

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 Friday, 8 April 2011.

PRESENT: Mr D A Hirst (Chairman), Mr M B Robertson (Vice-Chairman), Mr N J Collor, Mr H J Craske (Substitute for Mr S Manion), Mr J M Cubitt, Mr M J Harrison, Ms A Hohler, Mr J D Kirby, Mr R F Manning, Mr M J Northey, Mr R A Pascoe Mrs E M Tweed

ALSO PRESENT: Mr D L Brazier, Mr K A Ferrin, MBE Mr B J Sweetland

IN ATTENDANCE: Mr M Austerberry (Corporate Director, Environment, Highways and Waste), Mrs S Barton (Strategic Projects And Business Development Manager), M D Beaver (Head of Network Management and Performance), Mr J Burr (Director of Kent Highway Services), Mr N Caddick (Policy and Performance Manager), Mr P Crick (Director of Planning and Environment), Ms Dyson (Heritage Conservation Manager), Mrs S Garton (County Performance and Evaluation Manager), Mr R Hallett (Head of Finance and Resources - EHW), Dr L Harrison (Minerals & Waste LDF Project Manager), Ms C McKenzie (Sustainability and Climate Change Manager) Mrs K Mannering (Democratic Services Officer)

UNRESTRICTED ITEMS

17. Declaration of interests by Members in items on the Agenda for this meeting *(Item A3)*

(1) Mr Harrison declared an interest in Item C4 as the father of Chief Inspector Harrison, who was closely involved with English Heritage.

(2) Ms Hohler declared an interest in Item C4 as the owner of an historic farmstead.

(3) Mr Pascoe declared an interest in Item C6 as the proprietor of a restaurant in the Folkestone area, managed by his son, which used an A-board.

18. Minutes - 18 January 2011 *(Item A4)*

RESOLVED that the Minutes of the meeting held on 18 January 2011 are correctly recorded and that they be signed by the Chairman.

19. Cabinet Member's and Directors' Update

(Item A5)

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

Planning & Environment

Flood Risk; Local Transport Plan & Growth without Gridlock; Third Thames Crossing; Rail Action Plan for Kent; Thanet Parkway Station; Minerals & Waste Development Framework; and Local Development Frameworks.

Waste Management

Romney Marsh – HWRC; North Farm; and EK Waste.

Kent Highway Services

2011/12 Integrated Transport Schemes; Annual Carriageway & Footway Planned Maintenance Programme; KHS – new term maintenance contract; and Find & Fix 3.

(2) Mr Sweetland extended his thanks to the EHW Officers for the help they had given him since his appointment.

(3) RESOLVED that the update be noted and a copy circulated to Members of the Committee.

20. Financial Monitoring Report 2010/11

(Item B1)

(1) Members were asked to note the January budget monitoring report for 2010/11 reported to Cabinet on 4 April 2011.

Revenue

(2) The overall position for the EHW Directorate reported to Cabinet on 4 April was a predicted underspend of £0.507m. This was a real underspend of £0.207m in response to the Corporate moratorium on non-essential spend and a rephasing of £0.3m for the replacement of the MIDAS financial system, which would not be completed until the new financial year. The net real underspend of £0.207m was the result of a number of pressures and compensating savings. Pressures due to the increased popularity of the Freedom Pass, increased waste contract prices, costs of the two snow emergencies and completion of the find and fix programmes had been offset by savings as a result of reduced waste tonnage, new recycling contracts and increased recycling income, improved contracting for public transport, vacancy management and a drawdown from the emergency conditions reserve towards the costs of the snow.

Capital

(3) The highway maintenance and integrated transport programme was forecast to be fully spent. There had been some rephasing of the major schemes (East Kent access, Victoria Way, Ashford and Drovers roundabout & junction 9

improvements, Ashford) mainly as a result of the difficult weather conditions. There was also a real underspend declared on the Sittingbourne northern relief road, which was forecast to be delivered at least £2m under budget.

(4) RESOLVED that the budget variations for the EHW Portfolio for 2010/11 based on the January quarterly monitoring report to Cabinet be noted.

