customers are able to spend as long as they like (within the operating hours of the park) using the Country Park and all of its facilities for a fixed daily fee. Visitor numbers are significantly higher on weekend days compared to weekdays and therefore charges at weekends are higher to reflect the increased demand, as well as to encourage visitors to visit off peak on weekdays when the pay and display fee is lower.
- 1.6 Enforcement of non-payment of Pay and Display charges uses Automatic Number Plate Recognition (ANPR) technology. This system is designed to capture the number plates of vehicles as they enter and leave the car park and to correlate this information against valid pay and display tickets, or valid entries on the exemptions list. This means that all drivers, including those with a valid blue badge, are required to pay and display to avoid penalty charges for non-payment being applied.
- 1.7 As an alternative to the daily Pay and Display charges, regular visitors to the Kent Country Parks are encouraged to purchase an annual parking permit (season ticket) that, once the initial season ticket is purchased, provides them with unlimited free parking at all nine parks in the portfolio for a period of 365 days. A similar subsidised annual parking permit is available for blue badge holders.
- 1.8 Both daily Pay and Display charges and annual parking permit fees have not changed since 2017/18 despite increasing financial pressures on the service. This report details the current and proposed changes as outlined in Appendix 1 with the intention for increases to be imposed on 1st September 2019.

1.9 The Kent Country Parks Service has applied a number of principles in establishing both the daily Pay and Display charge and the annual parking permit charge:

- a) It is incumbent on the Service to charge for activities that are discretionary given the pressures on the County Council finances.
- b) Charges will be costed, reasonable and comply with all applicable legislation, regulation and guidance.
- c) Charges will be reviewed annually and, if needed, on the enactment of any amending legislation, regulation or the issuing of guidance.
- d) Charges will reflect the true cost of service provision and will include both direct and indirect costs of service provision as well as Corporate, Directorate, Divisional and Service overheads.
- e) The charges for specific sites have been established in line with the principles above and our best assessment of the visitor facilities and customer experience whilst using the Kent Country Parks and have been applied fairly and consistently across the portfolio.

1.10 In order to limit the need to seek further Executive decisions in respect of charges, delegated authority is sought to enable annual adjustments up to the maximum value of £5 per annual season ticket and also to the maximum value of £2 per daily pay and display charge to be made to the published fees and charges without the need for further Executive decision. Adjustments will be made following the same set of key principles above and in keeping with competitor leisure facilities in the county

2. Financial Implications

2.1 The nine country parks are extremely popular with residents and welcome 1.5 million visitors every year. The vast majority of park users understand that every penny raised through car parking is invested directly back into the parks. Pay and Display car park charging raised £395,555 across all nine country parks in 17/18. This represents 30% of the £1.3m income the service generated in 17/18. Pay and Display car park charging raised £391,861 across all nine country parks in 18/19. This represents 26% of the £1.5m income the service generated in 18/19. It is therefore a vital income stream for a discretionary service. All income raised through Pay and Display is invested directly back into KCC Country Parks.

2.2 The number of annual parking season tickets has increased year on year. There were 1212 standard season ticket holders in 17/18, rising to 1532 standard season ticket holders in 18/19. There were 682 blue badge season ticket holders in 17/18 rising to 1437 blue badge season ticket holders in 18/19.

2.3 Country Parks service reviews the annual parking season tickets price and the daily pay and display charges each year. The current daily parking charges were set in 2017-18 and based on the principles above there are no plans to increase these fees in 19/20. The standard ticket has increased in small amounts most years but remained at £50 in 18/19, with no increase from 17/18.

The Blue Badge season ticket has remained at £3 since its introduction in 2015.

- 2.4 All monies from the sale of season tickets is reinvested back into KCC Country Parks. This has included improvements to parking facilities such as disabled bays, signage, pay by mobile as well as improvements to park facilities such as access-for-all paths, provision of trampers (all terrain mobility vehicles) for less mobile visitors and more benches to enable blue badge holders and other less mobile visitors to have greater confidence to venture further into our sites. In 18/19 an additional tramper mobility scooter was purchased for the fleet at a cost to the service of £8,500, 1000km of additional accessible pathways were created and 3,500km of accessible pathways were repaired and maintained to ensure that access for customers remains in a quality state. The standard (non-blue badge) season ticket covers the costs of processing the purchase and contributes to the maintenance of the parks just as a member of the public using Pay & Display to pay for parking does. The £3.00 blue badge season ticket does not cover the whole cost of processing the purchase, (which is £7.57) and does not make any contribution to the maintenance of the parks.
- 2.5 In November 2017 a new online payment system was introduced. In conjunction with this the valid period of a season ticket was changed to 12 months from the date of purchase rather than the financial year 1st April to 31st March. This removed a tiered charge (paying a pro rata amount depending at what point in year season ticket was purchased) for the standard ticket, and is better value for the customer.
- 2.6 A review of the season ticket prices and daily pay and display fees has been carried out. We have seen a significant increase in the number of blue badge season tickets since their introduction, which is positive as it indicates more disabled customers and their family or friends are accessing and enjoying our parks. However, the associated costs of servicing more blue badge purchases have also increased, as this client group are less likely to use self-service online payment, preferring to contact Contact Point for telephone payments and support.
- 2.7 The annual price of both season tickets are proposed to rise from the 1 September 2019 by £2. The standard ticket will therefore increase to £52 (costing the customer £1.00 per week to use all nine parks as frequently as they wish) and the blue badge season ticket will increase to £5.00 (10.4 pence per week). This £5.00 figure has been set as the sum to make the processing costs of all blue badge season ticket applications neutral (i.e. putting together those that do apply online with those that use contact centre) but will not provide any surplus funds to support the ongoing maintenance of the parks' infrastructure.
- 2.8 Based on 18/19 sales of season tickets the proposed uplift will generate an additional income for the service of £5,938. It is anticipated this will contribute

to the annual increase in running costs to the service and not to provide an additional surplus income.

3. Policy Framework

- 3.1 Kent Country Parks' work programme is determined by the Kent Country Parks Strategy 2017 - 2021
- 3.2 This Strategy helps deliver KCC Strategic Outcome 2 – “Kent communities feel the benefits of economic growth by being in work, healthy and enjoying a good quality of life.” The Strategy particularly contributes to Strategic Supporting Outcome “Kent’s physical and natural environment is protected, enhanced and enjoyed by residents and visitors.”
- 3.3 This Strategy has three strategic aims, one of which is “Ensuring the Service is as financially self-sustainable as possible.”
- 3.4 This Strategy was endorsed by the Environment and Transport Cabinet Committee on 31st January 2018.

4. Legal considerations

- 4.1 KCC is entitled to charge for Pay and Display at the Kent Country Parks under Section 3 of the Local Government Act 2003 (Power to Charge for Discretionary Services) and Section 43 of the Countryside Act 1968.
- 4.1 KCC Legal Services have confirmed lawfulness of parking enforcement through English contractual law and this has recently been tested and ratified through the Local Government Ombudsman following a customer complaint.

5. Equality considerations

- 5.1 No equalities implications have been identified; an Equalities Impact Assessment (EqIA) initial screening and a Data Protection Impact Assessment (DPIA) has been completed.

6. Conclusions

- 6.1 The Kent Country Parks service relies on the income generated from daily Pay and Display charges and the sales of annual season tickets in order to continue to maintain the parks and the services they provide to a high-quality standard.
- 6.2 The proposed £2 increase will affect all sales of annual parking season tickets with effect from the 1st September 2019. There are no proposed increases to daily pay and display charges in 2018/19.
- 6.3 The proposed increase to annual parking season tickets is to cover the administrative costs of providing the season ticket facility and will enable blue badge season tickets to be provided as a cost neutral offer rather than one that costs the service to administer.

- 6.4 Delegation of authority to the Head of Service to make annual increases to the maximum additional value of £5 to annual parking season tickets and £2 to daily pay and display charges will reduce the need for further Executive decisions to be made in order to respond to the changing market. All decisions for future increases to charges will be made in line with the principles outlined in this report.

6. Recommendation(s)

Recommendation(s):

The Environment and Transport Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Community and Regulatory Services on the decision to increase fees and charges for Pay and Display and Annual Parking Season Ticket fees and to delegate authority to the Head of Country Parks to annually review and publish revised fees and charges subject to the application of a number of key principles as shown at Appendix A.

7. Background Documents

- 7.1 Appendix 1: Current and proposed daily pay and display charges and annual parking season ticket charges for Kent Country Parks.
- 7.2 Appendix 2: Proposed Record of Decision
- 7.3 Appendix 3: Country Parks charges for daily Pay and Display fees and Annual Parking Season Ticket fees – EQIA
- 7.4 Appendix 4: Data Protection Impact Assessment

8. Contact details

Report Author

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PROPOSED PARKING CHARGES 2019-20							
Country Park	Current rate		Proposed rate		Difference	Difference	
	Mon-Fri	W'ends / BHs	Mon-Fri	W'ends / BHs	Mon-Fri	W'ends / BHs	
Shorne Woods Country Park	£ 2.00	£ 3.00	£ 2.00	£ 3.00	£ -	£ -	
Lullingstone Country Park	£ 1.50	£ 2.50	£ 1.50	£ 2.50	£ -	£ -	
Trosley Country Park	£ 1.50	£ 2.50	£ 1.50	£ 2.50	£ -	£ -	
Brockhill Country Park	£ 1.50	£ 2.50	£ 1.50	£ 2.50	£ -	£ -	
Teston Bridge Country Park	£ 1.30	£ 2.00	£ 1.30	£ 2.00	£ -	£ -	
Grove Ferry Picnic Site	£ 1.30	£ 2.00	£ 1.30	£ 2.00	£ -	£ -	
Pegwell Bay Country Park	£ 1.30	£ 2.00	£ 1.30	£ 2.00	£ -	£ -	
Manor Park Country Park	£ 1.30	£ 2.00	£ 1.30	£ 2.00	£ -	£ -	
White Horse Wood Country Park	£ 1.00	£ 1.50	£ 1.00	£ 1.50	£ -	£ -	
Annual Parking Season Tickets	Current annual rate	Proposed annual rate	Difference				
Standard Season Ticket	£ 50.00	£ 52.00	£ 2.00				
Blue Badge Season Ticket	£ 3.00	£ 5.00	£ 2.00				

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

**Mike Hill, Cabinet Member for
Community and Regulatory Services**

19/00054

For publication

Key decision: YES

Subject Matter / Title of Decision
KCC Country Parks - Fees and Charges

Decision:

As Cabinet Member for, Community and Regulatory Services, I agree on the proposed decision to:

- increase fees and charges for Pay and Display and Annual Parking Season Ticket fees, and
- delegate authority to the Head of Country Parks to annually review and publish revised fees and charges subject to the application of a number of key principles

Reason(s) for decision:

KCC is entitled to charge for Pay and Display at the Kent Country Parks under Section 3 of the Local Government Act 2003 (Power to Charge for Discretionary Services) and Section 43 of the Countryside Act 1968.

Both daily Pay and Display charges and annual parking permit fees have not changed since 2017/18

All monies from the sale of season tickets is reinvested back into KCC Country Parks.

Cabinet Committee recommendations and other consultation:

The proposed decision and principles for future charging is being discussed at the Environment and Transport Cabinet Committee on 16 July

Any alternatives considered and rejected:

None

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

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Kent County Council
Equality Analysis / Impact Assessment (EqIA)
for decisions, policies, procedures, projects or services
Growth, Environment and Transport Directorate (GET).

- Please complete this cover sheet, including the Document Control Section, and Part 1 initially.
- Part 1 will inform your decision on whether you need to complete Part 2
- Part 2 will inform your decision on whether you need to complete Part 3

Further guidance is available at http://www.kent.gov.uk/_data/assets/pdf_file/0019/11809/Equality-impact-assessment-policy-guidance.pdf

Name of decision, policy, procedure, project or service:

Proposed increases to Country Parks charges for daily Pay and Display fees and Annual Parking Season Ticket fees.

Brief description of policy, procedure, project or service

Annual increase in daily pay and display parking charges and annual parking season ticket prices across the nine Kent Country Parks sites.

Aims and Objectives

Kent County Council (KCC) is privileged to own and manage a range of country parks and countryside sites which contain some of the highest quality natural habitats and landscapes that Kent has to offer. The service seeks to protect and manage these natural environments at the same time as providing high quality opportunities for individuals, families and communities to play, learn and relax in these essential greenspaces across the county.

Document Control

Revision History

Version	Date	Authors	Comment
V0.1	24.06.19	Helen Page	First Draft
V1 (this should be assigned to the version the Director signs off)			

Page 126

Document Sign-Off (this must be both the relevant Head of Service and the relevant Director)

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment. I agree with the actions to mitigate any adverse impact(s) that has /have been identified.

