

## KENT COUNTY COUNCIL

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### ENVIRONMENT & TRANSPORT CABINET COMMITTEE

MINUTES of a meeting of the Environment & Transport Cabinet Committee held in the Darent Room - Sessions House on Tuesday, 19 March 2019.

PRESENT: Mr M A C Balfour (Chairman), Mr M D Payne (Vice-Chairman), Mr T Bond, Mr A Cook, Mr N J Collor, Mr S Holden, Mr A R Hills, Mr R C Love, OBE, Mr P J Messenger, Mr R H Bird (Substitute for Mr I S Chittenden), Mr A J Hook, Mr B H Lewis, Mr M E Whybrow and Mr H Rayner

ALSO PRESENT: Mr P M Hill, OBE and Mr M Whiting

IN ATTENDANCE: Mrs B Cooper (Corporate Director of Growth, Environment and Transport), Mr S Jones (Director of highways, Transportation and Waste), Miss G Little (Democratic Services Officer) and Mrs S Holt-Castle (Interim Director of Environment, Planning & Enforcement)

### UNRESTRICTED ITEMS

#### **154. Apologies and Substitutes**

*(Item 2)*

Apologies were received from Mr A Booth and Mr I Chittenden. Mr R Bird attended as a substitute for Mr Chittenden.

#### **155. Declarations of Interest by Members in items on the Agenda**

*(Item 3)*

Mr M Balfour made a declaration of interest on Item 13 as the Kent County Council representative on the Joint Advisory Committee of the Area of Outstanding Beauty (AONB); he also declared an interest in Item 14 due to his role as a representative on the Kent Nature Partnership Board.

Mr M Payne made a declaration of interest on item 13 as a member of the Facilitation Group of the Area of Outstanding Beauty (AONB).

#### **156. Minutes of the meeting held on 17 January 2019**

*(Item 4)*

RESOLVED that the minutes of the meeting on 17 January 2019 are a correct record and that they be signed by the Chairman.

#### **157. Verbal Updates**

*(Item 5)*

1. Mr M Whiting (Cabinet Member for Planning, Highways, Transport and Waste) gave a verbal update on the following issues:

##### **Bus Portal**

The bus portal was launched on Kent County Council's website on 25<sup>th</sup> January 2019 which allowed users to record any issues they had experienced with the bus operators or service providers. Since its launch there had been 171 recorded issues, a majority of which related to punctuality. Mr Whiting informed the Committee that the bus portal was an essential tool that would assist the Highways team in addressing such issues with the operators concerned and relieve some of the experienced pressures.

### **Heavy Goods Vehicle (HGV) Working Group**

The HGV Working Group had examined a number of potential ways to resolve the issue of HGVs travelling through rural villages and town centres. Mr Whiting commended the positive work of the group and the effective meetings held with Kent Police's Transportation Chief and Department for Transport representatives to explore ways in which Kent County Council could work with national government and build a scheme within Kent. Mr Whiting paid tribute to all those on the Members Working Group and said that a preliminary report of the findings was due to be produced in the late autumn.

### **Casualty Reduction Activity**

Mr Whiting informed Members of the planned casualty reduction events as follows:

- 4<sup>th</sup> March 2019 - Inappropriate speed on rural roads. Mr Whiting said that Simon Jones, Director of Environment, Transport and Waste was due to review potential pilot schemes for 40 mph speed limit zones to measure the effect of casualty reductions in rural areas,
- 15<sup>th</sup> March 2019 - A new and improved Licence to Kill programme was launched under the campaign title 'No Turning Back,'
- March to April 2019 - A new road user campaign was due to be launched to address the issues on the A254
- March to April 2019 – A new campaign was due to be launched to address mobile phone impairment whilst driving

Mr Whiting informed the Committee that the campaign 'Speak Out' had been nominated for the Local Government Chronical award.

### **Local Growth Fund**

Mr Whiting informed the Committee that the A226 work had progressed and that the footway and acoustic barrier installations were due to be completed by the end of March 2019. The site compound was yet to be removed, however, the anticipated date of completion was April 2019.

