

KENT COUNTY COUNCIL

SCRUTINY COMMITTEE

MINUTES of a meeting of the Scrutiny Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Tuesday, 15 July 2014.

PRESENT: Mr R J Parry (Chairman), Mr J E Scholes (Vice-Chairman), Mr H Birkby, Mr G Cowan, Mrs T Dean, MBE, Mr E E C Hotson, Mr A J King, MBE, Mr R A Latchford, OBE, Mr L B Ridings, MBE, Mrs P A V Stockell and Mr R Truelove

ALSO PRESENT: Mr D L Brazier

IN ATTENDANCE: Mr T Read (Head of Highway Transport), Mr B Haratbar (Head of Programmed Work), Ms D Fitch (Democratic Services Manager (Council)) and Mr J Cook (Scrutiny Research Officer)

UNRESTRICTED ITEMS

48. Introduction/Webcast Announcement
(Item A1)

49. Substitutes
(Item A2)

50. Declarations of Interests by Members in items on the Agenda for this Meeting
(Item A3)

51. Minutes of the meeting held on 12 June 2014
(Item A4)

1. RESOLVED that the minutes of the meeting held on 12 June 2014 be approved as a correct record and that they be signed by the Chairman.

52. St Dunstan's and Westgate Towers - Canterbury - Traffic Management Scheme
(Item D1)

1. The Chairman summarised the issue being considered by the Scrutiny Committee in terms of the following two points:
 - Why was the plan and decision to implement the post consultation changes not taken to the Canterbury Joint Transportation board on 10 June 2014?
 - Under what authority was the decision made after the consultation?
2. Under the process of formal submission of questions and by prior agreement, the Chairman invited Mr MacDowall to ask Mr Brazier three questions;
 - a) Why was a full report published not after the consultation?
 - b) Were the minutes of the St Dunstan's Regeneration Scheme Steering Group made publicly available?

- c) Have the local area elected members from district and county councils have been given an opportunity to comment on the proposals for the scheme?
3. Mr Brazier provided an overview, beginning with the instigation of a trial traffic management scheme on 27 March 2012 which prevented any vehicular travel through the Westgate Towers. The trial had been requested by Canterbury City Council and was put in place without any formal decision being taken. The Joint Transportation Board was informed of progress during the trial but did not take a formal role in approving the scheme. The trial was ended after 12 months by KCC's Leader Paul Carter due to local reaction against the impact of the traffic management.
 4. To address the unsustainable post-trial situation, Mr Brazier set up the St Dunstan's Regeneration Scheme Steering Group to review the matter in partnership with senior stakeholders in the area with a view to developing a formal public consultation on possible traffic management options. The Steering Group included KCC, Canterbury City Council, local business groups and community interests. The consultation was launched in September 2013 and closed in December 2013. The initial results of the consultation were taken to Cabinet in December where they were considered by the Leader and all Cabinet members. The overwhelming support for Option E (allowing traffic through Westgate Towers) convinced Cabinet to announce that KCC would be supporting its implementation while the peripheral issues included in the consultation such as 20 mph limits and weight restrictions would be considered after further analysis had been conducted when the Steering Group next met in January 2014.
 5. Mr Brazier emphasised that this Traffic Scheme, like others of its kind, fall within delegated power and could be implemented without a formal cabinet decision by senior Highways Officers. It was emphasised that the current scheme is reflective of the proposal endorsed in the public consultation and the scheme should already have been implemented but was delayed due to design work. Mr Brazier had decided against taking the proposed scheme to the Joint Transportation Board for further comment due to the need for progress to be made after earlier delays and the concern that it would raise expectation that JTB and CCC comments would have a significant impact on the scheme when the formal consultation had already taken place.
 6. Mr Latchford thanked Mr Brazier for his summary of events then outlined the concerns that had been raised to him in his capacity as leader of the opposition, referring to an email record. Mr Latchford stated that the Canterbury Area Member Panel (CAMP) had asked for a formal consultation report to be taken to the Joint Transportation Board; that this had not been done and the six bullet point summary that had been provided to CAMP was not deemed sufficient in place of a full report. Mr Latchford asked that an appropriate Officer attend the next CAMP meeting on 21st July.

7. Mr Brazier responded to this and follow up questions from members; explaining that he had been consistently responding to correspondence, outlining that the formal consultation had provided ample opportunity for residents, councillors and all interested stakeholders to comment and contribute to the decision making process and that all relevant information that would constitute a 'consultation report' has been available on KCC's website. Officers were not available to attend CAMP on the 21st but Mr Brazier stated that while he was already otherwise committed, he would try to attend. He added that Stagecoach is a private commercial concern and KCC had no direct influence in terms of bus routes.
8. In answer to specific questions about the involvement of the Canterbury JTB, Mr Brazier explained that the JTB is an advisory body and that he almost invariably takes on board the JTB's recommendations but that he is not beholden to do so. In this instance, when there is already two years' worth of debate, research and correspondence, additional JTB advice was not required to influence traffic measures to be handled under delegated authority.
9. Further questions were raised in relation to the membership of the Steering Group and concerns that local traders were not sufficiently represented. Mr Brazier challenged this robustly, referring this to the involvement of significant Trade Associations from Canterbury.
10. In response to reiterated concerns about the decision not to take the St Dunstan's scheme to the Canterbury JTB, Mr Brazier stated that the response to the current plan was positive, barring a small number of active correspondents who still oppose the plan. Ongoing updates from stakeholders have supported the view that the proposals will benefit the St Dunstan's area. Furthermore, claims that the traffic scheme had directly led to businesses failing were challenged as oversimplifications and argued against. It was emphasised again that the decision to run buses on any route in Kent was a matter for the relevant bus company and not influenced by KCC, instead basing such decisions on commercial interests.
11. Members commented that other local members were supportive of the content of the proposals but were concerned that local members and that it was likely that the public expected the scheme to be discussed in public at the JTB.
12. Mr Brazier again stated that the JTB is most useful when supporting the taking of formal decisions but reiterated that in this instance, no such decision was required. It was also explained, through rhetorical questioning, that further debate at a future JTB would not be helpful as so much had already been done to find the best solution that it would not be practical to begin re-negotiating with dissatisfied parties at this stage.