21. Savings Monitoring

(Item B2)

(1) Mr Hallett referred to the 2011/12 Budget which had a significant savings target of £95m, and informed Members that Finance had identified each of the individual managers for ensuring delivery of those savings. Those managers had completed a project initiation document for all savings over £200,000, which detailed how the saving was going to be made and what the key milestones were. This covered £92m and a detailed report and monitoring on each of those savings would be reported to Cabinet throughout the year, then to the POSC to enable members to scrutinise and overview what savings were and how they were being delivered and progressed.

(2) The EHW Directorate was confident of delivering savings and had comprehensive project plans in place which had been accepted by central finance.

(3) RESOLVED that the update be noted.

22. Core Monitoring Report

(Item B3)

(1) The third Core Monitoring report, updated to include information for the period up to the end of December 2010, was reported to Cabinet on 4 April 2011. The report included all of the indicators that were in the September 2010 report considered by the Committee in January 2011. The format and presentation of the information had been modified slightly in certain areas with the intention of making it clearer and more concise. The objective was to pick out a number of key areas of activity for Member's attention rather than seeking to provide information about, and comments on, all of the performance management information that was used operationally within the Directorate.

(2) The Cabinet Core Monitoring report set out the approach adopted for the Red/Amber/Green (RAG) and Direction of Travel (DoT) assessments; gave an overall KCC-wide summary of performance; and examined a number of cross-KCC indicators, one of which was complaint monitoring where the number of complaints regarding Kent Highway Services (KHS) were significantly higher than those for other KCC services. The total number of complaints regarding KHS amounted to around 1% of the total number of enquiries that KHS received and was comparable to that in other highway authorities.

(3) Most of the data included in the Core Monitoring formed part of the management information that was used, in a variety of forms, by managers and leadership teams within the Directorate. The final Audit Report on Data Quality was published on 23 December 2010 and the overall assurance level was high, the top rating available, with five of the six risk areas receiving the high rating and one the second category, substantial. On the basis of this report it was reasonable to state that key controls were in place and were effectively applied, data was sound, and the risks of poor quality data being produced and used were low.

(4) During discussion the following issues were raised:-

- (a) Ms Hohler asked if, when diverting waste to landfill, due to maintenance or breakdown at the plant, did KCC receive any compensation. Mr Hallett stated that when the plant was going through maintenance and there was a need to switch to landfill, at present landfill was still slightly cheaper.
- (b) Mr Robertson suggested that the Committee should select one of the RAG assessments for scrutiny. The Chairman suggested private discussions with Members, with a view to discussing at the Committee's next agenda setting meeting.
- (c) Mr Collor welcomed the reduction in killed or seriously injured people on the roads, and asked if the figures included highways agency roads. Mr Burr confirmed that they did.
- (d) Mr Harrison referred to the cards residents used to report faulty streetlights, and asked if they were no longer being issued/used. If that was the case could they be reintroduced or something similar issued. Mr Burr undertook to check the situation and discuss the details with Mr Harrison direct.

(5) RESOLVED that the December 2010 Core Monitoring report for Environment, Highways & Waste be noted.

23. KCC's Performance Management Framework

(Item C1)

(1) The report provided details of work underway to develop a clear Performance Management Framework for the authority. The framework would have the following principles:-

- establish a single performance framework for the authority that provided an intelligent joined-up assessment of performance against key priorities
- report the information that members and the Corporate Management Team needed
- create a trigger when escalation and intervention was required

- performance manage not monitor
- challenge and accountability for poor or reducing performance
- transparency of performance data
- examine why something was working well
- less resource intensive and reduce duplication
- involve staff from all levels in the Council to create wider awareness and additional challenge in the process

(2) During debate Mr Manning asked if, when performance indicators went to amber, were there people ready to be immediately reactive. Mrs Garton stated that each performance indicator had an accountable manager.

(3) RESOLVED that the approach being taken to provide a clear performance management framework for the authority be noted.

