

KENT COUNTY COUNCIL

ENVIRONMENT & TRANSPORT CABINET COMMITTEE

MINUTES of a meeting of the Environment & Transport Cabinet Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 23 January 2020.

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

ALSO PRESENT: Mr P M Hill, OBE, Miss S J Carey and Mr M D Payne

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

UNRESTRICTED ITEMS

239. Membership

(Item 1)

The Chairman announced that Mr Northey had joined the Committee in place of Mr Payne.

240. Apologies and Substitutes

(Item 2)

No apologies for absence had been received.

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

(Item 3)

Mr R Bird declared in interest in item 7 of the agenda due to his residency in Yalding.

Mr M Balfour declared an interest in item 10 of the agenda as the Kent County Council representative on the Joint Advisory Committee of the Area of Outstanding Beauty (AONB).

242. Minutes of the meeting held on 29 November 2019

(Item 4)

1. A question was raised regarding the public consultation carried out in accordance with the revised Thanet Parkway recommendation made at the last Environment and Transport Cabinet Committee *(item 11, minute*

227.8). Mr Payne (Cabinet Member for Highways and Transport) informed the Committee that the results of the survey that had been actioned as a result of the revised recommendation presented to Cabinet on 2 December 2019 had not been published, however, the item was due to be discussed at Cabinet on Monday 27 January 2020.

2. It was RESOLVED that the minutes of the meeting on 29 November are a correct record and that they be signed by the Chairman.

243. Verbal Update

(Item 5)

1. Mr Hill, OBE (Cabinet Member for Community and Regulatory Services) provided a verbal update on the expected changes to the Brexit planning assumptions and presented the information (as set out below) from the Kent Resilience Forum:

- (a) Kent County Council (KCC) and the Kent Resilience Forum (KRF) received official notification from Government on 24 December that operation Yellowhammer (Government's contingency plan) had been stood down and as a result Operation Fennel (Kent County Council's contingency plan) would not be stood up for 31 January 2020.

On 13 January 2020 Highways England began work to remove the Brock barrier from the M20 and all work was expected to be completed by 1 February 2020. Both KCC and KRF had issued press releases informing the public of the barrier removal.

The Department for Exiting the European Union (EU) had confirmed that the Withdrawal Agreement Bill was expected to be ratified by the end of the month and the working assumption was that there would be no disruption or additional checks at the ports as of 1 February 2020 as the UK would still be treated as a member state. There remained a risk that the UK would leave the EU without a trade agreement on 31 December 2020 (the end of the implementation period). KCC and the KRF were working with key stakeholders to understand the potential implications of this in Kent. The KRF had not yet received any updated planning assumptions for December 2020, however, Government departments had provided assurance that the assumption would be shared within the next two months. When planning assumptions were received the County Council and the KRF would work with planners and partners to ensure that appropriate mitigations were in place to minimise any impact to Kent businesses, residents and communities. The County Council continued to plan for any risk of industrial protest or any other direct action that sought to influence on-going negotiations. There were 172 service specific business continuity plans in place

which were subject to regular review and updates to ensure that the Council was resilient to potential disruption.

Two emergency planning exercises were also staged during January which used a prolonged Operation Stack scenario.

2. Miss Carey (Cabinet Member for Environment) gave a verbal update on the following:

(a) **Kent Biodiversity Strategy**

The Kent Biodiversity Strategy was due to be complete by the end of February 2020 and a report would be presented to the Committee in March 2020.

(b) **Household Waste Recycling Centres**

Miss Carey commended the staff at the Household Waste Recycling Centres (HWRCs) for their on-going commitment to delivering a high-standard of service, particularly over busy periods such as Christmas. Miss Carey said that she had visited Kent's HWRC sites and had received positive feedback from residents regarding the excellent facilities offered by KCC.

(c) **Tonbridge & Malling Household Waste Recycling Centre consultation**

The Tonbridge & Malling Household Waste Recycling Centre consultation was underway. Members of the public had until 31 January 2020 to submit their response to the consultation and statutory bodies had until 7 February 2020. Subject to a satisfactory outcome of the planning process and the ability to meet the local authority's pricing threshold, the contract was scheduled for award on 25 February 2020. Members would receive a further update at the Environment and Transport Cabinet Committee on 31 March 2020.

(d) **Energy and Low Emission Strategy**

The Energy and Low Emission Strategy consultation report had been taken to the Kent and Medway Chief Executive Board and was to be presented to the Kent and Medway Leaders Board on 26 January 2020 for further comment and amendment. A report would be presented to the Environment and Transport Cabinet Committee in March 2020.

