

**GROWTH, ECONOMIC DEVELOPMENT AND COMMUNITIES
CABINET COMMITTEE**

MINUTES of a meeting of the Growth, Economic Development and Communities Cabinet Committee held in the Council Chamber, Sessions House on Wednesday, 17 November 2021.

PRESENT: Sir Paul Carter, CBE (Chair), Mrs R Binks, Mr C Broadley, Mr T Cannon, Ms M Dawkins, Mr S Holden, Mr M A J Hood, Mr J A Kite, MBE, Mr J Meade, Mr D Robey, Mr M J Sole, Mr S Webb, Mr J Wright, Mr R J Thomas (Substitute), Mr A Brady (Substitute) and Mr A M Ridgers (Substitute)

ALSO PRESENT: Mr D Murphy and Mr P M Hill, OBE

IN ATTENDANCE: Mr N Smith (Head of Development and Investments), Mrs E Harrison (Economic Development Manager), Mr D Smith (Director of Economic Development), Mrs S Holt-Castle (Director of Growth and Communities), Mr S Jones (Corporate Director for Growth, Environment and Transport), Ms K Chantler (Project Manager), Mrs C Head (Head of Finance Operations), Mr S Rock (Head - Trading Standards), Mr I Watts (Area Education Officer – North Kent), Ms S Platts (Strategic Planning and Infrastructure Manager), Ms S Berdo (Strategic Programme Manager), Mr M Riley (Programme Manager) and Hayley Savage (Democratic Services Officer)

UNRESTRICTED ITEMS

25. Apologies and Substitutes

(Item 2)

Apologies for absence had been received from Mr Baker, Ms Meade and Mr Manion.

Mr Thomas was present as a substitute for Mr Baker, Mr Brady as a substitute for Ms Meade and Mr Ridgers as a substitute for Mr Manion.

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

(Item 3)

Mr Meade declared a non-pecuniary interest, in Items 5 and 6 on the agenda, as the County Council's representative on the planning committee of the Ebbsfleet Development Corporation.

27. Verbal updates by the Cabinet Members and Corporate Director

(Item 4)

1. Mr Hill, Cabinet Member for Community and Regulatory Services, gave a verbal update on the following:
 - (a) The Country Parks Strategy Review was progressing with an informal Members group advising on the strategic direction. A public consultation would

be launched in April 2022 with implementation of the strategy planned for September 2022. Mr Hill was pleased to report that eight of KCC's country parks had been awarded green flags, one more than last year with the inclusion of Grove Ferry; accessibility for disabled visitors at Shorne Wood had been improved and the building of further accessible facilities was underway at Lullingstone; and £400,000 capital funding had been secured through the Covid Recovery Fund to rejuvenate country parks following the COVID-19 pandemic.

(b) The 'Let's talk about Kent Libraries' public engagement was launched on 17 November 2021. On 29 October 2021 Pembury Library reopened after a refurbishment and on 11 November 2021 'One Hundred Years of Kent Libraries' was celebrated. A new fleet of 5 smaller, more agile and greener mobile libraries had been in use for the last two months and on 7 October 2021 Mr Hill attended the opening of the Nepalese Centre at Cheriton Library.

2. Asked whether there would be any further cuts for libraries and the use of libraries for multiple purposes, Mr Hill said libraries would form part of the future assets of the Council and in some individual cases more services and facilities would be offered in library buildings, for example at Southborough Library.

3. Mr Murphy, Cabinet Member for Economic Development, gave a verbal update on the following, about which there were no questions:

(a) Eight Kent business leaders had been recognised by the Department of National Trade Export Champions and would help companies and aspiring directors to increase trade abroad.

(b) Panattoni had signed a multi-million pound deal with Tonbridge and Malling Borough Council and Kent County Council, which finalised planning permission to build high quality warehousing distribution space in Aylesford. Panattoni would also fund the construction of a £7million road link as well as environmental improvements and public rights of way.

(c) The East Kent coast had been named one of the fourth best regions in the world to visit by Lonely Planet and Mr Murphy recognised the work of the Council's partner, Visit Kent, in achieving this.

(d) The Taste of Kent Awards 2022 was officially launched at Bluewater shopping centre in November, hosted by KCC's partner Produced in Kent.

