

## KENT COUNTY COUNCIL

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### ENVIRONMENT, HIGHWAYS AND WASTE CABINET COMMITTEE

MINUTES of a meeting of the Environment, Highways and Waste Cabinet Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 15 November 2012.

PRESENT: Mr D L Brazier (Chairman), Mr N J Collor (Vice-Chairman), Mr J R Bullock, MBE, Mr I S Chittenden, Mr G Cowan, Mr M J Harrison, Mr W A Hayton, Mr C Hibberd, Mrs J P Law, Mr R F Manning, Mr C P Smith and Mrs E M Tweed

ALSO PRESENT: Mr B J Sweetland

IN ATTENDANCE: Mr M Austerberry (Corporate Director, Environment and Enterprise), Dr S Anderson (Climate Change Project Manager), Mrs C Arnold (Head Of Waste Management), Mr J Burr (Director of Highways and Transportation), Ms A Carruthers (Transport Strategy - Delivery Manager), Mr R Fitzgerald (Performance Manager), Miss P Garden (Consultation Officer), Mr D Hall (Future Highways Manager), Mr A Kamps (Principal Accountant), Mr T Read (Head of Highway Transport), Mr P Vanston (Campaigns & Projects Manager Changing Attitudes & Behaviours Team) and Mrs K Mannering (Democratic Services Officer)

#### UNRESTRICTED ITEMS

##### **51. Membership**

*(Item A2)*

Members noted that Mr I Chittenden had been appointed to the Committee by the Liberal Democrat Group.

##### **52. Minutes of the meeting on 20 September 2012**

*(Item A5)*

RESOLVED that the Minutes of the meeting held on 20 September 2012 are correctly recorded and that they be signed by the Chairman.

##### **53. Kent Joint Municipal Waste Management Strategy: Refresh of Policies - Decision No.12/01978**

*(Item B1)*

(1) The Waste & Emissions Trading Act 2003 required that councils in two tier areas put in place a Joint Municipal Waste Management Strategy (JMWMS). The report sought support to partnership approaches, to deliver better outcomes for taxpayers between Waste Disposal Authorities (such as Kent County Council) and Waste Collection Authorities (district and borough councils). The first Kent JMWMS was adopted by all 13 councils in 2007. The report outlined the process and activities undertaken to refresh the policies in the Kent JMWMS so that they were up-to-date and relevant for the period 2012 to 2020. The very good relationships

fostered between the 13 councils through the auspices of the Kent Waste Partnership (KWP) were such that refreshing and retaining the KJMWMS was desirable for business purposes irrespective of the legal requirement. The report confined itself to the strategic framework needed to ensure all 13 Kent councils carried out their waste disposal and waste collection functions according to the three key aims, set out in the report.

(2) Prior to discussion Mrs J Law moved, Mr N Collor seconded a change to the wording of the recommendation in the report, to read as follows:-

‘Members are requested to consider the refreshed KJMWMS objectives and policies 2012/13 to 2020/21 contained in Annex 1, and recommend the Cabinet Member to support these as the policies for the Council.’

*Carried*

(3) RESOLVED that the Cabinet Member be recommended to support the refreshed KJMWMS objectives and policies 2012/13 to 2020/21, contained in Annex 1 to the report, as the policies for the Council.

#### **54. Technical & Environmental Services Contract (TESC) - Decision No.12/01935**

*(Item B2)*

(1) Further to Minute 43 of 20 September 2012, Members were asked to note the recent procurement progress and next steps that would identify the preferred bidder leading to the award of the new contract.

(2) On 24 September 2012, an Invitation to Tender (ITT) was issued to the five shortlisted bidders – AECOM, Amey, Atkins, Capita Symonds, Parsons Brinckerhoff; and the unsuccessful applicants were notified. The five bidders had until the close of play on 6 November 2012 to submit their final tenders. As part of the process, a Bidders Day was held on 11 October where the potential providers met KCC representatives (Officers and Members) to discuss the TESC requirements in more detail.

(3) Bidders presentations would take place on 20 November. Mr Burr informed Members that Mr Brazier, Mr Bullock and Mr Chittenden would sit on the assessment panel which scored the bidders based on their presentation and subsequent question and answer sessions.