(e) **Kent Environment Strategy**

Officers continued to work on the actions that had emerged from the Kent Environment Strategy and these were to be developed further by the Kent Environment Strategy Cross-Party Member Working Group, the meeting of which was due to be held on 30 January 2020. A list of 'no regrets' and 'do now' actions were also in the process of being developed and would be circulated to all partners in due course. Work

also continued on the Net Zero assessment that fell within the remit of the Kent Environment Strategy Cross-Party Member Working Group. KCC was also on-track to set the accelerated target for the carbon budget and associated action plan by May 2020. Miss Carey noted that KCC had installed solar panels on five of its buildings and planned for a further solar installation over the coming months. KCC had also identified two closed landfill sites as possible locations for a solar farm. An assessment to review the proposal was underway.

3. Mr Payne (Cabinet Member for Highways and Transport) gave a verbal update on the following:

(a) **The weather and potholes**

The predicted road surface temperatures in December resulted in thirty nights of gritting, with twelve full county-wide runs and one partial run.

The prolonged wet weather on Kent's roads had a detrimental impact and as a result, KCC had received an increased number of inquiries relating to potholes. Kent's Highways team had addressed this, and repairs had been undertaken. Mr Payne informed the Committee that 75% of pothole inquiries had been reported via the online portal. He encouraged Members to promote the use of the online reporting tool to their residents as a more effective way of collating data, prioritising work and effectively deploying the correct resources.

The tail end of storm Brendan was felt mainly across mid and west Kent on the night of 14th January. Out of Hours highway officers were doubled up for the event and were kept busy most of the night particularly with fallen trees and flooding. On the morning of 15th only three roads remained closed because of fallen trees and these were opened once cleared.

KCC had received £1.2m for the 2020 Pothole Blitz and would be using 10 contractors from February to help deliver the required work. KCC had also adopted the approach, where appropriate, of carrying out large patch repairs which encompassed a number of smaller defects.

(b) **Faversham Bridge**

The Faversham Creek bridge was removed in early December 2019 which exposed a number of structural failings. Mr Payne re-visited the site on 12 December when it was decided to upgrade the footpath with a new tarmac surface and temporary lighting. The new surface would remain in place as a permanent asset of the residents after the bridge's repair. During the interim, the bridge had temporary pads constructed either side of the abutments to support the new temporary footbridge

and road bridge which was installed on 16 January 2020. It would be open to the public on 24 January 2020. Mr Payne expressed his thanks to the residents of Faversham for their cooperation and to KCC's contractors for their rapid response and consideration. He also thanked Earl Bourner (Kent Highways) who had had the day-to-day responsibility for efficiently managing responses to a difficult set of issues.

4. The Cabinet Members and Director of Highways, Transportation and Waste responded to comments and questions as follows:

(a) Mr Hill agreed to circulate the estimated cost of the Brexit planning assumptions and operations to Members.

(b) In response to suggestions made to include the Highways telephone number on Council Tax forms for residents to report potholes, Mr Payne said that it for County Members to encourage and help their residents to make enquiries using the online reporting tool.

(c) With regard to the recuperation of costs for the Faversham bridge, Mr Jones (Director of Highways, Transportation and Waste) assured Members that KCC was in dialogue with the Peel Port (Faversham's Maritime Authority) regarding issues around flood gates, navigational rights, liabilities etc. The details were confidential and so could not be shared with the committee, but it was assured that KCC continued to pursue cost liabilities.

5. It was RESOLVED that the verbal updates be noted, with thanks.

244. HGV Member Working Group Report

(Item 7)

Tim Read (Head of Transportation) was in attendance for this item.

1. Mr Payne (Cabinet Member for Highways and Transport) introduced the report which summarised the work undertaken to date by the Heavy Goods Vehicle (HGV) Informal Member Working Group and the proposal to implement a trial lorry control area in the county to eliminate or substantially to reduce, inappropriate HGV movements. Mr Payne thanked the Chairman for his initiative and sought agreement from the Committee to formalise the arrangements into a Cross-Party Member Working Group (CPMG).

2. Mr Read informed the Committee that as part of the work officers had been engaged with the Department for Transport (DfT) with the aim of securing powers Kent County Council (KCC) would require in order to undertake enforcement directly within the trial area, rather than be reliant on the police, currently the only authority with relevant powers.