(e) Discussions were taking place with Essex County Council regarding the No Use Empty Scheme and how the Council could run the scheme on their behalf for a fee.

(f) The Inland Border Facility lease for Dover District Council had been signed off and the Council was working closely with Dover Harbour Board regarding the Entry/Exit System (EES) to alleviate delays at the docks.

4. Mr Jones, the Corporate Director, Growth Environment and Transport, then gave a verbal update on the following:

- (a) Work was taking place with partners at the ports regarding potential disruption caused by fuel shortage and supply issues. The Public Protection Service and Trading Standards Team had been working closely with government to understand the scale of impact of further custom changes.
 - (b) Mr Jones was pleased to report that 30 bids had been submitted through the Community Renewal Fund and 11 bids had been successful in securing approximately £30million. 8 of the schemes, amounting to approximately £7million, related to employability and skills development. Mr Jones said significant success was in Ashford which would bring a significant economic boost to the area.
 - (c) Mr Jones said Miss Carey, Cabinet Member for Environment, had been pushing forward a planned tree proposal, addressing both rural and urban areas. Reinvigorating the urban land scape was a key part of work going forward and would be part of the Environmental Strategy and the Biodiversity Strategy.
 - (d) Finally, Mr Jones advised that during November, the Environment Act 2021 had achieved royal ascent which would help in the pursuit of climate change, biodiversity issues and the green agenda across Kent.
5. It was RESOLVED that the verbal updates be noted, and Members agreed to receive a report at a future meeting on an overview of funding packages (Shared Prosperity Fund, Levelling Up Fund, Green Fund) to include the totality of funds, their objectives and how they could be utilised and monitored by the Council.

28. Developer Contributions

(Item 5)

1. Mr Nigel Smith introduced the report which outlined the Council's approach to developer contributions within the existing legal and planning policy framework. Mr Smith highlighted the several challenges in securing developer contributions and said the Planning White Paper (Aug 2020) would introduce proposals to replace the existing Section 106 Developer Contributions and Community Infrastructure Levy System (CIL) with a new 'Infrastructure Levy'.
2. Mr N Smith, Ms Platts, and Ms Head responded to comments and questions from the committee, including the following:
 - (a) The Planning White Paper, and the Council's response, would be circulated to Members following the meeting and discussed further at a future committee meeting.
 - (b) Ms Platts gave an update on the Kent Growth Infrastructure Framework (GIF) and said although the high-level picture of growth and cost included in the GIF remained a good guide, the housing need was constantly changing, and local plan reviews were constantly being undertaken. Officers were therefore working on developing a digitised version of the GIF which would be regularly updated with new data and would show a more up to date idea of the infrastructure gap. Ms Platts said East Kent would be focused on first before developing it further across Kent.

- (c) Asked about the issue of developer viability and whether Section 106 Developer Contributions could be retrospectively claimed, Mr N Smith said there was a toolkit of mitigation measures which assessed the validity in numeric terms and where applicable overage payments were received.
 - (d) Asked whether the promise of health services as part of a development was followed up with the NHS Mr N Smith said the Council was not the statutory authority and communication took place between the District Local Planning Authorities and the relevant statutory service ie the NHS.
 - (e) Asked about special education needs Mr N Smith said they work closely with education colleagues and Area Education Officers and were producing a methodology for seeking special education needs for the future.
 - (f) Asked about the basic need funding gap for school expansion Ms Head said some forward funding had been put into the capital programme to reduce the gap but she was hopeful that any forward funding for basic need from the authority would be reduced.
 - (g) Asked whether Section 106 funding only applied to local authority schools and not academies Ms Head said she would check with the relevant service and would circulate a written answer to Members outside of the meeting.
 - (h) Asked whether the Council was under-resourced in chasing developers for overage payments Mr N Smith confirmed this was the case based on the process being very time consuming. He said there were two elements involved, one where an overage clause was in place and one where developers would come back after consent was granted saying they could no longer deliver the contributions. The latter would involve finding areas that could be compromised for example adjusting cashflow rather than service provision.
 - (i) Asked whether viability assessments could be made more robust, and developers made more accountable, Mr N Smith said a lot of time was spent looking at viability and due diligence was done on company checks and understanding the market.
 - (j) Asked why the figure for waste was as low as £190,000 since 2014, Mr N Smith said this figure was misleading as waste provision was provided off site, and there were cross boundary issues.
 - (k) Asked why the distribution of funding for youth and community looked low Mr N Smith said this was because the figure was comparative in relation to other figures for example education.
3. It was RESOLVED that the introductory paper be noted and that the committee agreed to receive future in-depth papers exploring challenges and opportunities for KCC regarding developer contributions, and KCC's existing and evolving approach, and that the following be included in a report to the next meeting:
- The component parts of the Kent Growth Infrastructure Framework (GIF).