(4) The proposed contract spend by KCC would be approximately £4m-£5m per year for an initial period of up to 5 years, with possible extension(s) for a further 5 years. This was a significant potential reduction on historic spend through the “Jacobs” contract which was worth around £12m-£13m per year in 2010/11. A robust and focussed procurement process continued to progress and would lead to contract award in early 2013.

(5) RESOLVED that the report be noted.

**55. Policy for the use of mirrors on the Highway in Kent - Decision No.12/01931**  
*(Item B3)*

(1) The County Council for many years had not supported the use of traffic mirrors on the highway despite other Highway Authorities and the Department for Transport (DfT) allowing them in certain circumstances. It was now proposed that the County Council adopted a new policy allowing the limited use of traffic mirrors at specific locations to assist in the delivery of one of the key objectives of reducing road casualties. Growth Without Gridlock stated road safety as a priority for central and local government.

(2) If the policy was adopted the County Council would bear the costs of installation and maintenance of a traffic mirror if introduced as a casualty reduction measure. If a Member wished to fund a mirror via their Member Highway Fund then the cost would be met from their individual allocation. If a member of the public requested a traffic mirror to assist with exiting private property then they would have to fully fund the work including the full investigation, approval and any future maintenance costs.

(3) The Highways & Transportation department received enquiries every year requesting the installation of traffic mirrors on the highway to aid motorists at road junctions or private accesses where visibility was restricted due to the alignment of the highway, vegetation, fence, wall or building etc. Currently such requests were turned down on the basis that the placing of a mirror could adversely affect road safety.

(4) Traffic mirrors were classified as a road traffic sign but were not currently prescribed in the Traffic Signs Regulations and General Directions (TSRGD). Their use on the highway currently required special authorisation by the Department for Transport (DfT). The DfT had however, indicated in their recent review of signing policy "Signing the Way" that the new revised TSRGD, due sometime after 2014, would allow the use of mirrors in prescribed conditions without the need for special authorisation.

(5) Whilst the widespread use of mirrors should not be encouraged there were sites when their use might be a benefit to road safety. It was therefore proposed that the County Council adopted a new proactive policy that allowed their limited use. Each site would need to meet with the DfT criteria and would require an independent safety assessment to ensure that existing hazards were not increased by inducing drivers to rely on a mirror and take less care than they normally would. The assessment process would include a review of the safety record and consultation with the police.

(6) The County would only consider traffic mirrors on the public highway where:-

- There was a crash history relating to a lack of visibility.
- Visibility for vehicles emerging from the side road was severely restricted.
- A visibility improvement scheme was not feasible.
- Visibility could not be improved by removing hedges, walls, trees or other obstacles.
- The speed limit on the major road was above 30mph, the introduction thereby being aimed at higher speed roads.

- There were no other reasonable standard highway improvements possible.

(7) Mirrors might be sited off the highway on private land and that was a matter for the land owner and the person who placed the mirror. Planning permission might be required and any applicant should be directed to the local Planning Authority. Should any private mirror overhang a highway maintainable at public expense, then a licence was required from the Highway Authority. Should the County Council ascertain that road safety was being compromised as a result of a private mirror being placed near to the public highway the County Council would use its powers to remove the mirror.

(8) RESOLVED that:-

- (a) the policy set out in the report allowing limited use of traffic mirrors on the highway be endorsed; and
- (b) the Cabinet Member be recommended to introduce the policy.

## **56. Environment, Highways & Waste Forward Plan - current entries**

*(Item B4)*

RESOLVED that the current entry in the Forward Plan for Environment, Highways and Waste be noted.

## **57. Consultation on 2013/14 Revenue Budget**

*(Item C1)*

(1) Further to Minute 45 of 20 September 2012, the report provided Members with feedback on the recent consultation on the 2013/14 budget and in particular how it related to the Environment, Highways and Waste portfolio. The timing of the Committee meant that all the responses had not been fully analysed. A full analysis of responses would be presented to Cabinet in December.