### **Tonbridge Station Improvements**

The Tunbridge Wells station improvements were complete and construction work commence on the Tunbridge Wells public realm on 28<sup>th</sup> January 2019. Mr Whiting informed the Committee that Civic Way and Monson Road had also closed for planned refurbishment works.

### **Big Conversation Bus Pilot**

Mr Whiting informed the Committee that a Member Review Group would be established to work in coalition with the Big Conversation project team. Mr H Rayner had agreed to chair the cross-party group and arrangements were being made through the Group Leaders' office and Project Manager, Robert Clarke.

2. Mr Whiting responded to Members comments and questions, which included the following: -
  - (a) Mr Whiting confirmed that an item on the 20mph speed limit policy was due to be discussed at the Cabinet Committee in May 2019.
  - (b) In response to queries regarding the remit of the Bus Pilot working group and whether it would include decisions relating to Thanet and Sevenoaks bus services, Mr Whiting said that the working group was established to assist the project manager with the big bus trials with a remit to amend the trials as they progress. Mr Whiting assured Members that changes to subsidised services would have to go through public consultation to ensure full transparency and the proposed decision would be presented to the Cabinet Committee before a final decision could be made. Mr Whiting acknowledged the importance of including those Members in any discussions regarding proposed changes to their local areas and assured Members that those discussions would take place prior to public consultation.
  - (c) In response to the licencing of Heavy Goods Vehicles, Mr Whiting said that the Government set the required age limit and 18 years of age was perceived to be satisfactory.

3. RESOLVED that the verbal updates be noted, with thanks.

### **158. Performance Dashboard**

*(Item 6)*

*Richard Fitzgerald (Business Intelligence Manager, Performance, Strategic Business Development & Intelligence) was in attendance for this item.*

1. Mr Fitzgerald introduced the Performance Dashboard which showed progress made against targets set for Key Performance Indicators (KPI) up to January 2019 and referred in particular to indicator HP12 which had been amended to reflect the change of contractor and now included illuminated signs and bollards. Mr Fitzgerald was pleased to announce that there were no red indicators and commended the officers for achieving the set targets.
2. The officers responded to Members comments and questions, including the following:
  - (a) Mrs B Cooper (Corporate Director of Growth, Environment and Transport) said that the targets within the current dashboard reflected those set and agreed by the Committee in 2018 through the Business Plan process. However, the implementation of the new Strategic Delivery Plan meant that Members would

have a chance to review the mechanisms in place for approving targets and ensuring that KPIs were set at the correct level.

- (b) Mr Jones (Director of Highways, Transportation and Waste) confirmed that the summary for indicator HT11D was incorrect and that the LED conversion programme had been delivered ahead of schedule.

3. RESOLVED that the report be noted.

### **159. Risk Management: Growth, Environment and Transport Directorate** *(Item 7)*

*Mark Scrivener (Corporate Risk Manager) was in attendance for this item.*

1. Mr Scrivener introduced the report that set out the strategic risks relating to the Environment and Transport Cabinet Committee and paid particular attention to three risks that featured on the Corporate Risk Register for which the Corporate Director of Growth, Environment and Transport was the designated owner for. Mr Scrivener welcomed comments from the Committee.
2. The officers and Cabinet Member for Planning, Highways, Transport and Waste responded to comments and questions from Members, including the following:
  - (a) Mrs Cooper (Corporate Director of Growth, Environment and Transport) responded to concerns regarding the ability of the GET directorate to deliver in-year budget targets and confirmed that the latest information supported the assertion that the directorate would achieve an underspend by the end of the year.
  - (b) With regards to post Brexit infrastructure, Mrs Cooper said that all teams across Kent County Council had been tasked with producing business continuity plans which looked at all possible eventualities as a result of Brexit. She reminded Members that Brexit was a planned event and that despite continued uncertainty, Kent continued to work with partners at a national and local level to prepare for all potential risks and mitigate them as far as reasonably practical.
  - (c) Mr M Whiting, (Cabinet Member for Planning, Highways, Transport and Waste) said that operation Brock was a planned response to Brexit and the infrastructure was due to be in place on 25<sup>th</sup> March, in time for the anticipated Brexit date on 29<sup>th</sup> March 2019. Operation Stack would continue to be the emergency response.

