

## KENT COUNTY COUNCIL

---

### **ENVIRONMENT, HIGHWAYS AND WASTE POLICY OVERVIEW AND SCRUTINY COMMITTEE**

MINUTES of a meeting of the Environment, Highways and Waste Policy Overview and Scrutiny Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 14 September 2010.

PRESENT: Mr C Hibberd (Chairman), Mr M Robertson (Vice-Chairman), Mr J R Bullock, MBE, Miss S J Carey (Substitute for Mr W L Richardson), Mr N J Collor, Mr J M Cubitt, Mr M J Harrison, Mr J D Kirby, Mr S Manion, Mr R A Pascoe, Mrs E M Tweed and Mr M J Whiting

ALSO PRESENT: Mr N J D Chard

IN ATTENDANCE: Mr J Burr (Director of Kent Highway Services), Mr S Allum (Mobility Management Team Leader), Mrs R Best (Signs & Lines Manager), Mr N Caddick (Policy and Performance Manager), Mr P Crick (Director Integrated Strategy & Planning), Ms D Eden-Green (Public Involvement Manager), Mr R Fitzgerald (Performance Monitoring Manager), Mrs S Garton (Head of County Performance and Evaluation Manager), Mr R Hallett (Directorate Finance Manager - EHW), Harrison, Lulham (Transport Planner), Mr N Sarrafan (County Transport & Development Manager), Dr A St Clair Baker (Engagement & Improvement Manager), Sullivan (School Travel Plans Team Leader), Mr J Whitehorn (Special Projects & Income Coordinator), Mr D Whittle (Policy Manager) and Mrs K Mannering (Democratic Services Officer)

#### **UNRESTRICTED ITEMS**

##### **1. Declaration of interests by Members in items on the Agenda for this meeting**

*(Item A3)*

(1) Mr Manion declared an interest in Item B5 as a parent of two children, one of whom received free school transport.

(2) Mr Collor declared an interest in Item B8 as a Member for Dover Town.

##### **2. Minutes - 29 July 2010**

*(Item A4)*

RESOLVED that the Minutes of the meeting held on 29 July 2010 are correctly recorded and that they be signed by the Chairman.

##### **3. Dates of Meetings - 2011**

*(Item A5)*

RESOLVED that the following dates for meetings of the Committee in 2011, commencing at 10.00am, be agreed:-

Tuesday, 18 January  
Friday, 8 April  
Tuesday, 5 July  
Tuesday, 27 September  
Tuesday, 15 November

#### **4. Cabinet Member's Update** *(Item B1)*

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

##### *Kent Highway Services*

Winter Service (see paragraph (2) below); Procurement of KHS Core Maintenance Contract; Courtesy Boards; Permit Scheme; Killed & seriously injured figures; Contact with KHS

##### *Integrated Strategy & Planning*

Lower Thames Crossing; Operation Stack; Rail; Kent International Gateway

##### *Waste*

Household Waste Recycling Centres – commencement of capital programmes work

##### *Environment*

East Kent Access – Heritage

(2) Following Mr Chard's update Members considered a report which provided information relating to Kent Highway Services response to the Department for Transport commissioned report 'The Resilience of England's Transport Systems in Winter' Interim Report July 2010. The Winter Service Plan for 2010/11 was also presented for approval.

(3) In March 2010, the then Secretary of State commissioned an independent review of the resilience of England's transport systems to severe winter weather. The Interim Report focuses on measures that could be implemented relatively quickly in relation to England's highway networks in preparation for winter 2010/11. The final report would be published in the autumn of 2010. The report contained 17 recommendations most of which could be implemented by highway authorities. Appendix 1 of the report detailed how KHS would act upon the recommendations in the coming winter.

(4) The KHS winter service budget for 2009/10 was £2,525,000 and the out turn was £2,636,579. For 2009/10 there was a requirement for funding from the corporate emergency fund for three snow emergencies which cost £1,451,756. The budget for 2010/11 had been set at £2,490,581.

(5) The Winter Service Plan 2010/11 had been produced and Community Delivery Team Leaders would produce a local version. The plans detailed local actions that would be taken during the winter and outline arrangements in place for working with the district council. Copies of the plans were held at depots and on the shared KHS IT area.