3. The Chairman thanked Mr Read and his commendable efforts to support the HGV working group. Furthermore, he informed the Committee that a meeting had been scheduled with The Leader of the Council to discuss the need for political weight to get the transfer of powers from the government to Kent County Council (KCC). There had been discussions with Kent MPs and KCC was working with the Kent Association of Local Councils on the initiative.
4. The officer responded to comments and questions as follows:
 - (a) In response to trial locations, Mr Read informed Members that having seen the effectiveness of the London Lorry Control Scheme (LLCS), the working group had carried out an initial design for a trial area south of Maidstone. It had been jointly identified with the Kent Association of Local Councils. Mr Read explained that Kent's overall network size was not dissimilar to London and therefore there would be no reason why the scheme would not be as effective if powers were granted.
 - (b) With regard to funding, Mr Read informed Members that the work of the CPMWG would be funded through the existing budget for traffic management. Potentially more money might be needed and this would be taken to Cabinet following the establishment of the CPMWG and confirmation from the DfT. Mr Read told Members the LLCS used specific (London) legislation which enabled London councils to enforce the scheme directly and also enabled Councils to set higher rates of Penalty Charge Notices. The ability to set and issue higher rate fines, allowed the LLCS to operate a self-sustaining scheme with just six enforcement officers. Mr Read advised Members that KCC could work with the police to use their resources or could employ its own enforcement officers, the outcome would be dependent on government's agreement to devolve moving traffic offence enforcement powers to KCC.
 - (c) In response to concerns regarding the practicalities of enforcement, Mr Read assured Members that there would be full consultation with district and borough councils, the Freight Transport Association and the Road Haulage Association. The scheme did not seek to restrict legitimate business, its purpose was to re-direct unauthorised HGVs to more strategic routes and away from Kent's rural roads. The DfT had been asked to provide Ministers and 10 Downing Street with a paper on permitting local authorities relevant enforcement powers under the 2004 traffic Management Act. The response to the paper, expected in early 2020, would directly influence when and if legislation could be enacted, which required a ministerial decision. In the interim, KCC encouraged the public to report illegitimate vehicles on rural roads. In terms of foreign lorries, the LLCS employed European debt recovery agencies to ensure penalty notices were paid and that had proven successful. There was also the possibility of employing technological methods such as cameras to ensure vehicles were recognised upon their return to the UK.

- (d) Members fully supported the initiative and upon the request of the Chairman, the following Members expressed an interest in joining the Cross-Party Member Working group: Mr I Chittenden, Mr B Lewis, Mr H Rayner and Mr J Ozog. The Chairman asked that Members contact the Committee Clerk to confirm their interest in joining the working group.
5. It was RESOLVED that the work undertaken to date by the Informal Member Working Group and the intention to formalise the arrangements into a Cross-Party Member Working Group, be noted.

245. KCC Bus Feedback Portal - Summary of Feedback received January to November 2019

(Item 8)

Steve Pay (Public Transport Planning and Operations Manager) was in attendance for this item.

1. Mr Payne (Cabinet Member for Highways and Transport) introduced the report that set out the results of the bus feedback portal received from its launch in January through to the end of November 2019 and future actions as a result of the feedback received.
2. The officer responded to comments and questions as follows:
 - (a) In response to questions relating to Kent County Council's ability to apply pressure on bus operators to provide additional capacity for school children, Mr Pay informed Members that only 3% of bus operated journeys across Kent fell under the contractual control of KCC. The remaining 97% fell within the contractual control of the commercial bus operators, governed by the Traffic Commissioner. Mr Pay explained that whilst the Council did not contract, control or regulate the operators, the portal helped KCC to understand trends and helped to facilitate informed discussions with the bus operators. Mr Pay told Members that the finding a solution to the issues was not always simplistic and often involved an intelligent mechanism and statutory process which took up to 70 days.
 - (b) With regard to the regularity of communication between KCC and the bus operators, Mr Pay confirmed that Public Transport officers had established portal results as a standing item on the agenda of all Quality Bus Partnership meetings. That provided a more formal setting to highlight the trends with the operators concerned and enabled officers to work with the operators and district councils to improve performance. Less formally, feedback had been, and would continue to be, shared by Public Transport officers with other operators as part of periodic management meeting. Particular trends would be raised more directly.