3. RESOLVED that the risks presented in the report be noted.

### **160. Aviation 2050: The future of UK Aviation** *(Item 8)*

*Joseph Ratcliffe (Transport and Strategy Manager) and Nola Cooper (Senior Transport Planner) were in attendance for this item.*

1. Mr M Payne introduced the report that set out Kent County Council's proposed response to the Department for Transport's (DfT) consultation on *Aviation 2050: The future of UK Aviation*, which was the Government's new aviation strategy. Kent County Council's response continued to focus on the issues of noise and sustainable growth which was often detrimental to the communities living near airports or under flight paths and was in line with the adopted Policy on Gatwick Airport and accorded with recent responses to other aviation consultations.
2. Mr Ratcliffe informed the Committee that the DfT put out a call for evidence for a new Aviation Strategy which looked to replace the 2013 policy framework. He referred in particular to the seven strategic themes and provided a brief summary of Kent County Council's proposed response to the consultation which was in line with the adopted Policy on Gatwick Airport.
3. Officers responded to Members comments and questions, including the following:
  - (a) Mr Ratcliffe confirmed that the proposed response contained a section on climate change and CO2 emissions.
  - (b) In response to low altitude flight paths, Mr Ratcliffe acknowledged Members concerns and said that Gatwick had carried out an independent review in response to complaints about low altitude flights and had set up a Noise Management Board that Mr Payne attended as a Kent County Council representative in an attempt to tackle noise pollution. Mr Ratcliffe advised Members of the complexity of adjusting the flightpaths due to minimal airspace, however, work continued to be done by Gatwick and other stakeholders who were better placed to advise the Government on matters such as technological advancements and safety.
  - (c) Mr Whybrow requested that his objection to endorse the proposed response to the consultation be recorded and applied to other aviation consultations that seek to expand airports and that had a detrimental impact on the climate and all Kent's residents.
4. RESOLVED that the proposed Kent County Council response to the consultation, be endorsed.

## **161. Development of the Strategic Delivery Plan** (Item 9)

*David Whittle (Director, Strategy, Policy, Relationships and Corporate Assurance) and Elizabeth Sanderson (Strategic Business Adviser (Corporate), Strategy, Policy, Relationships and Corporate Assurance) were in attendance for this item.*

1. Mrs Sanderson introduced the report that set out the Strategic Delivery Plan (SDP) for Kent County Council which supported the delivery of the outcomes within the Strategic Statement. The SDP was collectively developed with services, Cabinet Members and the Corporate Management Team to ensure it encapsulated the significant activity that Kent County Council would need to deliver over the medium term as well as the resources and capacity required

to ensure effective delivery at pace. Mrs Sanderson welcomed Members comments on the SDP process and the summary of that plan prior to Corporate Board approval on 4<sup>th</sup> April 2019. She advised the Committee that the SDP would undergo further review in the spring to build on the successful momentum of the SDP process and would be used to positively address emerging issues for subsequent business planning rounds.

2. Officers responded to Members comments and questions, including the following:

(a) Mr Whittle acknowledged the points raised by Members in relation to the way in which the SDP had been written, however, he informed the Committee that whilst the summary document was due to be published on the Kent.gov website, it was not designed to be a public facing document and was primarily written to address the complex internal business of the Council. Mr Whittle agreed to look at simplifying language where possible and to explain acronyms. With regards to the Leader's standardised wording, Mr Whittle agreed to liaise with Mr P Carter, MBE, to review alternative phrases. With regards to comments concerning the lack of environmental prioritisation, one of the key issues that emerged during the analysis of the plan was that the Strategic Statement outcomes were unbalanced, too broad and did not capture cross-cutting enabling activity. The SDP activity was prioritised using a tool called DECA (Delivery Environment Complexity Analytics) which assessed the submissions against the challenges, complexities and risks incumbent to the delivery of that submission, whereby; the environment submissions were too compartmentalised and did not contain the level of cross-cutting activity to make it a prioritisation for the Council. Mr Whittle said the review in the spring would look at how the DECA process prioritised the submissions and would provide further advice officers not to overly compartmentalise strategies as these would likely be ranked significantly lower compared to the submissions relating to the activity required for Children and Adult services which cut across a breadth of services. Mr Whittle informed the Committee that he would refer Members comments regarding the environment issues back to the Corporate Board.