(6) RESOLVED that:-

- (a) Mr Chard's update be noted and a copy circulated to Members of the Committee; and
- (b) the Cabinet Member for Environment, Highways and Waste be recommended to:-
  - (i) approve the Winter Service Plan for 2009/10; and
  - (ii) note the implementation of 'The Resilience of England's Transport Systems in winter – An Independent Review – Interim report July 2010' by KHS

## **5. Financial Monitoring 2010/11**

*(Item B2)*

- (1) Members were asked to note the first quarter's full budget monitoring report for 2010/11 reported to Cabinet on 13 September 2010.
- (2) There were no exceptional revenue or capital changes since the report was circulated.
- (3) RESOLVED that the budget variations for the EHW Portfolio for 2010/11 based on the first quarter's monitoring report to Cabinet be noted.

## **6. Inclusive Design & Placemaking Guidance**

*(Item B3)*

(1) It had been recognised that there was a need for clearer guidance and policy about inclusive design. Inclusive design ensured that the pedestrian environment was accessible for all members of society regardless of ability. In order to address this, a technical appendix to the Kent Design Guide had been drafted. The guidance aimed to provide specific detail and guidance on how to address "accessibility for all" in Kent's future built environment. The guidance in the document applied to design of the public realm, including arrival at a building or public space. It did not intend to deal with matters inside buildings that were covered under Building Regulations, nor restate existing highway and streetscape guidance.

(2) The Kent Design Initiative (KDI) Working Group was set up in September 2009 to produce a guidance document that could act as a technical appendix to Kent Design Guide. In addition, the document could also be endorsed by Districts as supplementary guidance to their Local Development Frameworks (LDFs) or adopted as a Supplementary Planning Document within their LDFs. The KDI Inclusive Design Working Group included Maidstone Borough Council, Tunbridge Wells Borough Council, Gravesham District Council, and Kent County Council's Mobility Management Unit), and had endorsement from the Kent Planning Officers Group, the client body to the Kent Design Guide.

(3) The group had developed a draft high level policy document that was concise and useable from a development control perspective. It was intended that the document would act as a 'signposting' document. It outlined the legislative framework and linked it to inclusive design best practice guidance. It was intended to present the guidance document for formal Cabinet approval once consultation had been completed.

(4) In order to meet the need for greater guidance and policy about inclusive design a draft technical guidance document had been drafted. The draft was now ready to go out for stakeholder consultation which would be followed by wider public consultation. Members initial feedback on the document was much appreciated and the comments would be fed into the stakeholder consultation. Members of the POSC had been invited to take part in the Stakeholder Workshop on 30 September. In addition, the project team would appreciate any further comments about the draft document from Members of the Committee who could not attend the workshop.

(5) RESOLVED that:-

- (a) the need to produce a cross-county policy on Inclusive Design & Placemaking be supported;
- (b) the KDI Inclusive Design Working Group be advised on any initial comments on the draft policy and technical guidance;
- (c) the next steps to carry out a thorough consultation process including stakeholder and public consultation; and to finally submit the guidance for Cabinet approval and adoption as formal policy be endorsed;
- (d) the guidance document form an addendum to the Kent Design Guide; and
- (e) the guidance document be submitted to the POSC for consideration prior to formal Cabinet approval.

## **7. Signs and Lines Policy & Technical Directive**

*(Item B4)*

(1) The report informed Members of the new policy for signs and road markings. To assist with the implementation of the policy a Technical Directive had been developed which provided further detailed information on signing and road marking. This had also been produced to assist in bridging the skills shortage Kent Highway Services (KHS) had with sign and road marking design.

(2) The policy aimed to contribute in achieving the highway related subjects of Kent County Council's Local Transport Plan 2006 – 2011 (LTP) by providing traffic signs and road markings using the most appropriate materials affordable, to assist improving road safety by making the signs and road markings more visible in all conditions.