24. The Minerals & Waste Development Framework: (1) Core Strategy, 'Strategy and Policy Directions' Consultation; (2) Mineral Sites Development Plan Document (DPD) 'Options' Consultation; and (3) Waste Sites DPD 'Options' Consultation

(Item C2)

(1) Further to Minute 12 of 14 September 2010, the report updated Members on progress with the Minerals and Waste Development Framework, and sought views on the Core Strategy Consultation Document (at Strategy and Policy Directions Stage); the contents of the Mineral Sites 'Options' DPD; and the Waste Sites 'Options' DPD.

(2) The draft consultation document for the *Core Strategy at 'Strategy and Policy Directions'* was to be released for consultation in May 2011. The consultation would ask for views on the preferred options for various issues in relation to the strategic planning needs for minerals and waste in Kent. It would also ask for comments on the suite of emerging draft policies being included within the Core Strategy.

2.4 Running in parallel with the Core Strategy, but one stage behind, 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, and included details of all proposals submitted to the MWDF team in response to the 2010 'Call for Sites'. At this early consultation stage there were no decisions given regarding whether the sites would be acceptable or not. The decisions would be made after the site appraisal process. The responses to the 'Issues' consultation would help to inform the decisions regarding site allocations.

(4) Under the 2004 Planning & Compulsory Purchase Act, KCC must prepare a *Statement of Community Involvement (SCI)* for all its planning functions, setting out how individuals, groups and organisations would be involved in the planning process.

The revised SCI was adopted in January 2011. It would commit KCC to make information accessible to everyone, to consult at formative stages, and to respond to the views expressed.

(5) During debate Mr Cubitt

(a) stated that there was no indication of existing provision. Dr Harrison stated that existing sites were shown in the introductory section of the Core Strategy.

(b) asked at what stage were those sites deemed not necessary released, having agreed appropriate sites. Dr Harrison stated that if it was decided that not as many sites were needed as first identified, there was an on-going review and monitoring process.

(6) RESOLVED that:-

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

(b) Members comments on the *Core Strategy Strategy and Policy Directions DPD, the Mineral Sites DPD at 'Options' stage and the Waste Sites DPD at 'Options' stage*, to be published in May 2011, be noted.

25. Review of the operation of Household Waste Recycling Centres in Kent *(Item C3)*

(1) Household Waste Recycling Centres (HWRCs) provided an integral part of the waste management service to Kent residents. The services provided at the sites complement waste collection authorities (WCA) collections, and other "bring site" activities i.e. local bottle banks etc. The HWRCs contributed by collecting 42% of the County's recycle. They provided places where residents might dispose of their household waste (recycling and residual) and in doing so fulfilled the statutory obligation under the Environmental Protection Act 1990.

(2) Kent County Council had developed a network of nineteen sites across the county at an annual net cost of £7.4m net per annum. During the budget setting process for 2011-13, the HWRC service identified a savings target of £290k to be achieved by 2012-13. It was agreed that a review of HWRCs should be commissioned to identify how the saving could be met.

(3) Twelve of the HWRCs were operated through contracts which would expire in July 2013. Therefore the review needed to examine how the savings could be realised within the existing contracts and the outcomes of the review would inform the re-tendering process for new contracts, to identify further opportunities for additional savings. Any changes to the current service could be trialled ahead of the main contract re-let in 2013 to evaluate customer, operational and cost impacts.

(4) The review would examine the current provision and location of HWRCs, their operating policies, the potential for increasing income, as well as the options for

making the required savings. The output of the review would be a report giving a series of recommendations on how the HWRC service needed to change to deliver the optimum service.

(5) It was recommended that a cross-party Informal Member Group be convened to guide the work of the review and to consider the draft conclusions and recommendations to be made to Cabinet and Policy Overview and Scrutiny Committee. The Informal Member Group would, at a minimum, meet at the beginning of the review process (April) to agree the key questions of the review and the project plan, in July to receive the first draft recommendations and in late July/August to hear the results of the peer review and external consultation, and to inform the decision on what actions would be recommended.