(b) In response to the inclusion of the action plan as a result of the Select Committee paper on Social Isolation, Mr Whittle confirmed that the Executive was responsible for producing an action plan and would decipher whether this would be included in the SDP. Mr Whittle said that the point was raised at the Adult Social Care Cabinet Committee and agreed to refer Members comments back to the Corporate Board.

(c) Mr Whittle confirmed that the appendix to the report was the SDP summary, however there was a 183-page version which was due to be published on KNet following approval at the Corporate Board. He said that

the SDP was designed to be read in conjunction with other relevant strategy documents as it was unmanageable to include all 114 documents on KCC's strategy and policy register within the document. However, the SDP did include the support functions required for each activity as well as the internal and external co-dependencies.

3. RESOLVED that the draft Strategic Delivery Plan summary, be noted.

**162. 19/00020 - Proposed Revision to Joint Transportation Board Agreement**  
*(Item 10)*

*Simon Jones (Director of highways, Transportation and Waste) was in attendance for this item.*

1. Mr M Whiting (Cabinet Member for Planning, Highways, Transport and Waste) introduced the report which set out the proposed changes to the current Joint Transportation Board (JTB) Agreement between Kent County Council and the Districts/Boroughs. Mr Whiting informed the Committee that there had been a variation of agreements dating from 2005 to 2017 and said that the revised agreement sought to bring uniformity across the county. The proposed revised agreement had been circulated to the Chairman of the JTB's and their feedback had been incorporated into the document. Mr Whiting said that further correspondence was anticipated from District Leaders and representatives of the Kent Association of Local Councils; and welcomed the views of the Committee.
  - (a) The unanimous views of the Committee were that there should not be a blanket policy for the Joint Transportation Boards and that individual JTB's should be reviewed periodically on a case by case basis, in consultation with the District, Borough and KALC representatives to ensure that the JTB's functioned effectively and in accordance with good practice guidelines.
  - (b) Mr Rayner moved, and Mr Holden seconded that an amendment be made to the recommendation to adopt a revised JTB Agreement, *which is to be varied to enable those JTB's that currently have Kent Association of Local Council representation, and Parish and town representation who choose to maintain existing numbers and maintain voting rights that they currently enjoy. The Environment and Transport Cabinet Committee recommends that individual JTB's may continue to localise and vary their JTB makeup to suit their local requirements.*
2. Upon receiving the proposed amendment, the Chairman reiterated the Committees consensus that the Cabinet Member for Planning, Highways, Transport and Waste should take into consideration the following points prior to decision, that:
  - (a) Kent County Council should not tell Districts what they should do,
  - (b) Kent County Council should agree reasonable terms for the JTB's,
  - (c) There should be strict understanding that the JTB's function in an advisory capacity,
  - (d) The JTB's should be inclusive, not exclusive; and

(e) That JTB's should decide their own format

3. Mr Whiting acknowledged the key concerns raised by the Committee, primarily in regard to Parish representation, retention of voting rights and approval of the Chairman and Vice-chairman of the JTB's by the Leader of Kent County Council. Mr Whiting proceeded to inform the Committee of additional concerns that had been received regarding the representation of other community groups where Parish's did not exist and said that this had been addressed with the Town and Parish Councils that were not signatory to the agreements between Kent County Council and the Districts. Mr Whiting assured Members that the concerns raised would be reviewed and thanked Members for their comments.
4. The Chairman then put the amended recommendation to the vote and agreement was unanimous.
5. RESOLVED that the proposed decision (19/00020) to be taken by the Cabinet Member for Planning, Highways, Transport and Waste to adopt a revised JTB Agreement, which is to be varied to enable:
  - (a) those JTB's that currently have Kent Association of Local Council, Parish and Town representation to continue to operate within the existing framework and choose to maintain existing numbers and voting rights as currently enjoyed; and
  - (b) JTB's to continue to localise and vary their makeup to suit their local requirements,

be endorsed.