(3) The Technical Directive document had been produced to ensure all involved in design of the asset group (internal and external) were able to consistently apply the policy. It provided further detailed information regarding why a policy statement had been formulated, background information detailing how the policy statement was generated and how the policy should be applied to the road network.

- (4) RESOLVED that the report be deferred to the November meeting of the POSC to enable Members to fully consider the paper and accompanying appendices.

## **8. Sustainable Travel to School - Progress and Initiatives**

*(Item B5)*

(1) The Education and Inspections Act 2006 placed a statutory duty on Local Authorities to promote sustainable travel and transport, and KCC received funding from government to deliver the requirements of that act. Assessments of the travel and transport needs of young people have been undertaken and an audit of the sustainable travel and transport infrastructure has been used to identify and promote sustainable travel choices to and between schools to develop the Kent Sustainable Travel to School Strategy.

(2) The report informed members of the progress made with regard to Kent's Sustainable Travel to School Strategy. It set out progress made in tackling school run congestion and encouraging active lifestyles as well as plans for the future.

(3) Since the inception of KHS's School Travel Planning Team in September 2004, Kent had enjoyed considerable success in achieving modal shift towards sustainable methods of travel to school. Over 94% (558 out of 592) of maintained schools now had School Travel Plans, and there had been an annual 1% shift away from the use of the car. In 2006/2007 35.6% of the children at Kent schools were travelling to school by car and in 2010 the figure had dropped to 31.4% according to school census data, making Kent a national leader in this area.

(4) The Sustainable Travel to School Strategy was a statutory requirement, and would continue to be developed to build on Kent's successful School Travel Plan initiative. Subject to funding it was planned to support 36 schools per year to ensure that they achieved mode shift and their travel plans could be seen as good practice examples. The strategy aimed to keep Kent at the forefront of tackling congestion and promoting active travel on the school run.

(5) RESOLVED that Kent's Sustainable Travel to School initiatives in tackling congestion and promoting active lifestyles be supported.

## **9. S278 Agreements for Developer-Funded Highway Improvements**

*(Item B6)*

(1) The report provided an overview of a new Model Agreement under S278 Highways Act 1980 and requested approval for adopting it and also for a revised charging structure for professional advice, design checks, project management, site inspections and administration. The paper included responses from developers to a consultation report.

(2) The terms and conditions of the current Model S278 Highways Agreement had evolved over the last 20 years and the Agreement needed reviewing to ensure that it was still fit for purpose, reflected current standards or policies and protected the interests of KCC. Officers from Kent Highway Services had reviewed the current document assisted by the Director of Law & Governance and suggested a number of improvements. The result of the review was a new Model S278 Highways Agreement which incorporated a new charging structure and was now ready for use.

(3) The changes to the terms and conditions were mainly re-wording and updating. The three major changes affected Land Transfer; Kent Permit Scheme; and Fees and Charges.

(4) RESOLVED that the following recommendations to the Cabinet Member for Environment Highways & Waste be endorsed:-

(a) the introduction of a new Model S278 Highways Agreement for use in accordance with the Highways Act 1980 with immediate effect;

(b) the change to the existing fixed sum consultancy fee for transportation advice on new S278 highway works, as set out in the report;

(c) implementing a percentage-based fee structure for professional costs incurred by Kent Highway Services with respect to new S278 highway works, as set out in the report; and

(d) for existing S278 Highways Agreements, the charges for professional costs incurred by Kent Highway Services continuing to be based on actual time, but at an average hourly rate, as set out in the report.

## **10. Refresh of the Kent Joint Municipal Waste Management Strategy (more commonly known as the Kent Waste Strategy)**

*(Item B7)*

(1) The report outlined progress on the Kent Joint Municipal Waste Management Strategy adopted in 2007; the plans to refresh it in 2010/11; and related national developments since the coalition Government came to power.

(2) The 13 Kent councils adopted the existing Kent Joint Municipal Waste Management Strategy (KJMWMS) in early 2007, which contained 20 policies for joint delivery by the 13 councils.