Name	Signature (for paper copy only)	Title	Date of Issue
Kate Phillips		Head of Service	
Stephanie Holt-Castle		Director of EPE	

Date Document Updated 05/07/2019

This document is available in other formats. Please contact diversityinfo@Kent.gov.uk or telephone on 03000 415 762

Part 1 - Screening

Regarding the decision, policy, procedure, project or service under consideration,

Could this policy, procedure, project or service, or any proposed changes to it, affect any Protected Group (listed below) less favourably (negatively) than others in Kent? Could this policy, procedure, project or service promote equal opportunities for this group?

Please note that there is no justification for direct discrimination; and indirect discrimination will need to be justified according to the legal requirements

Protected Group	Please provide a brief commentary as to your findings			High/Medium/Low Favourable Impact
	High Negative Impact	Medium Negative Impact	Low Negative Impact	
Age	No impacts positive or negative noted to this protected characteristic as a result of the change in charging.			
Disability	No impacts positive or negative noted to this protected characteristic as a result of the change in charging.			
Gender	No impacts positive or negative noted to this protected characteristic as a result of the change in charging.			
Gender identity/ Transgender	No impacts positive or negative noted to this protected characteristic as a result of the change in charging.			
Race	No impacts positive or negative noted to this protected characteristic as a result of the change in charging.			
Religion and Belief	No impacts positive or negative noted to this protected characteristic as a result of the change in charging.			
Sexual Orientation	No impacts positive or negative noted to this protected characteristic as a result of the change in charging.			

Date Document Updated 05/07/2019

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Pregnancy and Maternity	No impacts positive or negative noted to this protected characteristic as a result of the change in charging.	
Marriage & Civil Partnerships	No impacts positive or negative noted to this protected characteristic as a result of the change in charging.	
Carer's Responsibilities	No impacts positive or negative noted to this protected characteristic as a result of the change in charging.	



DPIA Screening Form

Name of decision, policy, procedure, project or service:

Proposed increases to Country Parks charges for daily Pay and Display fees and Annual Parking Season Ticket fees.

1	Does the activity involve...	YES	NO	DPIA Necessary?
	Processing of personal data?	X		If no, a DPIA will not be necessary. If yes, please continue.
2	Are you planning to...	YES	NO	
	Use systematic and extensive profiling or automated decision-making to make significant decisions about people.		X	If you answer yes to any of these questions, you must carry out a DPIA.
	Process special category data or criminal offence data on a large scale.		X	
	Systematically monitor a publicly accessible place on a large scale.		X	
	Use new technologies.		X	
	Use profiling, automated decision-making or special category data to help make decisions on someone's access to a service, opportunity or benefit.		X	
	Carry out profiling on a large scale.		X	
	Process biometric or genetic data.		X	
	Combine, compare or match data from multiple sources.		X	
	Process personal data without providing a privacy notice directly to the individual.		X	
	Process personal data in a way which involves tracking individuals' online or offline location or behaviour.		X	
	Process children's personal data for profiling or automated decision-making or for marketing purposes, or offer online services directly to them.		X	
	Process personal data which could result in a risk of physical harm in the event of a security breach.		X	
3	Are you planning to carry out any other....	YES	NO	
	Evaluation or scoring.		X	Where two or more criteria are met, the activity may present a high risk to the rights and freedoms of data subjects and it is recommended you conduct
	Automated decision-making with significant effects.		X	
	Systematic monitoring		X	

Processing of sensitive data or data of a highly personal nature.		X	a DPIA. Even if only one criteria is met, you may still need to conduct a DPIA if it is considered to present a risk to the rights and freedoms of an individual. If uncertain about whether the risk is likely to be high, conduct a DPIA regardless.
Processing on a large scale.		X	
Processing of data concerning vulnerable data subjects.		X	
Innovative technological or organisational solutions.		X	
Processing involving preventing data subjects from exercising a right or using a service or contract.		X	
4	Other	YES	NO
Are you planning any major project involving the use of personal data?		X	If so, you should consider carrying out a DPIA as good practice.
5	Has there been a change...		
In the nature, scope, context, or purposes of existing processing operations		X	You should carry out a new DPIA.

Conclusion	YES	NO	Rationale
Is a DPIA required?		X	Increasing charges for daily pay and display fees does not require the processing of any personal data as the transaction is made directly between customer and parking meter. Annual parking season tickets require the collection of personal data including, name, address, car registration mark and payment information which is covered directly by a privacy notice prior to purchase and is used for the purpose of processing and managing the annual season ticket payment and details only.
If no, will a DPIA be conducted anyway?		X	
Summary of DPO advice:			

From: Mike Whiting, Cabinet Member for Planning, Highways, Transport and Waste
Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment & Transport Cabinet Committee – 16 July 2019

Subject: Fly Tipping Enforcement Plan

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Division: All

Summary: KCC has committed £250,000 to reduce the level of fly tipping in Kent, building on the close work already undertaken with district and borough councils, Kent Police and other partners through the Kent Resource Partnership to tackle this crime. The funding will assist district and borough councils to undertake further enforcement, improve communications between all partners involved and aims to better inform both householders and businesses of their Duty of Care and responsibilities relating to waste disposal.

This report updates Cabinet Committee on the current and future actions plan to address this anti-social behaviour.

Recommendation: The Cabinet Committee is asked to note and comment on planned actions and success measures in the fly tipping enforcement plan.

1. Background

- 1.1 Fly tipping is anti-social and a crime often carried out by local criminal gangs. Kent residents bear the cost of fly tipping through the added disposal costs and the disruption caused by the blocking of highways.
- 1.2 To tackle this issue the County Council works closely with the District and Borough Councils and Kent Police and we have a long history of joint working through the well-established Kent Resource Partnership.
- 1.3 In May 2019, KCC committed £250,000 to develop a fly tipping enforcement plan to reduce the level of fly tipping in Kent. The funding will assist district and borough councils to undertake further enforcement, improve communications between all partners involved and aims to better inform both householders and businesses of their Duty of Care and responsibilities relating to waste disposal.

2. Current Action

- 2.1 The Cabinet Member for Planning, Highways, Transport and Waste has held one-to-one meetings with all district and borough leaders to understand how KCC can help to support them further. The Cabinet Member has also met with the Police and Crime Commissioner (PCC) who has agreed to assist the actions being taken and has made an offer of financial support through the Crime Support Units. A letter has also been sent from the Cabinet Member to the Chief Constable requesting his personal support and to seek views of how the additional funding can help Kent Police to increase levels of enforcement action and successful prosecutions.
- 2.3 Chief Inspector Rachel McNeil has been appointed to lead for Kent Police.
- 2.4 Meetings have also been held with the Kent Environment Crime Practitioners' Group, Kent Resource Partnership, Environment Agency, National Farmers Union and the Vehicle and Operations Service Agency (VOSA).
- 2.5 Planned action will include more electronic surveillance including mobile CCTV and covert cameras to enable better targeting of criminal activity and use of Apps such as Country Eye, which is already supported by the PCC. There will be even greater sharing of intelligence between agencies to enable better collation of statistics and communications to identify trends for targeted action and to alert householders and businesses and inform magistrates.
- 2.6 In the last year, officers from Local Authorities across Kent together with Kent Police have been working together in a joint operation "Op Assist", which involves days of action with other partners to crack down on fly tipping and unlicensed waste collectors across Kent.
- 2.7 Building on successful work in North Kent which led to a number of prosecutions in May, on 12 June, Op Assist was carried out in five districts; Ashford, Canterbury, Folkestone & Hythe, Dover and Thanet. 107 vehicles commercial vehicles were stopped and checked to ensure drivers had the correct documentation and licences. During the operation,
- 27 local authority producer notices were issued¹
 - 5 local authority fixed penalty notices were issued
 - 5 vehicles were seized
 - 1 person was arrested for drink driving
 - 2 persons were reported for driving whilst disqualified
 - 4 prohibition notices were issued by VOSA
 - 1 defection rectification notice was issued and
 - 1 stolen woodchipper was recovered and an arrest is pending

¹ A Local Authority Producer notice is a notice provide by the relevant LA to the individual transporting the waste, which asks them to produce their waste carrier's details and waste transfer notices within a set period of time at the relevant local council office.

2.8 Due to the success and impact of these 'days of action', we will work with district and borough councils, Kent Police and other partners to deliver more frequent events, ensuring high visibility to the public.

3. Future Actions

3.1 The following actions are being pursued which will form the basis of a fly tipping enforcement action plan.

(i) Duty of Care Communications Campaigns

3.2 There will be targeted campaigns to engage residents and small businesses. A PR consultant will be engaged to help draft a Kent-based campaign using videos, social media, paid advertising, billboards and point of sale advertising.

(ii) Duty of Care Small Business Course

3.3 Using LOCASE funding we will look to roll out Kent wide small business waste courses piloted by KCC Waste management and Dover District Council (DDC) . The course will explain to small businesses and waste carriers how to deal with their waste legally. The course will be delivered by the DDC enforcement officer *and* KCC's Waste Enforcement Advisor.

3.4 We will also develop an engaging and visual e-learning package targeted at businesses looking to obtain a waste carriers license. The Environment Agency, Federation of Small Businesses, Kent Invicta Chamber of Commerce and trading standards contacts are already engaging in this initiative. Defra has also shown an interest.

(iii) Days/ nights of action

3.5 This will have a documentary focus covering each stage of enforcement activity from evidence gathering, identifying the target and filming vehicle seizures/ stops. The documentary will be supported by press releases and social media messaging. There will be a sharing agreement in place across all parties to ensure maximum public accessibility and visibility.

(iv) Building on #keepkentclean

3.6 Fly tipping hotspot signage will be produced; '#keepkentclean' and rolled out countywide at hotspots. We will also install 'Take your litter home' signs at district litter hotspots and 'Authority aware' tape for use at fly tips (similar to police tape).

(v) Magistrates Training

3.7 We are contacting the Magistrates Association to raise awareness of environmental crime within Kent. If there is interest, we will arrange a presentation and training which will be delivered by district enforcement staff. The aim is to encourage larger fines or sentences to be given.

(vi) Trackers/ covert equipment/ mobile CCTV cameras/ other related technology

- 3.8 Central resource covert cameras will be placed in appropriate hotspots countywide and we will use trackers and Smartwater as part of sting operations and mobile CCTV cameras to identify any vehicles of interest.

(vii) Automated phone system for intelligence reports

- 3.9 Completion of intelligence reports and the sharing of this information between relevant partners is vital to the success of the enforcement plan. Many enforcement officers state they do not have the time to complete intelligence reports. KCC's Intelligence Manager has suggested that an automated phone system, where enforcement officers could leave a message, to then be downloaded each morning by the intel team, could be beneficial and encourage intel to be submitted.

4. Success Measures

- 4.1 A number of success measures are being developed around each action including:
- **Duty of Care Communications Campaign** – number of people reached, shares on social media, more people know what to do
 - **Duty of care course** – number of attendees, feedback, Environment Agency considering completion of course prior to waste carrier's licence being given, number of times e-learning undertaken
 - **Days / nights of action** – vehicle stops, vehicle seizures, Fixed Penalty Notices, arrests, prosecutions. Effectiveness of the documentary – number of people reached, social media posts
 - **#keepkentclean** – fly tipping reduced at hotspots, reduction in litter, fewer multiple reports of the same incident of fly tipping as a result of the 'authority aware' type
 - **Magistrates training** – increase knowledge and awareness, greater fines and sentences given for fly tipping offences
 - **Trackers/ covert equipment/ mobile CCTV cameras/ other related technology** – enforcement action taken, Fixed Penalty Notices given, increase in fines and prosecutions as a result of evidence obtained by technology
 - **Automated phone system for intel reports** – increase in intel reports received via system and how intel is then used to support investigations (and resultant outcomes)
- 4.2 Ultimately the aim is for a reduction in instances of fly tipping and an increased number of prosecutions.
- 4.3 Through a strong communication campaign with householders and businesses alike, it is hoped that those illegitimate businesses, undercutting

legitimate businesses, will eventually be starved of waste to collect and therefore reduce instances of flytipping.

- 4.4 In addition, it is proposed that a Cross Party Member Group be established to consider all aspects of this enforcement action plan, and other related waste matters.

5. Conclusions

- 5.1 Fly tipping is an anti-social crime often carried out by local criminal gangs and Organised Crime Groups and has a devastating impact on local communities and the environment.
- 5.2 The County Council works closely with the District and Borough Councils and Kent Police and we have a long history of joint working through the well-established Kent Resource Partnership. We are in a strong position to continue to work together to tackle flytipping and will utilise the Kent Resource Partnership as the means in which communication and education will be made with the public, businesses and partners.

6. Recommendation

Recommendation: The Cabinet Committee is asked to note and comment on planned actions and success measures in the developing fly tipping enforcement plan.

7. Report Author

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From: Mike Whiting, Cabinet Member for Planning, Highways, Transport and Waste

Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 16 July 2019

Subject: Kent County Council's Response to Transport for the South East's Proposal Consultation

Classification: Unrestricted

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Division: All divisions

Summary:

This report outlines Kent County Council's (KCC) proposed response to the consultation by the emerging Sub-national Transport Body (STB) – Transport for the South East (TfSE) on its proposal to government for statutory powers.