**163. 19/00021 - Reduction in Subsidy to the Young Persons Travel Pass (YPTP) Standard Pass**  
*(Item 11)*

*Phil Lightowler (Head of Public Transport) was in attendance for this item*

1. Mr Lightowler introduced the report that set out the proposed changes to the discretionary Young Persons Travel Pass (YPTP) scheme for the year 2019-2020 which sought to reduce the subsidy to the standard YPTP by £60; introduce an option to pay by instalments, the cost of which would be funded by the charging of a modest £10 administration fee; maintain the cost of the pass to students from low income families at £100; maintain provision of free passes to those in care and care leavers; and maintain the current offer that those families purchasing more than two standard cost passes would continue to only pay for the first two.
2. The officer responded to comments and questions from Members, including the following:
  - (a) In response to comments regarding the £20 inflationary uplift element and the calculation used to justify the additional cost, Mr Lightowler said that the

inflationary element included was based on anticipated increases for the whole scheme. On being challenged re the rate of increase, Mr. Lightowler did inform the committee that bus fares had been ahead of inflation rates for the past four years and varied between a 4.5% to 7% inflation rate across the country. The national bus survey highlighted a range of aspects including overall customer satisfaction which Kent operators scored highly against, however, a key area of concern was the ratings captured against value for money. Mr Lightowler acknowledged Members points and agreed to provide an explanation around the calculation of costs in future reports.

- (b) With regard to value for money for parents, Mr Lightowler said that there was not a standard journey that could be used to benchmark the benefit of the pass against commercial bus fares. However, Mr Lightowler stated that a good benchmark would be to judge the cost of the YPTP against what KCC pay on average per annum for scholar season tickets. He pointed out that the YPTP would rise to £350 and the average for scholar tickets was £725, therefore the YPTP still presented good value to parents.).
- (c) Mr Lightowler said that the word 'modest' was used to define the £10 administration fee for the payment by instalment plan as it mirrored what a number of organisations across the UK had introduced in order to support the administrative processes required. Mr Lightowler said that the option to pay by instalments was only applicable to those purchasing the annual £350 Young Persons Travel Pass and said that the scheme had been designed to ensure cost neutrality to Kent County Council. He assured the Committee that the YPTP scheme would continue to be reviewed to assess the impact of the subsidy reduction and to determine whether further alterations to the cost needed to be made to ensure best value for money.
- (d) Members queried whether the increased charges would dissuade students from using public transport and as a result, increase the number of cars on Kent's roads. Mr Lightowler said that 7.5 million journeys were made using the YPTP and informed the Committee that a number of Local Authorities across the country had removed free travel schemes for schools and failed to provide alternative arrangements. Kent County Council recognised the importance of the pass and the role it played in supporting sustainable travel to school, supporting school selection and inclusivity of choice and continued to deliver a scheme that benefited a substantial number of users.
- (e) Mr Lightowler confirmed that the anticipated date of the first monthly instalment would be 28<sup>th</sup> August 2019. For parents who miss the payment deadline, the instalment cost would be adjusted over a period of months. Mr Lightowler informed the Committee that the instalment period would run over eight months to protect the income of the scheme against potential cancellations in the April - June period.

(f) In response to queries regarding the Equality Impact Assessment, Mr Lightowler said that the scheme was initially designed to deliver simplicity in terms of the administrative process. The existing Transport Management System could not capture equalities data. As a result of this, Mr Lightowler said that further engagement with service users would be done through an external market research company to collect sample data around the issues raised by the Committee. The anticipated start date of the brief was April 2019, however, the start date of the market research was dependent on the advice received from the Communications Team.