(3) The KJMWMS had a commitment to review the policies in 2010/11. The Kent Waste Partnership Annual Report drew specific attention to the need for stakeholder consultation in advance of renewing the KJMWMS during 2011/12. A wider stakeholder group called the Kent Waste Forum came together on 8 July to reflect on progress made against the KJMWMS's 20 policies and to discuss current and future challenges. This began the work to have a dialogue with stakeholders on refreshing the KJMWMS.

(4) The coalition Government had announced plans for a much wider fundamental review of all waste policies. As this coincided with Kent's own review of local

policies, there was merit in combining efforts with Defra to understand stakeholders' views. Agreement had been secured to organise a joint Defra/KWP event on 16 September 2010, so that local waste/recycling stakeholders could influence the national review.

(5) Given the potential impacts of the national review, and the need to refresh the KJMWMS during 2011/12, it made sense to bring together the feedback from the KWF event on 8 July and also the outputs from the Defra/KWP event on 16 September. Decisions on the final form and content of any public consultation on the KJMWMS would be made by the KWP's Joint Waste Management Committee (JWMC) on 21 October 2010. A report would then be brought to POSC in November 2010.

(6) RESOLVED that:-

(a) the initial report be noted; and

(b) a further report be submitted to the POSC in November.

## **11. Revision of the Scheme Prioritisation System**

*(Item B8)*

(1) The report was presented in two parts. The first part outlined proposed changes to the mechanism by which the Integrated Transport budget was allocated during the period of Kent's third Local Transport Plan (2011-2016). The second part set out proposals for replacing the existing Scheme Prioritisation System (SPS) with a formal value for money assessment of Integrated Transport Schemes.

(2) Local Transport Plan Guidance made clear that the overall quality and delivery of an authority's LTP would be taken into account by the DfT in decisions on bids for challenge funding and/or major projects. It was vital, therefore, that authorities had effective mechanisms in place for allocating Integrated Transport block funding to those schemes and areas which would make the greatest contribution to local and national objectives, and which represented the highest possible value for money.

(3) The existing Scheme Prioritisation System (SPS) methodology had proved a useful guidance tool for apportioning the Integrated Transport block allocation from Government. SPS enabled officers to assess every scheme proposed resulting in a score. This allowed comparison between one scheme and another, with the highest scoring schemes being the ones that contributed the most to national and local transport objectives.

(4) Given the significant reduction in capital funding for transport that was anticipated over the next five-year LTP period, it was proposed that the SPS methodology was revised to achieve better value for money from the limited Integrated Transport budget. The preferred option consisted of a two-stage budget allocation process, combining the objectives-led approach of SPS with a spatial element. The first stage of the process would involve dividing the annual Integrated Transport block allocation according to the proposed weightings to be applied to the

Kent LTP objectives. The second stage would involve distributing the funding assigned to each of the Kent LTP objectives to the areas of the County where the challenges associated with them were most acute.

(5) As described in paragraph 3 (above), SPS currently prioritised Integrated Transport schemes purely on the basis of their alignment with policy objectives. The cost of a scheme did not influence its SPS score. It was therefore proposed that Integrated Transport schemes were subjected to a Cost Benefit Analysis in place of the existing SPS assessment process. Cost Benefit Analysis involved -

- Identifying the costs of a scheme (incorporating build cost, maintenance cost and external funding);
- Assessing the geographical extent of the scheme's impact, its distributional effects (i.e. which social groups were affected by the scheme), and its public acceptability; and,
- Assigning the scheme a score based on relative costs and benefits (Cost Score + Impact Score = Cost Benefit Analysis Score).

(6) RESOLVED that:-

- (a) the proposed weightings to the Kent LTP objectives be supported;
- (b) the proposed approach to allocating Integrated Transport block funding be supported; and
- (c) the proposed approach to assessing the value for money of Integrated Transport schemes be supported.

*A formal vote was not taken but Mr Bullock requested that his opposition be recorded.*

## **12. The Minerals and Waste Development Framework: Core Strategy Issues Consultation**

*(Item B9)*

(1) Further to Minute 7 of 25 May 2010, the report updated Members on progress with the Minerals and Waste Development Framework, and sought views on the issues that should be addressed in the Core Strategy Issues Consultation.