(2) The comprehensive consultation and communication strategy had been endorsed by Cabinet Members with the aim of striking the right balance between in-depth engagement with a representative sample of Kent residents as well as wider engagement. The majority of expense had been devoted in engaging Ipsos MORI. Previous experience had demonstrated the additional benefit of independent market research rather than in-house. The consultation identified that an overall reduction in funding of £67m was estimated. The main additional spending demands and savings proposals for the Environment, Highways and Waste portfolio were set out in Appendix 1 to the report.

(3) The report provided feedback from MORI Workshops; On-Line Questionnaire and Budget Consultation Document; and Specific Focus Groups.

(4) The Cabinet Committee had previously agreed to establish an Informal Member Group (IMG) to consider budget issues, chaired by Nigel Collor, and included Ian Chittenden, Roy Bullock, Gordon Cowan, and David Brazier representing the Committee. The group met on 1 and 23 October 2012. The IMG did not recommend any other areas that could be looked at to either generate savings or additional income.

(5) A full report on the consultation would be presented to Cabinet on 3 December. Cabinet Committees would have a further opportunity to review the revised final draft budget in the January round of meetings prior to it going to County Council on 14 February for final approval (including setting the Council Tax for 2013/14).

(6) During debate -

- Mr Bullock expressed disappointment that Members had not received more information on the consultation feedback. Miss Garden stated that following a quality check, results would be circulated to all Members.
- Mr Cowan asked what effect the new homes bonus would have on the budget. Mr Sweetland stated that the District Councils should be closely involved, and that any impact on services would also affect the Economic Development Cabinet Committee. With that in mind, Mr Sweetland suggested that the Committee should get together with the Economic Development Cabinet Committee early in the new year.

(7) RESOLVED that the budget consultation process be noted.

## **58. Enterprise & Environment Directorate (Environment, Highways & Waste Portfolio) Financial Monitoring 2012/13**

*(Item C2)*

(1) Members were asked to note (a) the first quarter's (April-June) full budget monitoring report for 2012/13 reported to Cabinet on 17 September 2012; and (b) the subsequent update to the position reported in the monitoring exception report to Cabinet on 15 October 2012.

### *Revenue*

(2) The underspend for the portfolio had increased by £0.375m in September from -£2.228m to -£2.603m. The main movements were:-

- Planning Applications
- Waste Management:
  - +£0.374m Recycling Contracts and Composting;
  - £1.912m Disposal Contracts;
  - £0.178m Haulage and Transfer Stations;
  - +£1.442m Landfill Tax;

in addition, there had been a small increase of -£0.067m in the underspend on the Household Waste Recycling Centres budget, which had moved from a net underspend of -£0.579m to -£0.646m

### *Capital*

(3) There had been no movements in unfunded variance since the quarter 1 report.

Movements in re-phasing (to/from beyond 2012-15) since the quarter 1 report involved:-

- Sandwich Sea Defences
- Sittingbourne Northern Relief Road
- East Kent Access Phase 2
- Growth Without Gridlock
- A28 Chart Road

There had been no other movements since the quarter 1 report.

(4) During debate Mr Manning referred to compensation claims not shown in the forecast. Mr Kamps undertook to discuss with Corporate Finance a better way of reflecting the issue.

(5) RESOLVED that the revenue and capital forecast variances from budget for 2012/13 for the Enterprise & Environment Directorate (Environment, Highways and Waste Portfolio), based on the first quarter's full monitoring to Cabinet and the subsequent exception report, be noted.

## **59. Business Planning Priorities 2013/14**

*(Item C3)*

(1) The report detailed provisional headline priorities for Business Plans (2013/14) for each division within Environment, Highways & Waste. Effective business planning was a pre-requisite for any organisation to ensure a clear focus on delivering agreed organisational priorities across both the medium to long-term and through more day-to-day activity. The Budget Consultation and 'Bold Steps' report to County Council in October referenced five 'P' themes that were of strategic importance to the organisation: prevention, productivity, partnership, procurement and people, which provided a helpful, light-touch framework for discussions on how each division could contribute to the overarching themes that would help to deliver 'Bold Steps for Kent'.