TfSE includes the 16 Local Transport Authorities (LTAs) and the five Local Enterprise Partnerships (LEPs) that cover the geographic area. Kent County Council (KCC) and Medway Council are included. The development of TfSE is being led by East Sussex County Council.

TfSE will speak with a single voice on the South East's transport needs to directly influence the decisions of national infrastructure providers and operators. Once a statutory body, the Secretary of State must have regard to the STB's transport strategy in agreeing the investment priorities of Highways England and Network Rail. TfSE's transport strategy will be consulted on separately in the autumn.

TfSE is operating in 'shadow' form until it becomes a statutory body. To become a statutory body, it needs to submit a proposal to government with a request for transport powers, which if accepted, would then be taken through Parliament. Although the Secretary of State has indicated that he is not considering anymore STBs becoming statutory bodies at this time, TfSE is still preparing for this possibility in the future by undertaking a public consultation on its draft proposal and is asking its constituent authorities, including KCC, to formally respond. Following this consultation, TfSE will revise the proposal and seek endorsement from its constituent authorities.

Recommendation:

Cabinet Committee is asked to comment on the proposed response by Kent County Council (KCC) to the consultation by Transport for the South East (TfSE) with proposed support for powers 1 to 9, and conditional support for powers 10 to 15 as set out in the table in section 3.4 and in the conclusions in paragraphs 4.6 to 4.8. The conditional support is that it is agreed by TfSE that the principle of subsidiarity applies in that decisions on the use of those powers are made at the most immediate (or local) level, i.e. by constituent authorities, e.g. KCC.

1. Background

- 1.1. The Government's 2015 Budget promised to offer areas legal powers to transform transport and rebalance the economy through the creation of Sub-national Transport Bodies (STBs).
- 1.2. The Cities and Local Government Devolution Act (2016) allows organisations to draw down powers from central government. The Secretary of State for Transport has the power to establish STBs for any area outside of Greater London.
- 1.3. The powers of each STB must be requested in a proposal to the Secretary of State, with the consent of all its constituent transport authorities, and then agreed in law through the Parliamentary process.
- 1.4. There are now several STBs in England. Transport for the North (TfN) became a statutory body in April 2018. Midlands Connect, England's Economic Heartland and Transport for the South East are all in 'shadow' form and working towards gaining statutory status. East of England and two STBs for the South West – Peninsular Transport and Western Gateway are newly emerging and will complete the coverage of STBs across the country.
- 1.5. However, the Secretary of State wrote to all the emerging STBs on 10 June 2019, and while he does not rule out creating more statutory STBs in the future, his preference is to continue working with emerging STBs on a voluntary partnership basis. The Department for Transport (DfT) will continue to take account of the views of emerging STBs in developing national transport policy and investment decisions regardless of formal status.

2. Transport for the South East (TfSE)

- 2.1. The South East 7 (SE7) councils proposed the establishment of an STB for the South East that would bring central government, the South East's Local Transport Authorities (LTAs) and Local Enterprise Partnerships (LEPs) together with Highways England, Network Rail and port, airport, rail and bus operators in one body; Transport for the South East (TfSE).
- 2.2. TfSE is now a partnership of 16 LTAs and five LEPs. Kent County Council (KCC) is currently a constituent authority as resolved at the Environment and Transport Cabinet Committee on 17 November 2016 on the proposed decision (16/00120) that was taken by the Leader to establish and participate in the formation of TfSE working in partnership with:
 - East Sussex County Council (lead authority and Accountable Body)
 - West Sussex County Council
 - Medway Council
 - Hampshire County Council
 - Surrey County Council
 - Brighton and Hove City Council
 - Southampton City Council
 - Portsmouth City Council

- Isle of Wight Council
 - The Berkshire unitary authorities through the Berkshire Local Transport Body (LTB) which includes West Berkshire, Wokingham, Windsor & Maidenhead, Bracknell Forest, Reading and Slough.
 - Five LEPs within the TfSE area are also included: South East LEP (SELEP), Enterprise M3, Coast to Capital, Solent and Thames Valley Berkshire.
- 2.3 TfSE's overall vision is to grow the South East's economy by delivering a quality, integrated transport system that makes the South East more productive and competitive; and improves the quality of life for all whilst protecting the environment.
- 2.4 TfSE is seeking to formalise its role as the South East's voice for strategic transport issues by becoming a statutory body. In order to do so they have worked with member authorities to develop a proposal to government which makes the case for becoming a statutory body and sets out the specific powers and responsibilities required to help TfSE deliver economic growth, improve quality of life and protect and enhance the environment.
- 2.5 Prior to this consultation on its draft proposal to government, TfSE undertook an informal engagement exercise with elected Members and officers from the constituent authorities and LEPs between January and the end of February 2019. In Kent there was a report to the Environment and Transport Cabinet Committee and a presentation to the Kent Joint Leaders on 17 January 2019 and the Joint Chiefs (8 January), and to the Kent and Medway Economic Partnership (KMEP) on 28 January.
- 2.6 Following the period of informal engagement the draft proposal was agreed by TfSE at its 'shadow' Board meeting in March and is now the subject of a 12-week public consultation between 3 May and 31 July 2019. A proposed formal response to the consultation from KCC (as a constituent member) will be submitted by the Cabinet Member, therefore the Environment and Transport Cabinet Committee is asked to comment on the proposed response as summarised in Section 3 of this report and attached in full in Appendix A.
- 2.7 Feedback from the consultation will be reported to TfSE's 'shadow' Board meeting in September and a revised proposal will be finalised. Constituent authorities will then need to endorse the post-consultation revised proposal before it is submitted to government, therefore it will be brought back to Cabinet Committee before a proposed decision by Leader under Article 10 (1) and 10 (4) of the Constitution. However, following the Secretary of State's letter sent after the launch of this consultation to the emerging STBs (see paragraph 1.5) on his preference to not grant statutory status at this time, there is not currently a timetable for the submission of the finalised proposal to government. A new approach to formalising TfSE's status will be discussed by its 'shadow' Board in September.

Summary of TfSE's Proposal to Government (The Consultation)

2.8 The table below outlines the powers and responsibilities proposed to be sought by TfSE.

	Proposed Power
General functions	As set out in the Local Transport Act (2008), these functions will give TfSE the powers to develop a transport strategy for the area and to provide advice to the Secretary of State (this is the minimum power for STBs).
Rail	Right to be consulted about new rail franchises
	Set high level output specification for rail
Highways	Set the Road Investment Strategy for the Strategic Road Network
	Enter into agreements to undertake certain works on the Strategic Road Network (SRN), Major Road Network (MRN) and local roads
	Acquire land to enable construction, improvement, or mitigate adverse effects of highway construction
	Construct highways, footpaths, bridleways
Capital grants	Make capital grants for the provision of public transport facilities
Bus service provision	Duty to secure the provision of bus services
	Enter into Quality Bus Partnerships
	Implement bus service franchising
Smart ticketing	Introduce an integrated ticketing scheme
Air quality	Establish clean air zones
Other powers	Promote or oppose Bills in parliament
	Incidental amendments to enable TfSE to operate as a type of local authority

2.9 All of the proposed powers and responsibilities would be concurrent with Local Highway Authorities' and Local Transport Authorities' (LTA) existing powers and responsibilities and would only be implemented with the consent of the affected Local Highway Authority / LTA and with the consensus of all TfSE's constituent authorities. See Section 9 – 'Other Corporate Implications' for consideration of the risks to KCC as a Local Highway Authority and LTA.

2.10 The table below shows the powers and responsibilities that TfSE is not seeking, which includes highway maintenance.

Power	Reason for TfSE to not seek the power
Set priorities for local authorities for roads that are not part of the Major Road Network (MRN)	TfSE will only be responsible for identifying priorities on the MRN.
Being responsible for any highway maintenance responsibilities	There is no intention of TfSE becoming involved in routine maintenance of MRN or local roads.

Take on any consultation function instead of an existing local authority	Local authorities are best placed to seek the views of their residents and businesses
Give directions to a constituent authority about the exercise of transport functions by the authority in their area	Constituent authorities understand how best to deliver their transport functions to meet the needs of their residents and businesses
Carry passengers by rail	There are no aspirations for TfSE to become a train operating company
Act as co-signatories to rail franchises	There are no current aspirations for TfSE to become involved in this area.
Be responsible for rail franchising	

- 2.11 TfSE's proposal to government also includes the constitutional arrangements of the STB. As with the existing 'shadow' body, once statutory status is granted it is expected that each constituent authority will continue to appoint one of their Councillors/Members or their elected Mayor as a member of TfSE on the Partnership Board. The Partnership Board will be the only place where all constituent authorities are represented at an elected Member level, therefore the Board will have formal decision-making powers. The Partnership Board will meet at least twice per annum, with the option to meet more regularly. Each constituent authority will also appoint another one of their Councillors/Members as a substitute member.
- 2.12 TfSE expects the Partnership Board will continue to work by consensus but have also proposed an approach to voting when consensus cannot be reached and for certain key decisions, i.e. agreeing the TfSE transport strategy, budget and changes to its constitution. It is proposed that a population weighted voting arrangement is adopted in these circumstances. Kent, with the largest population of all the constituent authorities, would have the most votes of any single authority (11 votes) but is not large enough to have a veto (there are a total of 54 votes across all constituent authorities).

TfSE's work to date

- 2.13 Whilst operating in 'shadow' form, TfSE has responded to several consultations as a collective partnership, acting as one voice for the South East. The main consultations include Highways England's proposals for Road Investment Strategy 2 (RIS2) and the DfT's proposals for a Major Road Network (MRN). A DfT representative attends all 'shadow' Board, Senior Officer Group, and Transport Strategy working group meetings.
- 2.14 Engagement with the DfT regarding the MRN and RIS2 priorities has so far been positive. TfSE's RIS2 priorities included the improvements along the M2/A2 corridor that are essential once the new Lower Thames Crossing opens to enable bifurcation. This included dualling of the A2 Lydden to Dover,

Brenley Corner (M2 Junction 7) upgrade and improvements to the A229 connection between the M2 and the M20.

- 2.15 DfT also asked TfSE to prioritise MRN and Large Local Major (LLM) schemes and among the top 10 priorities are KCC's bid for the gap funding for Highways England's RIS1 scheme for improvements to M2 Junction 5 (Stockbury roundabout) on the A249; and a bid for a Birchington, Acol, and Westgate-on-Sea relief road of the A28 as part of the Thanet draft Transport Strategy for its draft Local Plan. Brenley Corner (M2 Junction 7) upgrade and A229 Bluebell Hill M2 and M20 interchange upgrades are also among TfSE's priorities for the LLM scheme programme.
- 2.16 Furthermore, TfSE has responded to consultations on Heathrow expansion, Western Rail Access to Heathrow; Gatwick Airport's Draft Master Plan; Midlands Connect's proposal to government; the Lower Thames Crossing; the Public Information Exercise on Solutions to Operation Stack, which gave support to KCC's position; the Williams Rail Review; Light Rail and Other Rapid Transit Solutions Call for Evidence; Pay-as-you-go on Rail; and the Berkshire Local Industrial Strategy framework document.

3. Summary of KCC's Proposed Response to TfSE's Consultation on its Proposal to Government *(full response in Appendix A)*

- 3.1 KCC's proposed response gives support for the establishment of an STB for the South East and outlines the benefits of TfSE having statutory status. These benefits include the ability to speak with one voice to ensure the case for strategic transport investment in the region is clearly heard by government. As a statutory body under the legislation, TfSE will also be able to inform and influence the critical spending decisions of Highways England and Network Rail in the South East as government will have to 'have regard to' the adopted regional transport strategy. This will enable a collective voice of the South East to make the case to government for improved rail services, and investment in the Strategic Road Network, including the new Lower Thames Crossing and wider network improvements.
- 3.2 KCC's proposed response agrees that as the Local Transport Authority (LTA) and Local Highway Authority, KCC should be a constituent member authority of TfSE. The UK's international gateways of the Port of Dover and Eurotunnel, which both play a significant role in the performance of the South East and national economies, are within Kent. With a population of just over 1.5 million, Kent has the largest population of all the English non-metropolitan authorities and its proximity to London and the continent make it a unique and attractive place in the South East to live, work and visit. Kent should therefore be part of the STB for the South East.
- 3.3 KCC's proposed response also gives support to TfSE's proposed population weighted voting mechanism. As the county with the largest population within the TfSE area, KCC will have more votes than any other individual constituent authority and this equates to 11 votes from a total of 54.