(2) KCC was required to first produce and adopt a *Core Strategy*, which contained the planning strategy and broad policy framework. The immediate step was to seek the views of the POSC on the *Core Strategy Issues Consultation* which was to be published in September. The intentions would be the subject of a second consultation on the *Directions for Strategy and Policy* in the summer of 2011. The programme for the *Core Strategy* was set out in the report.

(3) After the *Core Strategy*, KCC must produce the *Minerals Sites Development Plan Document* and the *Waste Sites Development Plan Document*, which would

detail the land to be developed for minerals and waste. These were programmed for adoption one year after the Core Strategy.

(4) Copies of the *Core Strategy Issues Consultation* document were made available to Members of the POSC for their consideration. A number of technical Topic Reports on minerals and waste had also been prepared as evidence. A summary of the main planning issues on which the consultation would seek evidence and views from the minerals and waste industries, district councils, interest groups and the public was set out in the report.

(5) RESOLVED that:-

(a) the progress with the Minerals and Waste Development Framework be noted; and

(b) Members submit their views on the *Core Strategy Issues Consultation*, to be published in September 2010.

### **13. Bold Steps for Kent - Update**

*(Item B10)*

The report provided Members with an update on the timetable and development of the new medium term plan, *Bold Steps for Kent*, and sought the Committee's input on the key issues over the next four years that it believed the plan might address ahead of the launch of a draft version for public and partner consultation.

(2) *Bold Steps for Kent* would be the medium term plan for KCC succeeding *Towards 2010*, which was due to expire at the end of September 2010. As the title suggested, *Bold Steps for Kent* would draw heavily on *Bold Steps for Radical Reform*, the discussion paper published by the County Council in January 2010. This set out how through radical thinking about public service delivery at the national and local level, it would be possible to deliver approximately £15-21 billion savings to HM Treasury.

(3) Current thinking was that the document should be structured around the key themes of:

- Helping the economy to grow
- Supporting the Big Society
- Tackling disadvantage
- Building a new relationship with partners
- Ensuring the organisation is fit for purpose

(4) RESOLVED that:-

(a) the report be noted;

(b) Members of the POSC

- (i) provide comment and feedback on the themes and emerging priorities for *Bold Steps for Kent* to Mr Whittle direct; and

- (ii) identify any priorities not currently set out that should be considered for inclusion in Bold Steps for Kent.

#### **14. Towards 2010 Draft Final Annual Report**

*(Item B11)*

(1) The report updated Members on the Towards 2010 targets that were the responsibility of the Directorate, and set out the process for finalising the last Towards 2010 Annual Report prior to approval by County Council on 14 October 2010.

(2) Separate reports for each target were appended to the report. It was noted that many of the Towards 2010 targets were now part of mainstream business and were incorporated in the annual work programmes, and those targets with a status of 'Completed' should be seen against that background. 'Completed' did not, in many cases, mean that the work was over but signified that the spirit of the target wording had been achieved and that the activity continued.

(3) Following discussion at this and other September POSCs the draft Annual Report would be discussed at Cabinet on 11 October prior to submission to and approval at County Council on 14 October.

(4) RESOLVED that, subject to the various suggestions made by Members being considered, the report be noted.

#### **15. Draft Annual Performance Report 2009/10**

*(Item B12)*

(1) The report provided an overview of the Annual Performance report 2009/10 and attached a draft of the report for information.

(2) The KCC Annual Performance Report (APR) provided highlights of key activities and outcomes of the council. This was the second year that KCC had chosen to publish an Annual Performance Report. It replaced the annual Best Value Performance Plan, which was a statutory requirement and published on an annual basis.

(3) The APR was aimed at KCC Members, partners, parish councils, staff and the public and would be published via the KCC website keeping cost to a minimum. It would be discussed at Cabinet on 11 October prior to being taken to County Council for approval on 14 October.

(4) During debate Mr Chard congratulated the officers on an excellent report.

(5) RESOLVED that the report be noted.