(g) Members raised concern around the proposal to withdraw the half-yearly option and questioned the advantages of the decision, Mr Lightowler advised the Committee that the half-yearly option was initially introduced to improve affordability, however, concerns around affordability would be eradicated through the implementation of the proposed eight-month instalment plan. There was some evidence that parents would buy a half-yearly YPTP for the beginning of the year but not the second half as their child would be on exam leave and would therefore only purchase a standard operator bus ticket for the days in which they intended their child to be in school. Mr Lightowler demonstrated the benefit of the £350 annual YPTP, in this scenario and said that the scheme, split over 160 days, offered parents a daily price of £1.09 for a single trip and £2.18 for a return trip.

(h) Members commended the work of the officers and were pleased to see that Kent County Council were continuing to provide the discretionary travel scheme.

3. RESOLVED that the proposed decision (19/00021) to be taken by the Cabinet Member for Planning, Highways, Transport and Waste to update the Cabinet Decision of June 2015 to:

1. reduce the subsidy to the standard YPTP pass by £60;
2. introduce an option to pay by instalments, the costs of which to be funded by the charging of a modest £10 administration fee;
3. maintain the cost of the pass to students from low income families at £100;
4. maintain the provision of free passes to those in care and care leavers; and
5. maintain the current offer that those families purchasing more than two standard cost passes will only pay for the first two,

be endorsed.

## **164. Big Conversation Programme Update and Maidstone and West Malling Public Consultation Report**

*(Item 12)*

*Phil Lightowler (Head of Public Transport) and Robert Clarke (Commissioning Programme Manager) were in attendance for this item*

1. Mr M Whiting (Cabinet Member for Planning, Highways, Transport and Waste) introduced the report which set out the proposed pilots that were due to implemented from early June 2019 and commended the work of the officers involved.
2. Mr Clarke informed the Committee that the main objective of the 'Big Bus Conversation' was to evaluate whether alternative transport models could be delivered using a more cost effective and efficient approach compared to the current subsidised services. In October 2018, five preferred pilot schemes were identified, and full business cases had been prepared for each of those. Mr Clarke provided details of the proposed changes, the consultation outcomes, the allocated cost for each of the pilots and recommendations for changes that were provisionally planned for implementation from early June 2019.
3. Mrs Dean (Member for Malling Central) attended the meeting and raised the following points: -
  - (a) The recommendations for the West Malling bus service brought improved service delivery for residents through increased frequency. Mrs Dean commended officers for having carried out the pre-consultation with county Members which resulted to a change in the options available which were more preferable.
  - (b) Asked that the consultation document be condensed into a more practical and readable size.
  - (c) Asked that future public exhibitions be more inclusive. Mrs Dean commented on the lack of materials available to the public and the way in which the public accessed the consultation documents. Those that tended to use the service were of an aging population who were not IT literate and it would have been more appropriate to have had officers in attendance who could have sat with those members of the public to explain the consultation and provide hard-copy forms.
  - (d) Those who attended the consultation were advised that they could vote for the status quo which meant that a majority of those present did not express a preference to the two alternative options provided. Mrs Dean asked that clarity be provided in future consultations to avoid confusion and ensure full participation.
  - (e) The necessity for a bus service to be provided between Laybourne Chase and West Malling station was becoming a pressing matter as a significant number of children from West Malling were being allocated schools in Laybourne Chase with no means of getting there. Mrs Dean sought clarification from officers regarding the S106 developer contributions and the ability to accommodate a bus service from West Malling to Laybourne Chase.
4. The officers responded to comments and questions from Members, including the following: -