- 3.4 TfSE’s consultation seeks views on the proposed functions and powers being sought from government. The below table summarises the powers and KCC’s proposed response to support or to conditionally support* each power being requested by TfSE with the reasons given. ***The conditional support is that it is agreed by TfSE that the principle of subsidiarity applies in that decisions on the use of those powers are made at the most immediate (or local) level, i.e. by constituent authorities, e.g. KCC.**

	<u>Proposed Function</u>	<u>Relevant Act</u>	<u>TfSE Rationale</u>	<u>KCC Support/ Conditional Support</u>	<u>KCC Response</u>
General functions					
1	General powers required for TfSE to operate as a statutory body	Section 102 H of the Local Transport Act 2008	Provides the general powers required for TfSE to operate as a statutory STB, meeting the requirements of the enabling legislation to facilitate the development and implementation of a transport strategy.	Support	This is required to enable TfSE to operate as a statutory body in terms of preparing a transport strategy and advising the Secretary of State, therefore is supported.
Rail					
2	Right to be consulted about new rail franchises	Section 13 of the Railways Act 2005 – Railway Functions of Passenger Transport Executives	TfSE is seeking the extension of the right of a Passenger Transport Executive to be consulted before the Secretary of State issues an invitation to tender for a franchise. The right of consultation is significant to TfSE as it confirms its role as a strategic partner.	Support	This would provide added weight to KCC’s own responses to consultations on franchises, therefore is supported.
3	Set High Level Output Specification (HLOS) for Rail	Schedule 4A, paragraph 1D, of the Railways Act 1993	This power would enable TfSE to act jointly with the Secretary of State to set and vary the HLOS in our area. TfSE will act as the collective voice of its constituent authorities, providing an evidence-based regional perspective and consensus on the priorities for investment in our rail network.	Support	This would provide devolution of powers from government to TfSE and enable the South East to set its own priorities for the rail network, therefore is supported.

Highways					
4	Set Road Investment Strategy (RIS) for the Strategic Road Network (SRN)	Set 3 and Schedule 2 of the Infrastructure Act 2015	This power would enable TfSE to act jointly with the Secretary of State to set and vary the RIS in our area. TfSE will act as the collective voice of its constituent authorities, providing an evidence-based regional perspective and consensus on the priorities for roads investment.	Support	This would provide devolution of powers from government to TfSE and enable the South East to set its own priorities for the motorway and trunk road network, therefore is supported.
Make capital grants for public transport facilities					
5	Make capital grants for the provision of public transport facilities	Section 56 (2) of the Transport Act 1968	Constituent authorities would benefit from the granting of this concurrent power as they may, in future, be recipients of funding from TfSE to partly or wholly fund a transport enhancement within their local authority area.	Support	This could lead to an improvement in public transport; therefore, is supported.
Bus service provision					
6	Bus service franchising	The Bus Services Act 2017	This power, currently available to Mayoral Combined Authorities, would enable TfSE to implement bus service franchising in its area with the consent of the affected LTA.	Support	This power is currently only available to Mayoral Combined Authorities; therefore, it would be good if the STB could lead on franchising and therefore this is supported.
Smart ticketing					
7	Introduce integrated ticketing schemes	Sections 134C – 134G & Sections 135-138 Transport Act 2000	This would enable TfSE to expedite the introduction of a cost effective smart and integrated ticketing system on a regional scale.	Support	Support is given for this power, in particular if the intention is to introduce a regional ticketing scheme.
Other powers					
8	Promote or oppose Bills in Parliament	Section 239 Local Government Act 1972	Local authorities have the power to promote or oppose Bills in Parliament;	Support	A statutory body should have the ability to promote or oppose Bills in

			granting the power concurrently to TfSE reflects the devolution agenda of which STBs are a key part.		Parliament, therefore this is supported.
9	Incidental amendments	Local Government Act 1972, Localism Act 2011, Local Government Pension Scheme Regulations 2013	A statutory STB requires certain incidental amendments to enable it to operate as a type of local authority, with duties in respect of staffing, pensions, monitoring and the provision of information about TfSE.	Support	A statutory body needs these powers to operate as an organisation, therefore this is supported.
Highways					
10	Enter into agreements to undertake certain works on Strategic Road Network, Major Road Network or local roads	Section 6(5) of the Highways Act 1980, (trunk roads) & Section 8 of the Highways Act 1980 (local roads)	TfSE is seeking the power that Local Highway Authorities currently have to enter into an agreement with other Highway Authorities to construct, reconstruct, alter, improve or maintain roads. These powers, operated concurrently with the local authorities, will enable TfSE to promote and expedite the delivery of regionally significant cross-boundary schemes.	Conditional Support*	Local Highway Authorities can already enter into agreements with other Highway Authorities for cross-boundary schemes. Therefore, even though the TfSE proposal is that these powers would only be used with the consent of the Local Highway Authority, we question if the duplication of these powers that Local Highway Authorities already have is required at STB level.
11	Acquire land to enable construction, improvement, or mitigate adverse effects of highway construction	Sections 239, 240, 246 and 250 of the Highways Act 1980	This power, exercisable concurrently and only with the consent of the relevant Highway Authority, would allow preparations for the construction of a highways scheme to be expedited where Highway Authorities are not able to acquire land.	Conditional Support*	It is unclear how an STB would acquire land if a Local Highway Authority was unable, therefore even though the TfSE proposal is that these powers would only be used with consent of the Local Highway Authority, we question if the duplication of these powers that Local

					Highway Authorities already have is required at STB level.
12	Construct highways, footpaths, bridleways	Sections 24, 25 & 26 of the Highways Act 1980	The concurrent powers required to effectively promote, coordinate and fund road schemes are vital to TfSE. Without them, TfSE would not be able to enter into any contractual arrangement in relation to procuring the construction, improvement or maintenance of a highway or the construction or improvement of a trunk road.	Conditional Support*	Local Highway Authorities already have these powers and are able to deliver schemes, therefore even though the TfSE proposal is that these powers would only be used with consent of the Local Highway Authority, we question if the duplication of these powers that Local Highway Authorities already have is required at STB level.
Bus service provision					
13	Duty to secure the provision of bus services	Section 63 (1) Transport Act 1985	TfSE is seeking this duty concurrently with the Local Transport Authorities in its area, enabling it to fill in identified gaps in bus service provision or secure the provision of regionally important bus services covering one or more constituent authority areas.	Conditional Support*	Local Transport Authorities already have the power to fund services that cross authority boundaries. However, if TfSE wanted to intervene and provide specific cross boundary services, these could be funded through the power to provide grants (as in power 5) rather than having the duty to secure the provision of services.
14	Quality Bus Partnerships	The Bus services Act 2017 Sections 113C – 113O & Sections 138A-138S	This would allow TfSE to expedite the introduction of partnership schemes covering more than one Local Transport Authority area which otherwise might not be introduced.	Conditional Support*	Quality Bus Partnerships are more effective when led and developed locally to ensure they meet local need, including the impact on the local bus market and local authority needs. However, it may be possible for TfSE to have a role supporting

					authorities with additional resource for partnerships.
Air quality					
15	Establish Clean Air Zones	Sections 163-177A of the Transport Act 2000 – Road User Charging	Local Transport Authorities have the power under the Transport Act 2000 to implement road charging schemes. TfSE is seeking this general charging power as a mechanism for the introduction of Clean Air Zones.	Conditional Support*	The power to introduce Road User Charging should remain with Local Transport and Highway Authorities and any potential cross-boundary scheme could be facilitated by inter-authority agreements.

3.5 KCC's full draft response can be found in Appendix A.

4. Conclusions

- 4.1 Sub-national Transport Bodies (STBs) are resulting in a new regional level of transport planning in the UK.
- 4.2 KCC is currently a constituent authority in the 'shadow' Transport for the South East (TfSE) along with 15 other Local Transport Authorities (LTAs) and five Local Enterprise Partnerships (LEPs).
- 4.3 TfSE will speak with a single voice on the South East's transport needs to directly influence the decisions of national infrastructure providers and operators (for example Network Rail and Highways England would need to 'have regard to' TfSE's transport strategy).
- 4.4 TfSE is currently consulting on its draft proposal to government to become a body with statutory powers and functions.
- 4.5 KCC's proposed response supports the establishment of an STB for the South East with it as a constituent authority within TfSE and supports the proposed voting arrangements for the Partnership Board.
- 4.6 KCC's proposed response supports the following proposed functions and powers of TfSE (powers 1-9 in the table in paragraph 3.4):
- General powers required for TfSE to operate as a statutory body.
 - The right to be consulted about new rail franchises.
 - Set the High-Level Output Specification (HLOS) for rail.
 - Set the Road Investment Strategy (RIS) for the Strategic Road Network (SRN).
 - Make capital grants for the provision of public transport services.
 - Bus service franchising.
 - Introduce integrated ticketing schemes.
 - Promote or oppose Bills in Parliament.
 - Incidental amendments.

- 4.7 KCC's proposed response gives support on the condition that it is agreed by TfSE that the principle of subsidiarity applies in that decisions on the use of these powers are made at the most immediate (or local) level, i.e. by constituent authorities, e.g. KCC, for TfSE's proposal to have the concurrent powers of a Local Highway Authority through the Highways Act 1980 to (powers 10-12 in the table in paragraph 3.4):
- Enter into agreements to undertake certain works on Strategic Road Network, Major Road Network or local roads;
 - Acquire land to enable construction, improvement, or mitigate adverse effects of highway construction;
 - Construct highways, footpaths, bridleways.
- 4.8 KCC's proposed response also gives support on the condition that it is agreed by TfSE that the principle of subsidiarity applies in that decisions on the use of these powers are made at the most immediate (or local) level, i.e. by constituent authorities, e.g. KCC, for TfSE's proposal to have the concurrent powers of a Local Transport Authority (LTA) for (powers 13-15 in the table in paragraph 3.4):
- The duty to secure the provision of bus services (Transport Act 1985);
 - Quality Bus Partnerships (The Bus Services Act 2017);
 - Establishing Clean Air Zones (The Transport Act 2000 – Road User Charging).
- 4.9 Following this consultation, TfSE will update the draft proposal to government and publish a summary of the comments received.
- 4.10 A post-consultation revised proposal will then be agreed by TfSE's 'shadow' Board, which will need endorsement by KCC with a decision by the Leader under Article 10 (1) and 10 (4) of the Constitution, before TfSE's submission to government. The proposed decision by the Leader will be brought to Cabinet Committee.
- 4.11 It was expected for the proposal to be submitted by TfSE to government in late 2019, with statutory status subsequently being awarded should approval be given by the Secretary of State in 2020. However, after the consultation launched, the Secretary of State wrote to all emerging STBs indicating his preference for the time being to continue to work with them as voluntary partnerships rather than granting statutory status. A new approach to formalising TfSE's status will therefore be discussed by its 'shadow' Board in September.

5. Financial Implications

- 5.1 KCC contributes £58,000 per year to fund the development of TfSE. All constituent authorities make this contribution (unitary authorities contribute £30,000 per year). This has been matched by £1million of funding from the DfT in 2018/19 and a further £500,000 in 2019/20.

6. Legal Implications

- 6.1 Advice from Invicta Law included the need to amend KCC's Constitution to list TfSE in Appendix 2 Part 5 Partnership Committees and Bodies and Joint Arrangements.

7. Equalities Implications

- 7.1 A full Equality Impact Assessment (EqIA) will be undertaken by TfSE as part of its draft transport strategy that will be consulted on in Autumn 2019. KCC has undertaken an EqIA screening of its proposed response and concluded that some protected characteristic groups could benefit from TfSE becoming a statutory body. The EqIA screening is attached in Appendix B.

8. General Data Protection Regulations (GDPR) Considerations

- 8.1 A Data Protection Impact Assessment (DPIA) is not required as this consultation response does not require the processing of personal data.

9. Other Corporate Implications

- 9.1 Key to the TfSE proposal is that the powers which are additional to the general functions relating to STBs, including those powers that a Local Highway Authority and Local Transport Authority already have, will be requested from government in a way that means they will operate concurrently and with the consent of the constituent authorities. KCC is therefore not giving up any powers to TfSE but would be sharing them. These shared powers would also only be used by TfSE with the consent of KCC as a constituent authority, therefore the normal KCC decision making process as a Local Highway Authority and Local Transport Authority still apply if KCC agrees to the TfSE proposal (at this stage it is only a consultation on a draft proposal, the proposed KCC response to which is to give conditional support for the concurrent powers, subject to it being agreed by TfSE that the principle of subsidiarity applies in that decisions on the use of these powers are made at the most immediate or local level, i.e. by constituent authorities, e.g. KCC).

10. Governance

- 10.1 Decision (16/00120) taken by the Leader on 8 December 2018 to establish and participate in the formation of TfSE was resolved at the Environment and Transport Cabinet Committee on 17 November 2016.
- 10.2 The Leader or Cabinet Member/Deputy Cabinet Member for Planning, Highways, Transport and Waste represents KCC on the TfSE 'shadow' Board. The Corporate Director for Growth, Environment and Transport represents KCC at the TfSE Senior Officer Group.
- 10.3 A decision will be taken by the Leader under Article 10 (1) and 10 (4) of the Constitution to endorse the final proposal made by TfSE to government on powers and responsibilities relating to the establishment of TfSE following this formal consultation. The post-consultation revised final proposal by TfSE will be

brought back to Cabinet Committee prior to the decision being taken by the Leader.