(2) There were three divisional business plans covered by Environment, Highways & Waste Cabinet Committee:-

- Planning & Environment
- Highways & Transportation
- Waste Management

Each division had considered their initial headline priorities within the five 'P' framework, highlighting specific financial and policy challenges:-

- a) **Prevention:** demand management, contributing to preventative transformation programmes (e.g. Integrated Adolescent Support Services, FSC Adults Transformation, Public Health etc)
- b) **Productivity:** efficient systems and processes, invest to save/value for money, smarter ways of working, contributing to transformation programmes (ERP, New Work Spaces, Digital Strategy, Channel Shift etc)

- c) **Partnership:** building local internal and external partnership arrangements (e.g. SE7), governance, partnership projects & programmes (e.g. health & social care integration) relationship with central government
- d) **Procurement:** efficient commissioning and procurement processes, best value, category management, contract management, localist commissioning models (e.g. sub-contracting to VCS and SME providers)
- e) **People:** improving internal and external customer relationships, customer focused processes, embedding the Customer Services Strategy, change management, cultural and behavioural change
- f) **Financial & Policy Challenges:** operational implications for delivering saving targets, managing demand and capacity with reduced resources, income generation, changes in national policy or legislation, feedback from Budget Informal Member Groups (IMGs)

(3) Each division would develop their draft plan during the November to January period. Divisions would be required to share substantive, but still draft, business plans with Cabinet Committees at the January round of meetings before approval by Cabinet. The draft plans would be updated from January to February 2013 to take into account Cabinet Committee feedback. The new plans would be published online and implemented from April 2013.

(4) During debate Mr Sweetland and Mr Burr answered questions and noted comments from Members which included the following:-

- “White Lining in Kent”
- North Farm, Tunbridge Wells
- “Freight Watch” and Freight Gateway initiatives
- Complaints relating to the surface on the M20 – Mr Burr undertook to write to the Highway Agency highlighting the problem
- Bus route canopy vegetation clearance programme; and removal of signs once repairs had been carried out – Mr Burr requested Mr Smith to supply details of the locations of abandoned signs, to enable him to organise their removal by the contractor
- Lack of consultation by the Highway Agency relating to layby closures

(5) RESOLVED that the headline priorities for each division’s business plan for 2013-14, be noted.

## **60. Enterprise & Environment Performance Dashboard** (Item C4)

(1) The Enterprise & Environment performance dashboard, set out in the Appendix to the report, included latest available results for the agreed set of key performance and activity indicators drawn from the year’s Divisional business plans.

(2) Further to Minute 46 of 20 September 2012 and a request made by Members, the waste management indicator relating to municipal waste had been split to show waste recycled and not taken to landfill and waste converted to energy and not taken to landfill. Where frequent data was available for indicators the results in the

dashboard were shown with the latest available month (September) and a year to date figure. For Waste Management, where data was more appropriately monitored with a rolling 12 month figure to remove seasonality, the data was provided with quarterly updates.

(3) During the debate Mr Chittenden referred to the improvement of streetlight repairs and thanked the officers concerned for their excellent work.

(4) RESOLVED that the report be noted.

## **61. Enterprise & Environment Mid-year Business Plan Monitoring**

*(Item C5)*

(1) A light touch mid-year Business Plan monitoring exercise was conducted, with the aim of identifying key achievements and areas where tasks were not completed. Highlights of the mid-year Business Plan monitoring for Enterprise & Environment were set out in the report.

(2) Prior to debate Members were asked to note that in relation to the A21 Dualling, the next funding round commenced in April 2015, and not 2013 as stated in the report.

(3) During discussion –

- Mr Read undertook to update Mr Harrison on the development of the Smartcard contract
- Mr Bullock expressed concern at the impact of the European budget on the delivery of the Kent Adaptation Action Plan, and suggested a report of any changes be submitted to a future meeting of the Cabinet Committee.

(4) RESOLVED that the report be noted.

## **62. Cabinet Member's and Corporate Director's Update**

*(Item D1)*

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

*Planning & Environment* – Aviation; Overnight Lorry Parks; and Strategic Planning Applications

*Highways & Transportation* – Kent Lane Rental Scheme (KLRS) Update; Lorry Watch Update; and Additional £6m Resurfacing Programme

(2) Mr Austerberry gave a verbal report on the following issues:-

Mineral Sites Plan and Waste Sites Plan; the new Growth and Infrastructure Bill; Household Waste Recycling Centres; Joint waste working with Districts; Capital waste programme; Ashford Transfer Station/HWRC

(3) RESOLVED that the updates be noted and copies circulated to Members of the Committee.