- (a) Mr Lightowler addressed the query regarding the necessity to provide a bus service between West Malling and Laybourne Chase and said that the condition placed on the developer, Taylor Wimpey, by Tonbridge and Malling Borough Council was that at a given point in the development process, they would fund a bus service to Laybourne Chase, or, provide a diversion through existing bus services. Mr Lightowler confirmed that no sum was set aside to fund the service and no sum was passed to Kent County Council to enact the S106 developer contribution. There was a trial carried out by Arriva and Nu-Venture to assess whether they could divert an existing service, however, results of the trial confirmed that the current road network could not accommodate a 2.55m wide bus. Mr Lightowler informed Members that he could not comment on who agreed to the development, however, if Kent County Council was approached to serve the development, a smaller vehicle would be required.
- (b) In response to the comment made around the preferred options for the West Malling service, Mr Lightowler confirmed that there was no mandate to withdraw the service 58. The objective of the pilot was to provide alternative service options that could be voted on, however, if the public did not prefer either of those options they could choose to vote on the existing service.
- (c) Mr Clarke confirmed that bus passes would continue to be accepted on the piloted services.
- (d) In response to queries regarding potential new bus operators in Kent, Mr Lightowler said that it would be discriminatory to remove an operator, such as Nu-venture who provided a high level of service, from their contract in order to carry out a pilot, to then revert back to using that same operator. With regard to Arriva, they had agreed to joint the pilot to stimulate growth and demand. Both operators had worked in close liaison with the project team and had made significant contributions to ensure the pilots worked. Mr Lightowler assured the Committee that he regularly attended conferences across the UK and informed perspective operators of the potential opportunities, however, other operators were yet to show interest.

5. RESOLVED that report be noted.

**165. 19/00013 - Kent County Council adoption of High Weald Area of Outstanding Natural Beauty Management Plan 2019-24**  
*(Item 13)*

*Stephanie Holt Castle (Interim Director of Environment, Planning and Enforcement) and Elizabeth Milne (Natural environment and Coast Manager) was in attendance for this item.*

1. Mr M Payne left the meeting and took no part in the discussion of the item.
2. The Chairman introduced the report that provided an overview of the revised High Weald Area of Outstanding Beauty (AONB) Management plan 2019-24 in order to seek endorsement for its adoption by Kent County Council.

3. Ms Milne said that the Countryside and Rights of Way Act 2000 required local authorities within the Area of Outstanding Natural Beauty (AONB) to act jointly to prepare and publish an up-to-date plan every five years which would formulate their policy for the management of the area and for the carrying out of those functions in relation to it. The revised Management Plan took account of the potential impact of Brexit on agri-environmental policy, the significant increase in development pressures in the AONB and the Government's 25-year Environment Plan that was published during the review process. Ms Milne confirmed that, at the time of the Committee, all local authorities, apart from Sevenoaks and Kent County Council had adopted the plan. The High Weald AONB Unit managed the consultation process which included a series of technical workshops. Kent County Council had reviewed and responded to the formal consultation and officers were satisfied that the comments had been addressed. It was anticipated that the new Management plan would not place any additional obligations on the Council in terms of resources, however, services would be expected to consider the plan in relation to their operations and would need to familiarise themselves with it.
4. RESOLVED that the proposed decision (19/00013) to be taken by the Cabinet Member for Planning, Highways, Transport and Waste to formally adopt the reviewed and revised High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024, be endorsed.

#### **166. Draft Kent Biodiversity Strategy** *(Item 14)*

*Stephanie Holt Castle (Interim Director of Environment, Planning and Enforcement) and Elizabeth Milne (Natural environment and Coast Manager) was in attendance for this item.*

1. Mrs Milne provided an overview of the draft Kent Biodiversity Strategy ahead of the planned public consultation in summer 2019. She advised the Committee that the Strategy was a Kent Nature Partner document that had been aligned to the Government's 25-year plan 'A Green Future' and was prepared by Kent County Council and the Kent Wildlife Trust under the guidance of a Task and Finish Group. Finalisation of the Strategy was due to take place in June 2019 and would be brought back to the Committee for endorsement in October 2019.
2. The officer responded to comments and questions from Members, including the following: -
  - (a) Mrs Milne said that Local Planning Authorities would be encouraged to review ways in which they could embed the Kent Biodiversity Strategy into their local plan, this could include development of district level strategies by Kent Nature Partnership with the Districts. Mrs Milne said that the Strategy would be of relevance to biodiversity net gain, which would help to determine where investment should be made on a strategic scale. She informed the Committee that following the recent DEFRA consultation on a mandatory approach to biodiversity net gain, the Government had

announced that this would be adopted within the year. She confirmed that the Kent Nature Partnership would use the Kent Biodiversity Strategy to influence local plans when and if they were reviewed.