- (c) Mr Pay acknowledged Members concerns regarding the bus portal interface and website accessibility.
 - (d) Mr Pay recognised the dichotomy in KCC providing the discretionary Travel Saving Scheme to support parents and passholders, but not having the contractual or regulatory power to compel bus operators to make any changes. The bus portal had been created for that reason and gave KCC the ability to capture feedback and voice its concerns directly to the bus operators.
 - (e) In response to the rise in complaints during September, Mr Pay assured Members that a significant degree of work continued to take place with bus operators around the return of schools in September. However, schools had become proactive in managing the issue and representatives from a Maidstone Secondary School had regular meetings with the primary bus operator in that area to try to persuade them to make favourable changes.
 - (f) The Chairman sought the Committee's view on receiving an update report on a six-monthly basis. The proposal was unanimously agreed.
3. It was RESOLVED that the report be noted, and that an update report be presented to the Committee every six months.

246. Transport for the South East: KCC response to draft Transport Strategy for the South East
(Item 9)

Katie Pettit (Principle Transport Planner) was in attendance for this item.

1. Mr Payne (Cabinet Member for Highways and Transport) introduced the report that set out the proposed Kent County Council (KCC) response to the draft Transport Strategy for the South East.
2. Mrs Pettitt informed Members that there was currently only one statutory sub-national transport body (STB) in existence with statutory status, which was Transport for the North. However, there were a number of STBs that were working towards statutory status, one of which was Transport for the South East (TfSE) which was the most advanced in getting statutory status. The proposed KCC response strongly supported the development of the Transport Strategy which was aligned with KCC's own ambition for transport. The draft Strategy was in the process of undergoing a public consultation, however, following a review of the comments received, TfSE aimed to submit a revised Transport Strategy to the Shadow Partnership Board for approval in April 2020, alongside a proposal to government to devolve powers and/or funding to enable local decisions to be taken to

implement the strategy. A review of the finalised plan would be undertaken every five years.

3. Officers responded to comments and questions as follows:

(a) Mrs Stewart (Director of Environment, Planning and Enforcement) advised Members that the complexity of the timing meant officers had to submit a response before the Committee was due to meet. However, this was done on the understanding that the proposed response would be presented to the Committee for final comment and any revisions to it would be permitted.

(b) Mr Payne noted that whilst the examples of partnership working had not been included within the report, there were a number of successes that had been achieved through the collaborative efforts of other authorities, such as the inclusion of Brenley Corner to the Strategic Network.

(c) Mr Payne told Members that that Secretary of State had endorsed the approach taken by TfSE that it would be treated as a statutory body whilst in its current shadow form. In 2018, TfSE had received a grant of £13m from Government to help deliver its objectives and received a further £500k to continue such work. Mr Payne noted that TfSE was the first statutory transport body, operating in shadow form, that had received any money from the government within the last year.

4. It was RESOLVED that the proposed Kent County Council response to the consultation on the draft Transport Strategy for the South East, be noted.

247. Sky lantern and balloon releases on Kent County Council estate

(Item 12)

It was RESOLVED that the need for, and scope of, a formal policy banning the releases of sky lanterns and balloons on Kent County Council estate, be noted.

248. Terms of reference for Cross-Party Member Group to Develop a Natural Capital Policy

(Item 11)

Katie Stewart (Director of Environment, Planning and Enforcement) was in attendance for this item.

1. Miss Carey (Cabinet Member for Environment) introduced the Natural Capital Policy report which included a commitment to plant a tree for every person living in Kent. It was, she said, part of a wider framework to protect, enhance and use Kent's natural capital to manage and adapt to climate

change and support biodiversity. The Cross-Party Member Group would work with officers to set the scope of the proposed policy and framework. It would sit within the broader context of the relevant strategies such as the Kent Environment Strategy, the Energy and Low Emission Strategy, and the Kent Biodiversity Strategy. Miss Carey thanked Mrs Stewart and the officers involved for their continued commitment and for their ability to develop small concepts into something significant and inspiring.

2. Members fully supported the initiative and upon the request of the Chairman, the following Members expressed an interest in joining the Cross-Party Member Working group: Mr M Balfour, Mr I Chittenden, Mr B Lewis and Mr M Whybrow. The Chairman asked Members to contact the Committee clerk to confirm their interest in joining the working group.
3. It was RESOLVED that that the terms of reference for the proposed Cross-Party Member Working Group, be noted.

249. Statutory review of the Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan
(Item 10)

Katie Stewart (Director of Environment, Planning and Enforcement) was in attendance for this item.