(6) During debate the following issues were raised:-

(a) Mrs Tweed asked

(i) if there had been any serious consideration to introducing a nominal charge for the use of an HWRC. Mrs Barton stated that there was no proposal to charge in Kent at the moment.

(ii) if Ashford was any nearer to getting a waste transfer station. Mrs Barton stated that there was money in the capital programme for a waste transfer station at Ashford, and proposals were underway to bring provision forward.

(b) Mr Cubitt asked if the review was related to recycling centres and transfer stations or just recycling centres. Mrs Barton confirmed that although the transfer stations were co-located, the review was of recycling centres.

(7) RESOLVED that:-

(a) the formation of an Informal Member Group to guide the review be agreed; and

(b) the review recommendations be brought to the meeting of the Policy Overview and Scrutiny Committee in September 2011.

26. Kent Farmsteads Guidance

(Item C4)

(1) Kent County Council, English Heritage, Kent Downs AONB and High Weald AONB had collaborated to produce guidance to help keep Kent's fine legacy of historic farmsteads in active use. Draft guidance would be published at the end of March 2011 to help owners, agents, and local authorities understand the significance of their farmsteads and identify potential new uses which respected their character, were sensitive to the landscape and offered a sustainable future.

(2) Two linked documents were provided. The main consultation draft '*Kent Farmstead Guidance*' provided help in assessing the historic value of farmsteads and determining how best to conserve, enhance and develop the assets without destroying their value and ensuring their long term economic use. The second document '*Kent Downs AONB Farmstead Guidance*' provided easy access to the consultation draft from locations within the Kent Downs AONB, and gave specific advice on rarity and significance in that locality.

(3) Both sets of guidance had been produced by English Heritage as guidance for Local Planning Authorities, Planners, Conservation Officers, consultants, agents and landowners to help develop and determine sound and sensitive development proposals for historic farmsteads in Kent and the Kent Downs AONB. They set out the farmstead and building type within their historic character areas, identifying what was rare, significant and sensitive, and provided a method of how to assess development potential and design guidance appropriate to each farmstead type and layout.

(4) An informal consultation, seeking the views of key stakeholders on the draft guidance documents, would run for eight weeks from 29 March 2011 to 24 May 2011 through Kent Design Initiative. Opinions on content, accuracy, general usefulness and any areas not covered would be sought.

(5) During debate the following issues were raised:-

- (a) Mrs Tweed asked if there would be any funding available to farmers to help them in complying with the guidance. Ms Dyson stated that at present KCC had no plans to attach funding to this particular guidance.
- (b) Mr Northey asked how far district council planning committees were involved. Ms Dyson stated that they had been involved in the initial consultation process last year, and would be invited to participate in the next stage during May 2011. Mr Crick stated that district council colleagues were being encouraged to use the documents through the Kent Planning Officers Group.
- (c) Mr Harrison referred to the vandalism of buildings which were irreplaceable and expressed concern that the guidance was adding another layer of restrictions. Ms Dyson stated that the aim of the guidance was to help farmers rather than act as a further layer of restrictions.

(6) RESOLVED that:-

- (a) the guidance be endorsed; and
- (b) the next steps, including consultation and adoption by Kent local authorities as appropriate, be supported.

27. Future Highways Procurement Update

(Item C5)

(1) Mr Burr updated Members on the future highways procurement. The 3 'finalists' were May Gurney, Colas and Enterprise, and the successful contractor would be one of those 3. All information needed towards making a decision, i.e. pricing schedules; quality submissions; and detailed interview sessions had now been obtained, and a provisional result would be made in the next week or two. Following that informal decision, a variety of clarification with the documents would be sought from the bidders, and then recommended through the appropriate Committee cycle – Cabinet, Cabinet Scrutiny.

(2) RESOLVED that the update be noted.

28. Management of Obstructions on the Highway

(Item C6)

(1) The report sought comments from the POSC on proposals to streamline the administration for advertising boards. KCC's requirements must be adhered to as set out in the guidance by anyone placing an A-board on the highway.