13. A discussion took place considering various options to progress the matter, including a request for Mr Brazier to attend a later Scrutiny Committee with an update after having taken the scheme to the Canterbury JTB and that Mr Brazier or relevant Highways representatives attended the CAMP meeting on 21 July.
14. Members commented that the concerns about the appearance of democratic involvement and engagement processes not being followed were understandable but it was agreed that nothing illegal or constitutionally improper had taken place.
15. A Member stated that the process and communication issues raised so far were justified concerns but that demanding further reports to the Scrutiny Committee would not be helpful. Instead it was suggested that a strong attempt is made for a relevant individual to attend the upcoming CAMP on the 21st July and that Mr Brazier take his proposals to the next JTB for consideration.
16. Mr Brazier stated that the communication work undertaken was sufficient and that further engagement with the small number of dissatisfied parties would not resolve the matter. His focus was delivering the plan rather than discussing it further though he would still attempt to attend the CAMP on 21 July. Similarly, a further update to the Scrutiny Committee on the matter would not be beneficial as it would amount to an update on practical work undertaken as the scheme was being implemented in early September.
17. The Chairman summarised the situation, namely that despite a small number of dissenting voices in the community, there was widespread support for the plan which would now be implemented. The Chairman suggested that the committee consider providing a recommendation for Mr Brazier and that the committee thank him for his attendance and note his report.
18. Motion proposed by Mr Hotson and seconded by Mr Scholes, that a written report be submitted to the JTB.

RESOLVED that the Scrutiny Committee note Mr Brazier's report and request that he provide a written report to the next Canterbury JTB on the St Dunstan's traffic management scheme featuring a schedule of works with a proposed completion date.

53. Capacity of Highways Drainage System and its impact on Flood Risk Management
(Item D2)

1. The Chairman summarised the issue under consideration as a perceived failure for Highways to include a Drainage report in the recent Cabinet paper despite assurances to Mrs Dean that such a report would be present. A supplementary

report has since been provided to the Scrutiny Committee. Mr Brazier was asked to comment on why Highways and Transportation did not provide the report in the Cabinet paper.

2. Mr Brazier explained that Highways had not been asked to contribute to the Flood Risk Management Committee Report and that the previous Scrutiny Committee records did not indicate a requirement for any Highways action to contribute to the Cabinet paper. This was to clarify that he believed that there had been no failure on the part of Highways and to confirm that the final Cabinet Paper will feature a drainage section. There was a request made at Cabinet that Highways and Transportation look into the issue of Highways drainage in future which is being done with support of the KCC Drainage & Flood Manager, Katie Lewis, who will be attending the next committee meeting. Highway drainage will feature in the next Highways and Transportation committee meeting.
3. Mrs Dean stated that the concern was one that had been raised to Members from the community with regards to smaller scale, anecdotal flood experiences that were perceived to be caused by silting, calcification and highway drainage issues. An assurance had been given by officers to Mrs Dean that these issues would be addressed in the Cabinet paper. The following questions had been prepared for Mr Haratbar with a view to addressing these concerns.
4. Mrs Dean welcomed Behdad Haratbar's report. Clarification was requested on what the enhanced cleansing regime for identified gullies was and whether it now more targeted. What is the cleansing schedule and how is calcification of pipes being managed?
5. Behdad Haratbar explained that areas identified as hotspots are cleansed every three months or six months depending on severity of issues. Hotspot data is reviewed regularly based on a range on information from quantitative data to anecdotal reports. Calcification was among several maintenance issues that were dealt with on a case by case basis.
6. Mrs Dean highlighted a perceived discrepancy between the surface water scheme plans for her division and where the local residents have reported incidents of flooding and evidence of surface water. It was asked how the surface water scheme is updated and whether a priority list for planned works existed.
7. Behdad Haratbar stated that such local issues are better addressed outside the meeting on a case by case basis and that work was prioritised based on needs assessments. Long term work was planned but was contingent on funding available which prevented a formal schedule being published. Local members are welcome to raise issues with Highways for consideration and potential inclusion in works schedules; a schedule of proposed works have for the financial year 2014/15 was disseminated to Members in March for comment and information. Mr Haratbar explained that use of Combined Members Grant fund to

support local highways priorities was welcome and that Members and residents can find information and guidance on flood resilience in the supplementary report he had produced as well on the KCC website.

8. Mrs Dean requested details as to the use of enforcement powers by Highways to deal with landowners that do not meet their legal obligations to mitigate flood issues arising from their property.
9. Behdad Haratbar explained that the enforcement process managed delicately, normally seeking solutions through engagement with landowners, educating them about their legal obligations and only using enforcement powers where such discussions break down.
10. Members praised the clarity provided by Mr Haratbar on a range of issues; the supplementary report in particular, was identified as an excellent document that was clear, concise and accessible.
11. Mr Scholes recommended that the paper provided by Behdad Haratbar be noted; motion seconded by Mr Hotson.

RESOLVED that the Scrutiny Committee note the Highways Drainage report and thank Mr Brazier and his officers for attending.