1. Miss Carey (Cabinet Member for Environment) introduced the report that set out the context and details of the review of the statutory Management Plan for the Kent Downs Area of Outstanding Natural Beauty (AONB).
2. Mrs Stewart told Members that Kent County Council was bound by law to act jointly with eleven other Local Authorities which contained parts of the AONB to prepare and adopt a management plan for the landscape. The current AONB adopted in 2014 was under review and a revised draft management plan was due to be published for consultation in February 2020. The key contextual changes to the draft management plan included recognition of climate change; development pressures on the AONB; uncertainty around leaving the European Union; the associated issues around land management and the importance of the AONB in contributing to the health and wellbeing of communities. Further detail of the contextual changes was outlined in section 3.8 of the report.
3. Officers responded to comments and questions as follows:
 - (a) Mr Balfour, via the Chairman, answered the Committee's question about the proposed revision of AONB boundaries. He said that because of the complexity of the review, there was no intention to revise the AONB boundaries.

(b) In response to concern about the time scale for review, Mrs Stewart said that whilst the vision had been altered to a shorter period (20 to 10 years) because of the scale and pace of change in Kent, the adopted AONB Management Plan would be reviewed regularly because of the speed at which government policy changed. Kent County Council had made representations to its partners and stakeholders about the need for regular reviews of the AONB Management Plan, but it would put that view into the formal response.

4. It was RESOLVED that the need for and benefit of the AONB Management Plan, including the proposed areas for revision in the new draft management plan which were to be considered in Kent County Council's formal response, be noted.

250. 20/00012 - Short term Waste Management bulk transfer station services - Folkestone & Hythe District Council
(Item 13)

David Beaver (Head of Waste Management Services) was in attendance for this item.

1. In response to Members' request for clarification regarding the development of the waste transfer station facilities for kerbside waste collected by Folkestone & Hythe District Council, Mr Beaver confirmed that the short-term contract would last up to four years. He said that that within the Capital Programme, a bid had been submitted for a permanent structure to be built at Ross Way. That location was part-owned by Folkestone and Hythe District Council and Kent County Council (KCC) and was part leased to a partner company of KCC and it was likely to become available in due course. Two outline-designs had been submitted and both could cater for the anticipated growth.
2. With regard to market appetite, Waste Management worked closely with Strategic Commissioning to test market interest and had been able to attract three potential suppliers from outside the district boundary.
3. It was RESOLVED that the proposed decision (20/00012) to be taken by the Cabinet Member for Environment, to award a short-term contract for a facility to receive, bulk and haul municipal waste to cover KCC's statutory requirement as the waste disposal authority, be endorsed.

251. Draft Capital Programme 2020-23 and Revenue Budget 2020-21
(Item 6)

It was RESOLVED that the Draft Capital and Revenue Budgets and Medium-Term Financial Plan, including the responses to the consultation and estimate of the government's funding settlement, be noted.

252. Work Programme 2020/21

(Item 14)

1. In response to queries regarding a report to the Committee in March on the Thanet Parkway consultation, Mrs Cooper (Corporate Director of Growth, Environment and Transport) informed Members that the consultation had been undertaken and the results of the survey would be reported to Cabinet for consideration on Monday 27 January 2020. Mrs Cooper advised Members that information provided to the Environment and Transport Cabinet Committee would be dependent on the outcome decided at Cabinet.
2. It was RESOLVED that the Work Programme be noted, subject to the inclusion or amendment of the following items:
 - (a) The Bus Feedback Portal to be reported every six months
 - (b) The Gypsy and Traveller Service Charges and Rent Setting Policy to be reported on in March 2020
 - (c) The Gypsy and Traveller Unauthorised Encampment Strategy to be deferred to allow further testing requirements
 - (d) Gypsy and Traveller Service: Pitch allocation and site management Policy to be deferred due to consultation timescales
 - (e) The Kent Biodiversity Strategy to be reported in March 2020
 - (f) The Energy and Low Emissions Strategy to be reported in March 2020
 - (g) Removal of the Transport for South East (TfSE) – Transport Strategy Consultation

253. Motion to Exclude the Press and Public

(Item)

Resolved that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

254. 20/00011 - Professional Services Framework Contract Award

(Item 15)

Tim Read (Head of Transportation) was in attendance for this item.

1. Mr Read introduced the report that detailed the Highways, Transportation and Waste service requirements, the current and previous method of

accessing technical and professional services; and a summary of the work to commission the new professional services contract with other options considered.

2. It was RESOLVED that the proposed decision (20/00011) to be taken by the Cabinet Member for Highways and Transport to provide the Director of Highways, Transportation & Waste the delegated authority to enter into appropriate contractual arrangements for the provision of technical environmental professional services Framework contract, including any possible future extensions, be endorsed.