11 Recommendation:

Cabinet Committee is asked to comment on the proposed response by Kent County Council (KCC) to the consultation by Transport for the South East (TfSE) with proposed support for powers 1 to 9, and conditional support for powers 10 to 15 as set out in the table in section 3.4 and in the conclusions in paragraphs 4.6 to 4.8. The conditional support is that it is agreed by TfSE that the principle of subsidiarity applies in that decisions on the use of those powers are made at the most immediate (or local) level, i.e. by constituent authorities, e.g. KCC.

12 Background Documents

Appendix A: Proposed response from Kent County Council to the consultation by Transport for the South East (TfSE) on its proposal to government.

Appendix B: Equality Impact Assessment (EqIA) screening.

Proposal to Government: Draft for Consultation, Transport for the South East (TfSE), May 2020 <https://transportforthesoutheast.org.uk/wp-content/uploads/2019/05/Transport-for-the-South-East-Draft-proposal-for-consultation.pdf>

Sub-National Transport Body for the South East, Item 146, Environment and Transport Cabinet Committee, Thursday 17th January 2019 <https://democracy.kent.gov.uk/documents/s88577/Item%20-%20Sub-national%20Transport%20Bodies%20-%20Transport%20for%20the%20South%20East.pdf>

Decision 16/00120 Sub National Transport Board for the South-East <https://democracy.kent.gov.uk/ieDecisionDetails.aspx?ID=2215>

Further information on TfSE can be found on its website <https://transportforthesoutheast.org.uk/> including the full consultation material <https://transportforthesoutheast.org.uk/about/becoming-a-statutory-body/>

13 Contact details

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Appendix A: Kent County Council's Proposed Response to Transport for the South East's (TfSE) Draft Proposal to Government Consultation Questionnaire

- 1. Do you, in principle, support the establishment of a sub-national transport body for the South East, including the ability to publish a transport strategy and advise central government on transport matters in the region?**

YES/NO

- 2. What do you regard as the benefits Transport for the South East will provide as a statutory sub-national transport body?**

Sub-national Transport Bodies (STBs) provide an opportunity to address regional transport issues. Given the role the South East plays in the overall UK economy, through its proximity to London and as the UK's international gateway, it is imperative that government understands the unique transport challenges faced by this region. Having a statutory sub-national transport body for the South East will provide a strong platform to engage with the Department for Transport (DfT), Highways England, Network Rail, transport operators and other key stakeholders about the strong case for investment in strategic transport infrastructure.

Obtaining statutory status will strengthen Transport for the South East's (TfSE) ability to directly influence the investment decisions of government in relation to national networks (road and rail) in the region as the Secretary of State must have regard to the transport strategy of the STB. Having statutory status and an adopted regional transport strategy will ensure the South East's strategic transport priorities are considered and recognised nationally. An adopted regional transport strategy will also assist in the delivery of jobs, housing and growth across the South East and therefore further increasing our contribution to the overall UK economy.

Kent County Council (KCC) gives support for the establishment of a statutory STB for the South East. This will enable a collective voice of the South East to make the case to government for improved rail services, and investment in the Strategic Road Network, including the new Lower Thames Crossing and wider network improvements.

- 3. Do you, in principle, think your relevant local transport authority should be a member of the Transport for the South East sub-national transport body? If not, why?**

YES/NO

The South East is the UK's international gateway, with several of the country's major airports and ports located within the region. Kent is home to the Port of Dover and Eurotunnel, which both play a significant role in the performance of the South East and national economies. With a population of just over 1.5 million, Kent has the largest population of all the English non-metropolitan authorities and its proximity to London and the continent make it a unique and attractive place in the South East to live, work and visit. Kent should therefore be part of the STB for the South East.

Furthermore, Kent County Council is also a member of the South East 7 (SE7) councils which originally proposed the establishment of an STB for the South East. The purpose behind this was to bring central government, the South East's Local Transport Authorities (LTAs) and Local Enterprise Partnerships (LEPs) together with Highways England, Network Rail and port, airport, rail and bus operators into one body; Transport for the South East (TfSE).

4. Are you content with the proposed functions in the draft STB proposal?

YES/NO

5. What other functions do you think an STB should have/not have and why?

The table below summarises KCC's support or conditional support for each function being proposed by TfSE. The conditional support is that it is agreed by TfSE that the principle of subsidiarity applies in that decisions on the use of those powers are made at the most immediate (or local) level, i.e. by constituent authorities, e.g. KCC. **Table is shown in Section 3.4 of the main Cabinet Committee Report**

6. Would you be content with an STB having such functions if any use of those functions required the consent of the relevant local transport authority?

YES/NO

7. Are you content with the preferred voting mechanism, to be used when consensus cannot be reached?

YES/NO

8. Any other comments

Transport for the South East (TfSE) as a partnership of local authorities, formalised as a statutory body, should be responsible for the strategic transport priorities of the South East, influencing the investment priorities of Network Rail and Highways England as powers are requested to be devolved down from central government. Delivery of transport schemes can be through its constituent authorities and their existing powers, rather than through a duplication of those powers by devolving up to a regional body.

**Kent County Council
Equality Analysis/ Impact Assessment (EqIA)**

Directorate/ Service: Growth, Environmental and Transport / Environment, Planning and Enforcement / Strategic Planning Policy

Name of decision, policy, procedure, project or service: Kent County Council's response to Transport for the South East's draft proposal consultation.

Responsible Owner/ Senior Officer: Nola Cooper/Joseph Ratcliffe

Version: 1 – Initial Screening

Author: Nola Cooper

Pathway of Equality Analysis:

Summary and recommendations of equality analysis/impact assessment.

Context

Government is seeking to transform transport and rebalance the economy by offering areas legal powers for transport through the creation of Sub-national Transport Bodies (STBs). The South East 7 (SE7) councils initially proposed the establishment of an STB for the South East, which has now expanded to include the 16 Local Transport Authorities (LTAs) and the five Local Enterprise Partnerships (LEPs) that cover the geographic area. Kent County Council (KCC) and Medway Council are included. The development of Transport for the South East (TfSE) is being led by East Sussex County Council.

TfSE will speak with a single voice on the South East's transport needs to directly influence the decisions of national infrastructure providers and operators. Once a statutory body, the Secretary of State must have regard to the STB's transport strategy in agreeing the investment priorities of Highways England and Network Rail. TfSE's transport strategy will be consulted on separately in the autumn.

TfSE is operating in 'shadow' form until it becomes a statutory body. To become a statutory body, it needs to submit a proposal to government with a request for transport powers. If that proposal is accepted by the Secretary of State, it will then be taken through Parliament. Although the Secretary of State has indicated that he is not considering any more STBs becoming statutory bodies at this time, TfSE is still preparing for this possibility in the future by undertaking a public consultation on its draft proposal and is asking its constituent authorities, including KCC, to formally respond. Following this consultation, TfSE will revise the proposal and seek endorsement from its constituent authorities.

Aims and Objectives

The South East 7 (SE7) councils proposed the establishment of an STB for the South East that would bring central government, the South East's Local Transport Authorities (LTAs) and Local Enterprise Partnerships (LEPs) together with Highways England, Network Rail and port, airport, rail and bus operators in one body; Transport for the South East (TfSE).

TfSE is now seeking to formalise its role as the South East's voice for strategic transport issues by becoming a statutory body. In order to do so they have worked with member authorities to develop a proposal to government which makes the case for becoming a statutory body and sets out the specific powers and responsibilities required to help TfSE deliver economic growth, improve quality of life and protect and enhance the environment.

The table below outlines the powers and responsibilities proposed to be sought by TfSE.

	Proposed Power
General functions	As set out in the Local Transport Act (2008), these functions will give TfSE the powers to develop a transport strategy for the area and to provide advice to the Secretary of State (this is the minimum power for STBs).
Rail	Right to be consulted about new rail franchises
	Set high level output specification for rail
Highways	Set the Road Investment Strategy for the Strategic Road Network

	Enter into agreements to undertake certain works on the Strategic Road Network, Major Road Network and local roads
	Acquire land to enable construction, improvement, or mitigate adverse effects of highway construction
	Construct highways, footpaths, bridleways
Capital grants	Make capital grants for the provision of public transport facilities
Bus service provision	Duty to secure the provision of bus services
	Enter into Quality Bus Partnerships
	Implement bus service franchising
Smart ticketing	Introduce an integrated ticketing scheme
Air quality	Establish clean air zones
Other powers	Promote or oppose bills in parliament
	Incidental amendments to enable TfSE to operate as a type of local authority

All of the proposed powers and responsibilities would be concurrent with Local Highway Authorities' and Local Transport Authorities' (LTA) existing powers and responsibilities and would only be implemented with the consent of the affected Local Highway Authority / LTA and with the consensus of all TfSE's constituent authorities.

The table below shows the powers and responsibilities that TfSE is not seeking, which includes highway maintenance.

Power	Reason for TfSE to not seek the power
Set priorities for local authorities for roads that are not part of the Major Road Network (MRN)	TfSE will only be responsible for identifying priorities on the MRN.

Being responsible for any highway maintenance responsibilities	There is no intention of TfSE becoming involved in routine maintenance of MRN or local roads.
Take on any consultation function instead of an existing local authority	Local authorities are best placed to seek the views of their residents and businesses
Give directions to a constituent authority about the exercise of transport functions by the authority in their area	Constituent authorities understand how best to deliver their transport functions to meet the needs of their residents and businesses
Carry passengers by rail	There are no aspirations for TfSE to become a train operating company
Act as co-signatories to rail franchises	There are no current aspirations for TfSE to become involved in this area.
Be responsible for rail franchising	

TfSE's proposal to government also includes the constitutional arrangements of the STB. As with the existing 'shadow' body, once statutory status is granted it is expected that each constituent authority will continue to appoint one of their Councillors/Members or their elected Mayor as a member of TfSE on the Partnership Board. The Partnership Board will be the only place where all constituent authorities are represented at an elected Member level, therefore the Board will have formal decision-making powers. The Partnership Board will meet at least twice per annum, with the option to meet more regularly. Each constituent authority will also appoint another one of their Councillors/Members as a substitute member.

TfSE expects the Partnership Board will continue to work by consensus but have also proposed an approach to voting when consensus cannot be reached and for certain key decisions, i.e. agreeing the TfSE transport strategy, budget and changes to its constitution. It is proposed that a population weighted voting arrangement is adopted in these circumstances. Kent, with the largest

population of all the constituent authorities, would have the most votes of any single authority (11 votes) but is not large enough to have a veto (there are a total of 54 votes across all constituent authorities).

Summary of equality impact

This EqlA is for Kent County Council's (KCC) proposed response to the consultation by the emerging Sub-national Transport Body (STB) – Transport for the South East (TfSE) on its proposal to government for statutory powers.

KCC's proposed response gives support for the establishment of an STB for the South East and outlines the benefits of TfSE having statutory status. These benefits include the ability to speak with one voice to ensure the case for strategic transport investment in the region is clearly heard by government. As a statutory body under the legislation, TfSE will also be able to inform and influence the critical spending decisions of Highways England and Network Rail in the South East as government will have to 'have regard to' the adopted regional transport strategy. This will enable a collective voice of the South East to make the case to government for improved rail services, and investment in the Strategic Road Network, including the new Lower Thames Crossing and wider network improvements.

KCC's proposed response agrees that as the Local Transport Authority (LTA) and Local Highway Authority, KCC should be a constituent member authority of TfSE. The UK's international gateways of the Port of Dover and Eurotunnel, which both play a significant role in the performance of the South East and national economies, are within Kent. With a population of just over 1.5 million, Kent has the largest population of all the English non-metropolitan authorities and its proximity to London and the continent make it a unique and attractive place in the South East to live, work and visit. Kent should therefore be part of the STB for the South East.

KCC's proposed response also gives support to TfSE's proposed population weighted voting mechanism. As the county with the largest population within the TfSE area, KCC will have more votes than any other individual constituent authority and this equates to 11 votes from a total of 54.

KCC's proposed response supports the following proposed functions and powers of TfSE:

- General powers required for TfSE to operate as a statutory body.
- The right to be consulted about new rail franchises.
- Set the High-Level Output Specification (HLOS) for rail.

- Set the Road Investment Strategy (RIS) for the Strategic Road Network (SRN).
- Make capital grants for the provision of public transport services.
- Bus service franchising.
- Introduce integrated ticketing schemes.
- Promote or oppose Bills in Parliament.
- Incidental amendments.

KCC's proposed response gives support on the condition that it is agreed by TfSE that the principle of subsidiarity applies in that decisions on the use of these powers are made at the most immediate (or local) level, i.e. by constituent authorities, e.g. KCC, for TfSE's proposal to have the concurrent powers of a Local Highway Authority through the Highways Act 1980 to:

- Enter into agreements to undertake certain works on Strategic Road Network, Major Road Network or local roads;
- Acquire land to enable construction, improvement, or mitigate adverse effects of highway construction;
- Construct highways, footpaths, bridleways.