- The Planning White Paper, and the Council's response.
- Resource requirements to maximise developer contributions and challenge viability claims.

29. KCC's Infrastructure Funding Statement 2020-2021

(Item 6)

1. Ms Chantler introduced the report and said the statement showed a snapshot of developer contributions dealt with by the Council in any one year. The statement outlined the money the Council was holding at the beginning of April 2020, what was allocated during the year and the money held at the end of March 2021. Three case studies, giving an idea of the projects supported by developer contributions, were included in the statement.
2. Ms Chantler responded to comments and questions from the committee, including the following:
 - (a) Asked whether the total amount of developer contributions could be monitored against the number of houses consented (excluding social housing) Ms Chantler said there was a lot of data produced at district level and she would investigate this.
 - (b) Asked whether a final sales figure per significant development could be provided against developer contributions received, the Chairman suggested this be included in a future Section 106 Developer Contributions report to the committee.
3. It was RESOLVED that the KCC's Infrastructure Funding Statement for 2020/21, attached as Appendix A, be noted.

30. Trading Standards Update

(Item 7)

1. Mr Rock introduced the report which included the figures for 2020/2021 and said it reflected the hard work of the Officers during the pandemic. This work was achieved through co-operation with agencies and services, in particular the Public Protection Intelligence Team, Public Protection Communications Team and Community Wardens. Mr Rock highlighted the significant areas of operational activity included in the report and said the service operated across three distinctive areas of work: compliance, investigations, and advice. Mr Rock said the service would face significant changes and challenges at the end of the Brexit transition and a measured approach would be used in appointing staff in critical roles.
2. Mr Rock said the service continued to face changes in terms of more remote activity, new legislation, and changes to EU legislation to create UK equivalent legislation. The service was engaging regionally with the Southeast Regional Trading Standards Authorities and engaged nationally with government including national panels dealing with imports and controls at the ports.
3. The Chairman congratulated the Trading Standards Team for their work in adapting to the change imposed upon them over the last two years and asked

whether more funding would be made available from central government to cover the additional workload to which Mr Rock said he was optimistic.

4. Mr Rock responded to comments and questions from the Committee, including the following:
 - (a) Asked for an update on dealing with the pressures of Brexit Mr Rock said the changing of dates for the end of the Brexit transition had given more time for a clear plan to be put in place.
 - (b) Asked whether changes in society demands were affecting the asks of the service, Mr Rock said the service was intelligence led and operated on a strategic level, with resources directed where needed most. The team assessed and analysed local, regional, and national intelligence from the Public Protection Intelligence Unit and the Citizens Advice Consumer Service to provide the target areas.
 - (c) Asked whether there were any training or resource issues within the area of online crime Mr Rock said there was a specialist National Trading Standards E-crime team tackling national issues. Any local online issues were received and monitored, and they had the ability to carry out online investigations.
 - (d) Asked whether there was a reason for the increase in import referrals for September Mr Rock said an influx of referrals had been received from the Office of Product Safety and Standards which reflected the increase in imports and referrals.
 - (e) Asked which sports grounds had been covered under the Council's responsibility for overseeing safety at sports grounds Mr Rock said he would provide that information outside of the meeting.
 - (f) Asked whether resources were utilised from other areas to deal with the pressures of the pandemic Mr Rock said resources within the service were reallocated with capacity drawn from areas where demand had decreased due to the shutting down of businesses. Additional funding had been received from Public Health and contractors were used to carry out additional work.
5. It was RESOLVED that the report be noted, and the committee congratulated Mr Rock and the Trading Standards Team for their good work.