## **16. Core Monitoring Report**

*(Item B13)*

(1) The report presented, for the first time, core monitoring information that identified performance and trends in a number of key areas of the Directorate's activity. The Environment, Highways & Waste elements of the first Core Monitoring Report that was reported to Cabinet on 13 September 2010 was appended to the report, and covered the period up to June 2010.

(2) The Core Monitoring report included a number of graphs and data on a range of measures and indicators that related to some of the core services delivered by the Directorate. The Core Monitoring did not include, or comment on, every component of the performance management frameworks that were in place within the Directorate but picked out a number of key activity areas.

(3) For most indicators the data presented in the Core Monitoring showed two graphs:

- performance trends on a quarterly basis, with up to three year's historic data being included
- annual performance, with a comparison to national benchmarks and up to five year's historic data being shown.

(4) It was intended that further Core Monitoring reports would be produced on a quarterly basis. The presentation of the information was part of the overall transparency agenda and it was important that it was clear and comprehensible. It was the intention to develop more meaningful comparative information where appropriate, for example other SE counties. The information set out in the Core Monitoring would change over time – for example the priorities that would flow from the 'Bold Steps for Kent' consultation would need to be incorporated into future iterations of the report.

(5) RESOLVED that the first Core Monitoring report for Environment, Highways & Waste be noted.

## **17. EHW Annual Complaints, Comments and Compliments Report 2010**

*(Item B14)*

(1) The report provided information on complaints and compliments received during 2009/10 and gave examples of where analysis of the feedback had led to service change across the Directorate. The report also outlined complaint trends, the source of complaints, overall performance on handling complaints, diversity data and an update on Local Government Ombudsman complaints.

(2) Across EHW, 1641 complaints were received from April 2009 to March 2010 compared to the same time period in the previous year when 429 complaints were received. As the two frontline services, Kent Highway Services (KHS) and Environment & Waste (E&W) received the majority of the complaints with KHS receiving 1259 complaints (77%) in 2009/10 and E&W receiving 380 complaints

(23%). 2 complaints were received within Integrated Strategy & Planning (ISP). 1559 complaints (95%) were acknowledged within the corporate standard of 3 working days and 1601 complainants (98%) received a full response within 20 working days.

(3) In 2009/10, EHW continued to adopt a robust and effective approach to the ongoing management of complaints. All complaints had been reviewed across the service areas and customer feedback had been used to improve customer service delivery. Several customer focused improvements had been implemented across EHW in 2009/10 and these were making a difference to the customer experience when they interacted with the Directorate and KCC overall.

(4) RESOLVED that the report be noted.

## **18. Connecting with Communities - Annual report on EHW engagement** *(Item B15)*

(1) The report provided information on the main aspects of consultation, engagement and involvement within Environment, Highways and Waste directorate from 1 April 2009 to 31 March 2010, and highlighted how officers were further embedding engagement activities within the services.

(2) The paper highlighted the ways teams and units in EHW were listening to the public and involving them in the development and improvement of services. The directorate was committed to KCC's corporate priority of understanding and engaging more effectively with the public, and ensuring their full involvement in policy and service development as part of business as usual. It was important to continually seek opportunities to improve, whilst ensuring value for money from all the projects and services.

(3) RESOLVED that the report be noted.

## **19. Select Committee - update** *(Item C1)*

### *Select Committee: Renewable Energy*

(1) The Select Committee on Renewable Energy had now completed its evidence gathering. The draft report was in the process of being agreed by the Select Committee and would be shared with the Cabinet Member(s) and Directorates before it was finalised and submitted to County Council, via Cabinet. In accordance with the agreed timetable the report was due to be submitted to County Council on 14 October 2010. However, due to the large number of stakeholders that needed to be consulted on the draft report, in order to get wide engagement with the recommendations, it was not possible to do this effectively and submit the report to the meeting of the County Council in October. The Scrutiny Board would be asked to extend the timescale for the review to enable the consultation to take place, and the

report to be submitted to the Cabinet on 29 November 2010 and the County Council on 16 December 2010.

(2) RESOLVED that:-

- (a) progress on the Select Committee for Renewable Energy be noted; and
- (b) Members advise the Democratic Services Officer of any items that they would like to suggest for inclusion in the Select Committee topic review programme.