KCC's proposed response also gives support on the condition that it is agreed by TfSE that the principle of subsidiarity applies in that decisions on the use of these powers are made at the most immediate (or local) level, i.e. by constituent authorities, e.g. KCC, for TfSE's proposal to have the concurrent powers of a Local Transport Authority (LTA) for:

- The duty to secure the provision of bus services (Transport Act 1985);
- Quality Bus Partnerships (The Bus Services Act 2017);
- Establishing Clean Air Zones (The Transport Act 2000 – Road User Charging).

Overall, carrying out the EqIA screening grid has identified that some protected characteristic groups could benefit from TfSE becoming a statutory body in the way that KCC's proposed response to the consultation supports. For example, individuals with limited access to a private car (such as the elderly and young people) could benefit from TfSE making capital grants available for the provision of public transport facilities – a power/function proposed that KCC's proposed response supports.

Adverse Equality Impact Rating Low

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment concerning Kent County Council's response to Transport for the South East's draft proposal consultation. I agree with risk rating and the actions to mitigate any adverse impact(s) that has /have been identified.

Head of Service

Signed: T. Marchant

Name: Tom Marchant

Job Title: Head of Strategic Planning & Policy

Date: 04/07/2019

DMT Member

Signed: S. Holt-Castle

Name: Stephanie Holt-Castle

Job Title: Interim Director of Environment, Planning and Enforcement

Date: 08/07/19

Part 1 Screening

Protected Group	Please provide a brief commentary on your findings. Fuller analysis should be undertaken in Part 2.			
	High negative impact	Medium negative impact	Low negative impact	High/Medium/Low Positive Impact Evidence
Age	None	None	None	KCC's response to the TfSE consultation supports the establishment of an STB and gives support or conditional support for the powers in section 3.4 of the accompanying Cabinet Committee report. These powers would help deliver the outcomes of KCC's adopted Local Transport Plan 4 (LTP4) which are to promote affordable, accessible and connected transport to enable access for all ages to jobs, education, health and other services.
Disability	None	None	None	As above, KCC's support or conditional support for TfSE having the powers in section 3.4 of the accompanying Cabinet Committee report would help to promote accessible transport and support independence, more notably providing wider benefits for those whose impairments prevent them from driving.
Sex	None	None	None	KCC's response gives support or conditional support for TfSE having the powers in section 3.4 of the

				<p>accompanying Cabinet Committee report as these powers would help deliver the outcomes of KCC's adopted LTP4. For example, these powers will help to promote affordable and accessible transport for all which will benefit specific groups, such as parents with children and single parents. Safer travel is another outcome of KCC's LTP4 which will be promoted by TfSE's powers by improving opportunities for travel for women, as they are likely to use public transport more than men but drive less than men. Men are more likely to be road casualties and providing a safer road network will help mitigate this.</p>
Gender identity/ Transgender	None	None	None	None
Race	None	None	None	<p>Certain ethnic groups are in lower than average income groups and KCC's support or conditional support for TfSE obtaining the powers in section 3.4 of the accompanying Cabinet Committee report will help to promote affordable travel <u>on a regional level</u> which in turn will help to promote equality of opportunity for all ethnic groups in enabling access to greater employment</p>

				and education opportunities.
Religion and Belief	None	None	None	None
Sexual Orientation	None	None	None	None
Pregnancy and Maternity	None	None	None	KCC's support or conditional support for TfSE obtaining the powers in section 3.4 of the accompanying Cabinet Committee report will help to benefit travellers with children by helping to deliver KCC's adopted LTP4 outcome of improved accessibility connectivity within transport, as well as it being more affordable.
Marriage and Civil Partnerships	None	None	None	None
Carer's Responsibilities	None	None	None	KCC's adopted LTP4 outcomes of safer, affordable, accessible connected travel will be promoted by TfSE obtaining the powers in section 3.4 in the accompanying Cabinet Committee report. This will help encourage equality of opportunity for this group and future schemes to ease congestion will make travelling for careers more reliable in terms of journey time.

Part 2

Equality Analysis /Impact Assessment

Protected groups

From the initial screening, it is not anticipated that any protected characteristics will be impacted from KCC's proposed response to Transport for the South East's (TfSE) consultation on their draft proposal to become a statutory body.

Information and Data used to carry out your assessment

As of 2019, the current estimated population for Kent is 1,554,600¹. Going forward the population growth for Kent is expected to rise due to natural increase (more births than deaths) and in addition more people moving into Kent than leaving. Analysis of 2011 census data about equality and diversity in Kent has been undertaken to better understand the demographics of the Kent population and the impact of KCC's response to TfSE's consultation will have. Focus has been made on groups that tend to rely on public transport, with the access to a car being limited.

Equality and diversity data from 2011² shows that:

- Kent has an ageing population, as estimates indicate the number of 65+ year olds if forecast to increase by 55% between 2013 – 2033, however the proportion of population aged under 65 is only forecasted to increase by 6.9%.
- There are more female residents in Kent than male. In 2014, this equated to 51% and 49% (770,300 females and 740,100 males).
- 93.7% of Kent residents are white, compared to 6.3% BME residents.
- The 2011 office labour market statistics census data for Kent has the following statistics³:
 - The number of males and females (16+) owning a car or van, or having access to these within households, (including company vehicles that are available for private use): 91% of males vs 88% of females.
 - The car or van availability by gender and for those who consider they have a long-term health problem or disability: 86% of males vs 83% of females.
 - The number of females (16+) with a disability of which there are no cars or vans in the household: 17% compared to 12% of males.

¹ <https://www.kent.gov.uk/about-the-council/information-and-data/Facts-and-figures-about-Kent/population-and-census>

² <https://www.kent.gov.uk/about-the-council/information-and-data/Facts-and-figures-about-Kent/equality-and-diversity-data>

³ DC3407EW - Long-term health problem or disability by car or van availability by sex by age <https://www.nomisweb.co.uk/census/2011/dc3407ew>

- KCC Road Casualties in Kent (Annual Review 2014)⁴ – there was an increase in the number of people killed or seriously injured (KSI) compared to 2013 of 11% (594 KSIs increasing to 658 KSIs).
- Casualty data for Kent roads between 2012-2014, shows there are generally more male casualties than females across all age groups⁵:
 - 0-16, there were 1,891 casualties of which 57% were male and 43% were female.
 - 17-24, there were 4,126 casualties of which 58% were male and 42% were female.
 - 25-64, there was a total of 10,029 casualties, which is the latest out of all age sets of which 58% were male and 42% female.
- According to the Kent Public Health Observatory⁶, the percentage of adults in Kent currently classed as physically inactive is 28.1%. Currently 56.3% of the adult population meet the physical activity guidelines of 150mins per week to improve or maintain health.
- In addition, the Kent Joint Strategic Needs Assessment (Kent JSNA) showed that obesity is at 64.6%, which translates into 771, 476 individuals who are 16+.
- The ONS 2011 Census Analysis – Method of Travel to Work in England and Wales Report⁷ – found that in the South East 66.8% use road vehicles as a method of travelling to work, however only 12.1% use public transport and 13.9% choose to walk or cycle.
- Using the ONS 2011 Census to break down method of travel to work by age (Age 16-65+) and gender shows in Kent that⁸:
 - 14% of females travel to work using active travel compared to 10% of males in the county choosing to travel by bicycle or foot, thereby males will further benefit from the promotion of active travel.
 - 13% of males choose to travel by rail, bus, minibus or coach. The female population comes out slightly lower with 12%.
 - 62% of males either use a car or van to travel to work or are a passenger. The number of females under the same criteria comes to 63%.
- For 2015-2016, September Quarter 2 the number of⁹:
 - Older person's bus passes were 266,949
 - Disabled person's bus passes were 20,312
 - Disabled person companion bus passes were 5,133
- According to a study conducted by Transport for London (TfL)¹⁰, BME individuals are more likely to use buses than white individuals (although they are less likely to travel by bicycle). In addition, they are more likely

⁴ http://www.kent.gov.uk/__data/assets/pdf_file/0020/11819/Personal-injury-crashes-in-Kent.pdf

⁵ Transport Intelligence Team: Casualty data 2012-2014 against age and gender

⁶ <http://www.kpho.org.uk/joint-strategic-needs-assessment/jsna-behaviour-and-lifestyle/jsna-physical-activity>

⁷ http://www.ons.gov.uk/ons/dcp171766_299766.pdf

⁸ DC7101EW1a - Method of travel to work (2001 specification) by sex by age
<https://www.nomisweb.co.uk/census/2011/dc7101ew1a>

⁹ Revenue and Capital Budget Monitoring for 2015-2016, Quarter 2 paper. Page 136

¹⁰ <http://content.tfl.gov.uk/BAME-summary.pdf>

to express concerns for their safety and more likely to be injured in road accidents.

Who have you involved consulted and engaged?

In preparation of KCC's response to TfSE's consultation, senior managers and directors of KCC have been engaged and consulted to gather their views of the proposed powers being sought by TfSE. Members will also be consulted through the Environment and Transport Cabinet Committee on 16th July 2019.

Analysis

The establishment of a statutory sub-national transport body for the South East will generally have a positive impact for all Kent residents, commercial operations and tourists as transport network improvements will improve their experience of Kent and the South East region. The delivery and promotion of improved transport infrastructure and public transport will increase accessibility to key services, jobs and education throughout the region.

Overall, carrying out the screening grid has identified that a number of groups will benefit from the aims and objectives of TfSE being a statutory body. For example, individuals with limited access to a private car (such as the elderly and young people) will benefit from promotion of modes of transport that are different from a car in terms of affordability and accessibility. Those residents who are unable to drive (such as some people with a disability, or again Age), will benefit from improved travel options and this will also benefit carers across Kent and the south east. Due to the nature of their travelling preferences and independence from a car, women will also benefit from affordable and improved transport services.

Adverse Impact

After completing the initial screening grid, it indicated that KCC proposed response to TfSE's consultation on its draft proposal will not have a significant negative impact on any of the protected characteristics. Individual schemes that are delivered as part of TfSE's priorities will be subject to an individual Equalities Impact Assessment as the schemes are developed and taken forward for delivery to ensure that no protected characteristics are adversely impacted.

Positive Impact

The aims and objectives of TfSE becoming a statutory body and promoting schemes will encourage a better quality of life for all residents within Kent and the South East, by providing a transport network of all modes that enables access to jobs and services within the county. Therefore, it will benefit the overall needs of residents within Kent and the South East region.

The older generation and families with younger children tend to rely on public transport, and therefore will benefit from more affordable and accessible transport solutions (bus and rail) that will enable them to enjoy their journeys throughout Kent, for example through accessing jobs and education services. The provision and promotion of active travel choices will potentially benefit all

residents' health and well-being, but equally reducing congestion and pollution will benefit road users. Disabled people, who rely on public transport, will also be a beneficiary.

JUDGEMENT

- **No major change** - no potential for discrimination and all opportunities to promote equality have been taken

Internal Action Required **YES/NO**

Equality Impact Analysis/Assessment Action Plan – N/A

Protected Characteristic	Issues identified	Action to be taken	Expected outcomes	Owner	Timescale	Cost implications

Have the actions been included in your business/ service plan?

N/A

Appendix

Please include relevant data sets – N/A

Please forward a final signed electronic copy and Word version to the Equality Team by emailing diversityinfo@kent.gov.uk

If the activity will be subject to a Cabinet decision, the EqIA must be submitted to committee services along with the relevant Cabinet report. Your EqIA should also be published.

The original signed hard copy and electronic copy should be kept with your team for audit purposes.

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From: Mike Hill, Cabinet Member for Community and Regulatory Services
Barbara Cooper, Corporate Director of Growth, Environment and Transport

To: Environment and Transport Cabinet Committee – 16 July 2019

Decision No: 19/00055

Subject: Contract for Coroners' Post-Mortem Examinations, North West Kent Coroners Area

Classification: Part 1 Report – Unrestricted
Part 2 Appendix - Exempt as defined in Schedule 12A of the Local Government Act 1972

Past Pathway of Paper: N/A

Future Pathway of Paper: N/A

Electoral Division: All in North-West Kent

Summary: This paper describes the proposed future provision of contractual arrangements for mortuary and Post Mortem Examination (PME) services in the Mid Kent & Medway coroner area.

Recommendation(s): The Environment and Transport Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Community and Regulatory Services on the decision to award a four-year contract to Maidstone & Tunbridge Wells NHS Trust (MTW) for the provision of post mortem (PM) facilities at Tunbridge Wells Hospital, Pembury for the Mid Kent & Medway coroner area as shown as Appendix A.