31. 'Project Gigabit' Broadband Programme

(Item 8)

1. Ms Harrison introduced the report which set out the plans for the government's national 'Project Gigabit' broadband programme, how it was going to be delivered and the opportunities for Kent. Ms Harrison said the Council was supporting BDUK on the roll out of the programme, particularly with regards to the procurement, and would continue to champion the needs of Kent businesses and residents as the programme progressed.
2. Ms Harrison responded to comments and questions from the committee, including the following:

- (a) Asked about the delivery of the programme in rural areas Ms Harrison said the broadband team had worked with Open Reach on the Kent BDUK Project and the government were investigating how to take forward the Project Gigabit procurements with voucher schemes. Ms Harrison stated that BDUK intended to pause the national voucher scheme whilst the major procurement took place.
 - (b) Asked where the hard-to-reach areas within Kent were, Ms Harrison said areas were scattered around the county and were typically outside the village envelope. Ms Harrison said the government were yet to define 'very hard-to-reach' formally.
 - (c) Asked whether residents should still be encouraged to input their upload and download speeds online Ms Harrison said the government was not currently asking people to do that and that speed and coverage data was collected and monitored by BDUK and Ofcom.
 - (d) Asked whether there were other technological possibilities in reaching the hard-to-reach areas Ms Harrison said she hoped few premises in Kent would qualify under the government's definition of 'very hard-to-reach' and therefore potentially fall outside the scope of the Project Gigabit procurements. The Council's policy position was to only look at wireless where there was no prospect of a fibre-based connection being delivered.
3. It was RESOLVED that the current position be noted and that the committee supported the proposed approach and would receive an update on the Project Gigabit Broadband Programme at a future meeting.

32. Kent & Medway Business Fund New Loan Programme

(Item 9)

- 1. Ms Berdo introduced the report and presented a series of slides which gave an overview of the Kent & Medway Business Fund New Loan Programme, the eligibility criteria, the process of applying and contract monitoring.
- 2. Ms Berdo and Mr D Smith responded to comments and questions from the committee, including the following:
 - (a) Asked for clarification on the 5% administration fee, Ms Berdo said the 5% fee ensured the project was delivered and that the fee covered legal costs, internal commissioning of director and company credit reports, and an external third-party appraisal report which was delivered to the Investment Advisory Board. Mr D Smith said the 5% administration fee provided an estimate lifetime cost of administering the loan with larger loans requiring more interrogation of business affairs and corporate structure.
 - (b) Asked about potential interest rate increases and whether this would affect the application fee Ms Berdo said expenditure on administering the fund was reviewed each year and to date there had not been an increase in administration fee. The scheme currently had a pot of £8million and to date 18 pre-applications had been received totalling £4,035,000.

(c) Asked about the arrangements for businesses when funding was no longer available Ms Berdo said when the funding round closes an expression of interest process is operated to capture the details of interested businesses in readiness for the next funding round to open.

(d) Asked for clarification on the 5% management fee in addition to the 5% application fee Mr Riley said the 5% application fee was charged to the Applicant and the Council had the ability to draw down a further 5% from the fund itself under a contract with The Department for Business, Energy and Industrial Strategy (BEIS).

3. It was RESOLVED that the report be noted.

33. Contract extension for coroners' post mortem examinations

(Item 10)

1. Ms Holt-Castle introduced the report which covered the proposed extension of the contract for body storage and post mortem facilities with Dartford & Gravesham NHS Trust that expired on 30 September 2021.
2. It was RESOLVED that the proposed decision to award a 12-month extension to the PM contract with Dartford & Gravesham NHS Trust for the period 1 October 2021 to 30 September 2022 as shown at Appendix A, be endorsed.

34. Work Programme 2021/22

(Item 11)

It was RESOLVED that the Work Programme 2021/22 be noted, subject to the inclusion of the following items:

- Review of existing Key Performance Indicators and Performance Dashboard.
- Section 106 Developer Contributions to become a standing item at future committee meetings.
- Overview of Funding Packages - Shared Prosperity Fund, Levelling Up Fund, Green Fund.
- 'Project Gigabit' Broadband Programme Update