### **63. Joint Transportation Boards Agreement and Governance**

*(Item D2)*

(1) A Joint Transportation Board (JTB) provided the mechanism for discussing highway and transport issues relating to a district area. The JTB was an advisory board and did not have decision making powers. Member representatives from the County Council, District Council and a Parish Council representative made up the constitution of the Board. The Parish representative may speak but had no voting rights.

(2) There was an agreement in place with each District/Borough Council which governed the constitution of the JTB. The Agreement dated back to 2005 and was, in part, out of date. In tandem, a number of Joint Transportation Boards had requested a variation to the Agreement to allow additional Parish Council representatives to attend. The Kent Association of Local Councils (KALC) had requested that Parish representatives were given voting rights along with the other members of the JTB.

(3) Members were invited to give their views on the revised draft JTB Agreement attached as Appendix 1 to the report, and to the request from KALC to allow each JTB two Parish representatives with voting rights.

(4) Together with the revision of the JTB Agreement, the County Council had reviewed its governance of the JTBs and was proposing to attach a form to all reports which required a recommendation to the County Council. The County Council would normally act in accordance with the views or advice of the JTB except where the matter was a clear departure from policy. In this event, the matter would be referred to the Cabinet Member for Environment, Highways and Waste for discussion with the Chairman/Vice Chairman before a decision was confirmed.

(5) RESOLVED that, following debate, consideration of the report be deferred, and an updated paper reflecting the views of Members be submitted to the January meeting of the Cabinet Committee.

### **64. Kent and Medway Green Deal Partnership**

*(Item D3)*

(1) The report provided an update on the energy efficiency housing retrofit activities of the Kent and Medway Green Deal Partnership. The potential for retrofit in Kent was significant. Over half of the homes in Kent were still insufficiently insulated and more than 13% of Kent's residents lived in fuel poverty. If all Kent's homes were retrofitted it could generate £914m worth of sales, with the potential for 7000 jobs, generating savings of over £80m for residents. In parallel the Government had been developing its flagship 'Green Deal' programme to drive retrofit nationally.

(2) The Green Deal was made up of two parts which were The Energy Companies Obligation (ECO); and 'Green Deal'. To enable Kent to maximise an amount of the £1.3bn a year 'ECO' funding levered into the county, the Kent and Medway Green Deal Partnership (KMGDP) had been set up. The KMGDP brought together, at a strategic level, all the key partners who would be essential in delivering a successful retrofit programme. The partnership was chaired by Graham Harris, Managing Director of Dartford Borough Council.

(3) The purpose of the KMGDP was not only to ensure maximum 'ECO' funding for Kent residents but also secure additional benefits from a large scale programme of retrofit. This was not simply about physical measures, but low carbon regeneration with retrofit at its core. A two phase programme of activity had been developed by the KMGDP:-

**Phase 1:** Kent County Council, on behalf of the KMGDP would engage with an ECO funding provider to help facilitate early pilot projects. Each pilot would be approximately 200 dwellings in size located in communities of around 4000 homes over the next 12-18 months. The estimated cost of the pilots was around £11-12m, but the expansion to 5000 homes over the initial eco period (to March 2015) would result in far greater value (up to £40m). It was anticipated that the total cost of the pilots would be covered by the Eco Provider.

Agreed pilots were: Swanscombe, Northfleet/Singlewell, Sittingbourne/Sheppey, Ramsgate, Aylesham. A Medway pilot area was still being agreed. There would be cross cutting priorities for rural areas and affordable warmth.

**Phase 2:** Roll out of the process across Kent and the establishment of a long term relationship with an eco funder and/or Green Deal Provider

(4) The next steps for the KMGDP would be to:-

- Develop a Memorandum of Understanding for KMGDP partners
- Set up a KMGDP Project Board
- Fully engage with all key partners in the pilot areas including KCC Members

(5) RESOLVED that the Kent and Medway Green Deal Partnership and actions identified, be noted.