1. Introduction

- 1.1 Coroners are independent judicial office holders, appointed by the local authority within the coroner area. Local authorities have a legal obligation to support the work of coroners, to fund all the costs of the service and to provide the necessary resources to enable them to carry out their statutory obligations under the Coroners and Justice Act 2009. This includes the provision of contractual arrangements for mortuary and PME services.
- 1.2 KCC does not have its own public mortuary and has always commissioned the NHS in Kent & Medway to provide this service as no such facilities exist outside the NHS in Kent. For the administrative areas of KCC and Medway Council, KCC is legally responsible for meeting all the costs of the coroner service. However, Medway Council meets 15.3% of the total cost (based on Medway population as a percentage of the total Kent & Medway population

and this is updated annually using the mid-year population estimates) and the detailed arrangements for this are set out in a SLA.

1.3 Coroners investigate deaths that have been reported to them if they have reason to think that:

- The death was violent or unnatural;
- The cause of death is unknown; or
- The deceased died while in prison, police custody or another type of state detention.

1.4 When a death is reported to the Coroner, he or she:

- Establishes whether an investigation is required.
- If yes, investigates to establish the identity of the person who has died and how, when, and where they died, and any information to register the death.
- Uses information discovered during the investigation to assist in the prevention of other deaths where possible.

1.5 In some cases, the coroner will order a PME to establish the cause of death and the deceased is taken by KCC's body removal provider to a pre-designated Kent NHS Trust mortuary for this purpose. On behalf of the Kent Senior Coroners, KCC ensures access to body storage and PME facilities across the four Kent coroner areas.

1.6 Mortuary and PME facilities are a business-critical function, a statutory responsibility and, importantly should it fail, carries a high risk of reputational damage to KCC, Medway Council, the Provider and the Kent and Medway Senior Coroners.

2. The Report

2.1 The contract for mortuary and PME services at Tunbridge Wells Hospital, with Maidstone & Tunbridge Wells NHS (MTW) expired on the 31st March 2019 and needs to be renewed. Although negotiations to renew the contract began in August 2018, it was not possible to agree terms by the renewal date and so a contract extension is currently in place.

2.2 In Kent the supplier market for coroners' mortuary and PME facilities is limited to the NHS as there are no private sector suppliers of this highly specialised service.

2.3 Our Kent NHS partners only provide sufficient body storage capacity for deaths at their own hospitals which are not subject to referral to the coroner, and for coroner cases for the relevant coroner's area based on past local demand. Body storage capacity is therefore finite and during the winter period it is sometimes necessary for the Trusts to hire temporary storage units for which KCC contributes to the cost. Therefore, none of the other Kent NHS

mortuaries have sufficient body storage capacity to absorb the PME activity currently undertaken by MTW.

- 2.4 The nearest public mortuary is at Greenwich and past experience has shown this not to be a suitable alternative location. We therefore have just one option to continue provision of this statutory service and that is to enter into a new contract with MTW. The benefit of this approach is the continued delivery of this critical service with a proven provider who has delivered to a high level for many years.

3. Financial Implications

- 3.1 Based on 2018-19 activity levels the estimated cost for the four years (based on the proposed new rates) is £676,000. This is a 21% increase over the previous contract and is an unavoidable pressure on the budget which the service seeks to address through the Medium Term Financial Planning process. The provider is required to perform the following services:
- 24 hours a day, 365 days of the year for short term refrigerator body storage.
 - 24 hours a day, 365 days of the year for long term freezer body storage.
 - 8am - 4pm Monday to Friday for carrying out routine and complex coroners PMEs.
 - 8am - 4pm for the release of deceased to family funeral directors following completion of a PME.
 - Out of hours provision of mortuary services for forensic PMEs.
 - 8am - 4pm Monday to Friday for ID of the deceased.

Further financial details are shown in the confidential appendix.

4. Legal considerations

- 4.1 This opportunity has not been subject to competition. This is supported by Regulation 32(2)(b)(ii) of the Public Contract Regulations which states that a Negotiated Procedure without Prior Publication may be used where services can be supplied only by a particular economic operator where competition is absent for technical reasons.

5. Equality considerations

- 5.1 An Equality Impact Assessment has been carried out and there is no potential for discrimination and all opportunities to promote equality are currently being taken in line with KCC policies and statutory requirement. Should any issues arise they will be dealt with in accordance with KCC policies and statutory requirements.

6. Conclusions

- 6.1 Local authorities have a legal obligation to support the work of coroners and this includes the provision of contractual arrangements for mortuary and PME services.
- 6.2 The supplier market for coroners' mortuary and PME facilities is limited to the NHS and a small number of local authority owned public mortuaries as there are no private sector suppliers of this highly specialised service.
- 6.3 The only viable option given the very specialist nature of the work and absence of any alternative providers in the current market is to renew the contract with current provider without competition.

7. Recommendation

Recommendation:

- 7.1 The Environment and Transport Cabinet Committee is asked to consider and endorse or make recommendations to the Cabinet Member for Community and Regulatory Services on the decision to award a four-year contract to Maidstone & Tunbridge Wells NHS Trust (MTW) for the provision of post mortem (PM) facilities at Tunbridge Wells Hospital, Pembury for the Mid Kent & Medway coroner area as shown as Appendix A.

8. Contact details

Report Author:

Giles Adey
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Relevant Director:

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

**Mike Hill, Cabinet Member for
Community and Regulatory Services**

19/00055

For publication

Key decision: YES

Subject Matter / Title of Decision

Contract for Coroners' Post-Mortem Examinations, North West Kent Coroners Area

Decision:

As Cabinet Member for, Community and Regulatory Services, I agree to award a four-year contract to Maidstone & Tunbridge Wells NHS Trust (MTW) for the provision of post mortem (PM) facilities at Tunbridge Wells Hospital, Pembury for the Mid Kent & Medway coroner area.

Reason(s) for decision:

Coroners are independent judicial office holders, appointed by the local authority within the coroner area. Local authorities have a legal obligation to support the work of coroners, to fund all the costs of the service and to provide the necessary resources to enable them to carry out their statutory obligations under the Coroners and Justice Act 2009. This includes the provision of contractual arrangements for mortuary and PME services.

Cabinet Committee recommendations and other consultation:

The proposed decision and principles for future charging is being discussed at the Environment and Transport Cabinet Committee on 16 July

Any alternatives considered and rejected:

None

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

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KCC - Growth, Environment and Transport Directorate (GET).

Equality Analysis / Impact Assessment (EqIA) template

Name of decision, policy, procedure, project or service:

Renewal of contracts with the NHS for the provision of mortuary facilities and staff to carrying out post mortems on behalf of the Kent Coroners.

Brief description of policy, procedure, project or service

Kent County Council (KCC) is responsible for supporting the Senior Coroners for Kent and Medway to provide the coroner service to Kent and Medway residents.

The Coroner has a duty to investigate a death where there are reasons to suspect that:

- The deceased died a violent or unnatural death;
- The cause of death is unknown;
- The deceased died while in custody or otherwise in state detention.

When a death is reported to the Coroner, he or she

- Establishes whether an investigation is required;
- If yes, investigates to establish the identity of the person who has died; how when and where they died and any information to register the death; and
- Uses information discovered during the investigation to assist in the prevention of other deaths where possible.

In some cases the Coroner will require a post mortem examination by a suitably qualified medical practitioner such as a Pathologist to find out the cause of death. This involves an invasive procedure to open and examining the body and in some cases body fluid and tissue samples will be taken for analysis. A new technique is becoming available in some part of the country (nearest Oxford

Date Document Updated 08/07/2019

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and Birmingham) whereby the deceased has a non invasive post mortem procedure, a CT scan which in some cases but not all can establish the cause of death. This procedure is favoured by some religious groups (Jewish and Muslim) and in such cases the Coroner is able to consider requests from next of kin ((NOK)/personal representative)) for a CT of the deceased. If the Coroner agrees to a CT scan, and it is not conclusive, the Coroner will order an invasive post mortem. By law the Coroner is not required to obtain consent to the post mortem examination from the NOK. The NOK cannot attend a post mortem but the coroner is legally required to tell the NOK where and when the post mortem will take place and the NOK may ask to be represented at the post mortem by a doctor of their choice. A Coroners Officer acting on behalf of the Coroner will explain this to the NOK and the reasons why the post mortem is necessary, and what happens after the post mortem. The NOK will also be sent a copy of the Guide to Coroner Services which is published by the Ministry of Justice. This gives an overview of coroners and investigations and the standards of service that can be expected.

The Coroner has physical control of the body (as evidence) from the time he/she has been informed of the death, until the time the all the necessary enquiries have been concluded, at which point the body can be released to the family. The Coroner's control of the body is absolute (jurisdiction) and supercedes any claim on the body by the family, or for example any other organisations such as the police.

The NOK or a representative of their choice may be asked to formally identify the body and sometimes this will take place at the mortuary. This is usually done through a glass window rather than being in the same room. Viewings by the NOK are at the discretion of Coroner but are not normally allowed as the expectation is that viewings take place at the funeral directors premises after the coroner has released the body.

On behalf of the Kent Senior Coroners, KCC is responsible for putting contracts in place for the provision of mortuary facilities, body storage and specialist staff to carry out post mortems to help establish the cause of death. The contract for post mortems for the North West Kent Coroner area is due for renewal on 1 April 2019.

Aims and Objectives

- Ensure statutory compliance by KCC and the Kent Senior Coroners
- Ensure best value in the use of public funds through a formal procurement process

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JUDGEMENT

No major change - no potential for discrimination and all opportunities to promote equality are currently being taken in line with KCC policies and statutory requirement. Should any issues arise they will be dealt with in accordance with KCC policies and statutory requirements.

I have found the Adverse Equality Impact Rating to be **Low**

GET Document Control

Revision History

Version	Date	Authors	Comment
V0.1	28/07/19	Debbie Large	
V1 (this should be assigned to the version the Director signs off)			

Page 180

Document Sign-Off (this must be both the relevant Head of Service and the relevant Director)

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment. I agree with the actions to mitigate any adverse impact(s) that has /have been identified.

Name	Signature	Title	Date of Issue
Debbie Large		Head of Service	28-07-19
Stephanie Holt-Castle		Interim Director	

Date Document Updated 08/07/2019

This document is available in other formats. Please contact diversityinfo@Kent.gov.uk or telephone on 03000 415 762

Part 1 - Screening

Protected Group	You <i>MUST</i> provide a brief commentary as to your findings, or this EqlA will be returned to you unsigned			
	High Negative Impact	Medium Negative Impact	Low Negative Impact	High/Medium/Low Favourable Impact
Age			NOK are not allowed to attend a post mortem. There is no age restriction as regards attending an identification or a viewing although in the latter case, the presumption is for this to take place at the funeral director's premises. For the elderly and children, where it is deemed necessary and appropriate for them to attend, it is for the NOK, not the Coroner to arrange for them to be accompanied at an identification or viewing.	

Disability			If someone with a disability wishes to attend an identification or viewing, it is for the NOK to arrange for them to be accompanied if necessary. The Coroners Officer will explain the access arrangements to the NOK, including if there are any restrictions and mortuary staff will be on hand to assist if necessary.	
Gender			There is no impact on the gender characteristic.	
Gender identity/ Transgender			Toilet facilities at the hospital are provided by the hospital Trust not the Coroner and are outside the scope of the contract. Otherwise there is no impact on the gender identity/transgender characteristic.	
Race				If the NOK attending an identification cannot

				<p>speak English, and this is made known to the Coroner in advance, the Coroners Officer can arrange for a translator to be present.</p>
Religion and Belief				<p>The Coroner is able to consider a request for a non invasive post mortem on religious and belief grounds but is under no obligation to agree to it. If the Coroner agrees to a non invasive post mortem and it is not conclusive the Coroner is likely to order a full or partial invasive post mortem. There is no appeal mechanism against a Coroners judicial decision to order an invasive post mortem other than by way of a Judicial Review through the courts. For some faiths it is custom and practice to bury the</p>

				deceased within 24-48 hours although in cases where the death is referred to the Coroner, this is not possible as the need for the Coroner to complete his/her enquiries takes precedence. The Coroner will though make every effort to release the body as soon as possible after the post mortem examination.
Sexual Orientation				There is no impact on the sexual orientation characteristic.
Pregnancy and Maternity				If the NOK attending an identification or viewing is pregnant and has any special needs it is for the NOK to arrange this with other family members or friends. If the NOK attending an identification or viewing has young children that need

			caring for whilst the identification or viewing is in progress it is for the NOK to put these arrangements in place with other family members or friends. The Coroner is able to consider a request to meet any reasonable costs for putting alternative care arrangements in place, but only for an identification.	
Marriage and Civil Partnerships			There is no impact on the marriage/civil partnership characteristic.	
Carer's Responsibilities			If the NOK attending an identification or a viewing is a carer, it is for the NOK to put alternative care arrangements in place during his/her absence. The Coroner is able to consider a request to meet any reasonable costs for putting alternative care	

			arrangements in place, but only for an identification.	
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From: Mike Hill, Cabinet Member for Community and Regulatory Services
Barbara Cooper, Corporate Director of Growth, Environment & Transport

To: Environment and Transport Cabinet Committee – 16 July 2019

Decision No: N/A

Subject: Serious and Organised Crime

Classification: Part 1 Report – Unrestricted
Part 2 Appendix - Exempt as defined in Schedule 12A of the Local Government Act 1972

Electoral Divisions: All divisions

Summary: The purpose of this paper is to provide Cabinet Committee with an update on Serious and Organised Crime in Kent.