(2) Advertising boards, commonly referred to as A-boards, must be placed in accordance with KCC's requirements as set out in the guidance (Appendix A of the report referred) so the public could move freely and safely along the highway. A survey of 581 premises had reported that across Kent the majority of businesses (74%) were complying with existing guidance. It was therefore considered that a formal application process, charging and licensing arrangement was unnecessary and should be removed from the policy.

(3) KCC had recently consulted with Town Centre Management Groups, Districts, City, Borough and Parishes Councils to seek assistance and support that would encourage even higher levels of compliance and promote alternative methods of advertising. KCC would adopt a number of approaches to providing clear guidance on A Boards. Discussion and demonstration of the practical difficulties experienced by visually impaired users had helped KHS staff to identify best practice regarding A Board placement and type.

(4) Highways Officers would begin to issue advice in accordance with the new guidelines and raise awareness of the dangers that inappropriately placed A boards could cause. Work would also be undertaken with local planning authorities to encourage more considered advertising methods. Officers would have the ultimate sanction to take enforcement action in accordance with legislation set out in the Highways Act 1980 and within KCC's new guidelines. Kent Highway Services would use enforcement powers if businesses wilfully ignored advice given. Compliance would be measured after 6 months to monitor the effectiveness of the proposal.

(5) During debate the following issues were raised:-

- (a) Mr Harrison expressed concern about the issue of enforcement, and asked who was going to be responsible, and how would it be carried out. Mr Sweetland informed Members that the enforcement issue was a difficult one, and it was the intention to launch an awareness

campaign. Mr Burr stated that enforcement would be taken under the 1980 Highways Act. Any A-board causing an obstruction or considered to be a hazard, and brought to his attention, would be dealt with accordingly.

(b) Mrs Tweed

(i) referred to the use of A-boards by businesses based in narrow side streets which were placed in the main thoroughfare and recommended that a design for a finger post on columns be considered as a solution. Mr Beaver referred to street furniture/clutter, and stated that the design of a finger post could be considered. Mr Sweetland stated that an A-board would be difficult to see by the partially sighted. He was trying to strike a balance between the interests of the shopkeeper/businesses, and the general public.

(ii) requested clarity on charging, was it to be the responsibility of the District Council concerned to decide charges for enforcement/licence. Mr Sweetland stated that enforcement was still the statutory responsibility of the County Council, and this paper proposed that there would be no charge.

(c) Mr Pascoe sought re-assurance that where highways were overlapped private/leased land, negotiations took place before any enforcement, so that the owners were made aware of their liabilities and requirements. Mr Sweetland informed Members that discussions were taking place with Planning Officers at Maidstone Borough Council relating to the possibility of a range of shops or a street applying for planning permission collectively, with a view to easing the burden on the shopkeeper.

(d) Mr Cubitt asked how the information would be communicated, i.e. a standard publicity document that District Councils should be encouraged to use, perhaps including in their individual publications. Mr Sweetland welcomed comments and stated that it would form part of the awareness campaign.

(6) RESOLVED that:-

(a) the proposal by the Cabinet Member for Environment, Highways and Waste to implement a streamlined arrangement for the administration of advertising boards, by removing the formal application process, charging and licensing arrangement, be supported; and

(b) Guidance must be adhered to by anyone placing an A-board on the highway, supported by a publicity and awareness campaign.

29. Select Committee - Renewable Energy Action Sheet and Update
(Item D1)

Select Committee: Renewable Energy

(1) In accordance with the monitoring process agreed by the County Council, an action for the Renewable Energy Select Committee was circulated to Members. The Select Committee would be reconvened at December 2011 or January 2012 to consider progress made with the recommendations.

Select Committee topic review work programme

(2) The Select Committee work programme consisted of the following:-

- Dementia – carrying out visits and hearing sessions.
- Educational Attainment of Pupils and Schools in Areas of High Deprivation – held its inaugural meeting in 3 February 2011 and Mr Wells was elected Chairman.
- The Student Journey – due to start its work in Spring 2011.

(3) RESOLVED that:-

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