Recommendation(s):

The Cabinet Committee is asked to consider and endorse KCC's approach to Serious and Organised Crime.

1. Introduction

- 1.1 Serious and organised crime (SOC) affects more UK citizens, more often, than any other national security threat¹.
- 1.2 It is estimated to cost the UK economy at least £37billion per year, with this cost increasing year on year.
- 1.3 The main categories of serious offences covered by the term 'serious organised crime' are child sexual exploitation and abuse, illegal drugs, illegal firearms, fraud, money laundering and other economic crime, bribery and corruption, organised immigration crime, modern slavery and human trafficking, and cybercrime.
- 1.4 Organised crime is defined as serious crime planned, coordinated and conducted by people working together on a continuing basis. Organised criminals working together for a criminal activity or activities are referred to as an organised crime group (OCG).

¹ National Crime Agency National Strategic Assessment of Serious and Organised Crime 2019

1.5 At the end of June 2018, the National Crime Agency was aware of 4,542 organised crime groups operating in the UK.

2. The Home Office Serious and Organised Crime (SOC) Strategy

2.1 The Home Office Serious and Organised Crime strategy (SOC Strategy) was reviewed and published in November 2018 and calls for local authorities and a range of partners to play an important role alongside the Police to tackle SOC and OCGs.

2.2 The SOC Strategy sets out how the Government 'will use the full force of the State, aligning collective efforts to target and disrupt serious and organised criminals, equip the whole of government, the private sector, communities and individual citizens to play their part in a single collective endeavour to rid society of the harms of serious and organised crime, whether they be child sexual exploitation and abuse, the harm caused by drugs and firearms, or the day to day corrosive effects on communities across the country. The Government will prevent people from engaging in serious and organised crimes; protect victims, organisations and systems from its harms; and prepare for when it occurs, mitigating the impact...'

2.3 The SOC Strategy details four overarching objectives:

- Relentless disruption and targeted action against the organised criminal networks who are causing the most harm.
- Building the highest levels of defence and resilience in vulnerable people, communities, businesses and systems.
- Stopping the problem at source, identifying and supporting those at risk of engaging in criminality.
- Establishing a single, whole system approach.

3. The National Context

3.1 Key national statistics include:

- a 25% increase in firearm offences between 2015/16 and 2017/18.
- 43% of UK businesses identified at least one cyber security breach or attack in 2017.
- A 35% increase in potential modern slavery and human trafficking victims referred to the National Referral Mechanism in 2017.
- Online child sexual exploitation and abuse referrals have risen by 700% in the last four years.
- In the year ending June 2018, there were 3.3 million fraud incidents in England and Wales².

² All stats above have been taken from the Home Office opening statement at the SOC Strategy 2018 London Workshop

- 3.2 Furthermore, 44% of OCGs are connected to at least one limited company³. In 2016/17, the Home Office organised pilots with Local Authorities (1 County Council, 1 District Council, 2 London Borough Councils and their Police counterparts) to understand the threat that serious organised crime poses to publicly procured services in local authorities (LAs) and how to respond to that threat. Procurement is considered to be lucrative and attractive to serious organised criminals because there are multiple ways to commit fraud, including price fixing, bid rigging, double invoicing etc. The pilot adopted a two-phase approach – the first was a data washing exercise which checked LA data against the Police Organised Crime Group Mapping data. From this, 10 ‘direct’ links with criminal activity were found in two pilot areas - one of which was a County Council. The second phase followed up the links identified taking forward joint LA/Police work.
- 3.3 The pilot identified supplier sectors and areas that were potentially of higher risk from organised crime group exploitation – waste firms and taxis were considered the highest risk.

4. SOC in Kent

4.1 Key statistics for Kent include:

- Between April 2010 and September 2018, knife crime in the county increased by 152%.⁴
- In 2018, Kent Police carried out 171 investigations into slavery offences
- 3 of the 9 case studies featured in the NCA National Strategic Assessment featured Kent, 2 in relation to incidents that had occurred at Dover point of entry and 1 in relation to the perpetrator living in Kent.

4.2 More detailed information for Kent is provided in the confidential appendix.

5. The Kent Approach

- 5.1 The SOC Strategy calls for local authorities and a range of partners to play an important role alongside the Police to tackle SOC and OCGs.
- 5.2 Chair of the Local Government Association’s Safer and Stronger Communities Board, Cllr Simon Blackburn, responded to the launch of the SOC Strategy in November 2018 stating “Councils play a key role in tackling organised crime such as serious violence and modern slavery, and protecting children and vulnerable adults from exploitation. It is good that the Government acknowledges this in the strategy, but what we really need to see is long-term investment in local services, so we can identify signs of exploitation and intervene at an early stage. This isn’t just about law enforcement, but communities too.”

³ Independent review into SOC in the waste sector – November 2018

⁴ The Guardian (10 March 2019) County lines drugs blamed for Kent’s big rise in knife crime, online, <https://www.theguardian.com/uk-news/2019/mar/10/county-lines-drugs-kent-knife-crime-rise-cuts>

- 5.3 The Home Office Serious and Organised Crime Strategy champions the '4P' approach - Pursue, Prevent, Protect and Prepare - to tackle and disrupt serious and organised criminals, groups and gangs.
- 5.4 Generally, Kent Police is the lead responsible agency (however this is not always the case) and the named Lead Responsible Officer manages the creation of a '4P' plan.
- 5.5 Kent Police has established a strategic multi-agency working group with key local and national enforcement partners to enable more coordinated and collaborative working on the issue. is currently represented by Barbara Cooper and Natalie Liddiard.
- 5.6 Two meetings have taken place so far and identified the continuing need for information and intelligence sharing between members.
- 5.7 KCC currently provides a range of frontline services and back office functions which contribute to work under the 4P headings. However, there are opportunities to coordinate better this activity which will serve to increase robustness and ensure that operational activity is underpinned by Kent wide intelligence. The locally based sharing of essential information and impactful interventions will also be developed further.
- 5.8 As one of the largest employers and procurers in Kent, it is essential that the policies, procedures and training for staff is appropriate and that the risk posed to the organisation by Serious and Organised Crime is minimised as much as possible.
- 5.9 Funding has been agreed for a suitably graded officer to lead a cross-directorate county-wide programme reviewing how KCC is responding to, and is prepared for, the issues and threats that serious organised crime poses to the Authority.
- 5.10 Due to the sensitive nature of this work, further details of the approach in Kent, and the actions that KCC are taking in tackling this can be found in the Confidential Appendix.

6. Recommendation(s)

Recommendation(s):

- 6.1 The Cabinet Committee is asked to consider and endorse KCC's approach to Serious and Organised Crime.

7. Contact details

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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From: Benjamin Watts, General Counsel

To: Environment and Transport Cabinet Committee on 16 July 2019

Subject: Work Programme 2019 -2020

Classification: Unrestricted

Past and Future Pathway of Paper: Standard agenda item

Summary: This report gives details of the proposed work programme for the Environment and Transport Cabinet Committee.

Recommendation: The Environment and Transport Cabinet Committee is asked to consider and agree its Work Programme for 2019/20.

1. Introduction

- 1.1 The proposed Work Programme, appended to the report, has been compiled from items in the Future Executive Decision List and from actions identified during the meetings and at agenda setting meetings, in accordance with the Constitution.
- 1.2 Whilst the Chairman, in consultation with the Cabinet Members, is responsible for the programme's fine tuning, this item gives all Members of this Cabinet Committee the opportunity to suggest amendments and additional agenda items where appropriate.

2. Work Programme 2019/20

- 2.1 The proposed Work Programme has been compiled from items in the Future Executive Decision List and from actions arising and from topics, within the remit of the functions of this Cabinet Committee, identified at the agenda setting meetings [Agenda setting meetings are held 6 weeks before a Cabinet Committee meeting, in accordance with the Constitution].
- 2.2 The Cabinet Committee is requested to consider and note the items within the proposed Work Programme, set out in appendix A to this report, and to suggest any additional topics to be considered at future meetings, where appropriate.
- 2.3 The schedule of commissioning activity which falls within the remit of this Cabinet Committee will be included in the Work Programme and considered at future agenda setting meetings to support more effective forward agenda planning and allow Members to have oversight of significant services delivery decisions in advance.
- 2.4 When selecting future items, the Cabinet Committee should give consideration to the contents of performance monitoring reports. Any 'for information' items

will be sent to Members of the Cabinet Committee separately to the agenda and will not be discussed at the Cabinet Committee meetings.

- 2.5 In addition to the formal work programme, the Cabinet Member for Economic Development, the Chairman of the Cabinet Committee and other interested Members are intending to visit all district councils over the next two years starting with Dover, Dartford, Swale and Thanet.

3. Conclusion

- 3.1 It is vital for the Cabinet Committee process that the Committee takes ownership of its work programme to deliver informed and considered decisions. A regular report will be submitted to each meeting of the Cabinet Committee to give updates of requested topics and to seek suggestions for future items to be considered. This does not preclude Members making requests to the Chairman or the Democratic Services Officer between meetings, for consideration.

5. Recommendation: The Environment and Transport Cabinet Committee is asked to consider and agree its Work Programme for 2019/20.

6. Background Documents: None

7. Contact details

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Environment and Transport Cabinet Committee - WORK PROGRAMME 2019/20
Updated – 05/07/2019

Item	Cabinet Committee to receive item
Portfolio Dashboard	At each meeting
Budget Consultation	Annually (November/December)
Final Draft Budget	Annually (January)
Annual Equality and Diversity Report	Annually (June/July)
Risk Register – Strategic Risk Register	Annually (March)
Winter Service Policy	Annually (September)
Work Programme	At each meeting

10 October 2019				
No.	Item	Key Decision	Date added to WP	Additional Comments
1	Intro/ Web announcement (Standing Item)			
2	Apologies and Subs (Standing Item)			
3	Declaration of Interest (Standing Item)			
4	Minutes (Standing Item)			
5	Verbal Update (Standing Item)			
6	Archaeology Report and Presentation			
7	Performance Dashboard			
8	Tunbridge Wells Transport Strategy			
9	Transport for South East (TfSE) - endorse TfSE proposal			
10	Household Waste Recycling Centre			
11	Food Processing			
12	Waste Transfer Station and Bulk Processing			
13	Public Rights of Way Asset Management			
14	Winter Service Policy			
15	Work Programme (Standing Item)			
	EXEMPT			
16	Contract Management (Standing Item)			

29 November 2019				
No.	Item	Key Decision	Date added to WP	Additional Comments
1	Intro/ Web announcement (Standing Item)			
2	Apologies and Subs (Standing Item)			
3	Declaration of Interest (Standing Item)			
4	Minutes (Standing Item)			
5	Verbal Update (Standing Item)			
6	Performance Dashboard			
7	Work Programme (Standing Item)			
	EXEMPT			
8	Contract Management (Standing Item)			

24 January 2020				
Page No	Item	Key Decision	Date added to WP	Additional Comments
1	Intro/ Web announcement (Standing Item)			
2	Apologies and Subs (Standing Item)			
3	Declaration of Interest (Standing Item)			
4	Minutes (Standing Item)			
5	Verbal Update (Standing Item)			
6	Performance Dashboard			
7	Work Programme (Standing Item)			
	EXEMPT			
8	Contract Management (Standing Item)			

24 March 2020				
No.	Item	Key Decision	Date added to WP	Additional Comments
1	Intro/ Web announcement (Standing Item)			
2	Apologies and Subs (Standing Item)			
3	Declaration of Interest (Standing Item)			
4	Minutes (Standing Item)			
5	Verbal Update (Standing Item)			
6	Performance Dashboard			
7	Work Programme (Standing Item)			
	EXEMPT			
8	Contract Management (Standing Item)			

15 May 2020				
No.	Item	Key Decision	Date added to WP	Additional Comments
1	Intro/ Web announcement (Standing Item)			
2	Apologies and Subs (Standing Item)			
3	Declaration of Interest (Standing Item)			
4	Minutes (Standing Item)			
5	Verbal Update (Standing Item)			
6	Performance Dashboard			
7	Work Programme (Standing Item)			
	EXEMPT			
8	Contract Management (Standing Item)			

Items for Consideration that have not yet been allocated to a meeting	
17/00084 – A247 Sutton Road, Maidstone at its junction with Willington street	
18/00037 - M2 Junction 5	
Thanet Parkway Commissioning Plan	
19/00050 – A20 Coldharbour Roundabout Improvement	
19/00052 – Gypsy and Traveller Pitch Allocation Policy	