3. RESOLVED that draft Kent Biodiversity Strategy, be noted.

**167. KCC Country Parks - Report of Local Government and Social Care Ombudsman**  
*(Item 15)*

*Stephanie Holt Castle (Director of Environment, Planning and Enforcement) and Helen Page (Interim Head of Countryside and Community Development) were in attendance for this item.*

1. Mr M Hill, OBE (Cabinet Member for Community and Regulatory Services) introduced the paper that set out the Final report of the Local Government and Social Care Ombudsman (LGO) following an investigation into a complaint against Kent County Council, Country Parks. Mr Hill advised the Committee that the Council had accepted the LGO's decision and that the recommendations within the Final Report had been met.
2. Mrs Holt-Castle advised Members that Kent County Council had an obligatory duty to submit the Final report of the LGO to an appropriate Committee of the Council (as attached at appendix 1). The Final report addressed the issue about the penalty charge notice enforcement process that was being deployed in Kent County Council's Country Parks for non-payment of Pay and Display fees, not the right of Kent County Council Country Parks to enforce against non-payment of Pay and Display Charges, nor the right to charge Pay and Display fees. Kent County Council had accepted the LGO's decision and met the recommendations of the Final report; this meant that the Council would continue to require visitors to pay and display across all nine Kent Country Parks but would now enforce against non-payment through English contractual law. Mrs Holt-Castle assured the Committee that there would be no visible difference for members of the public who visited the parks and said that as long as there was adequate signage in place explaining the Pay and Display charges and the enforcement process in place, Kent County Council met the legal requirements. The LGO had already confirmed signage was adequate in the Final report.
3. RESOLVED that final report of the Local Government and Social Care Ombudsman, be noted.

**168. 19/00016 - Procurement and award of contract/s for Highway Arboriculture Programmed Works**  
*(Item 16)*

*Andrew Loosemore (Head of Highways Asset Management) and Robin Hadley (Soft Landscape Asset Manager) were in attendance for this item.*

1. Mr Hadley introduced the report that set out the arboriculture programmed works contract which was due to end on 31<sup>st</sup> August 2019. A procurement process had commenced, the timetable of which was detailed within the Commercial Strategy report that was approved by the Strategic Commissioning Board (SCB) on 31<sup>st</sup> January 2019; and therefore, endorsement was sought from the Committee to progress onto the next stage of the procurement process which included: delegated authority to the Director of Highways, Transportation and Waste to approve the award of contract to the preferred bidder; and possible extensions if required in accordance with the contracts clauses.
2. RESOLVED that the proposed decision (19/00016) to be taken by the Cabinet Member for Planning, Highways, Transport and Waste to:
  - (a) approve the procurement of the Arboriculture Programmed Works Contract and in consultation with the Cabinet Member for Planning, Highways, Transportation and Waste delegate authority to the Director of Highways, Transportation and Waste to approve the award of the subsequent contract to the preferred bidder; and
  - (b) in consultation with the Cabinet Member for Planning, Highways, Transportation and Waste delegate authority to the Director of Highways, Transportation and Waste to award extensions of the Arboriculture Programmed Works Contract in accordance with the possible extension clauses within the contract,

be endorsed.

## **169. Brexit Grant Review**

*(Item 17)*

*Andrew Loosemore (Head of Highways Asset Management) was in attendance for this item.*

1. Mr M Whiting (Cabinet Member for Planning, Highways, Transport and Waste) introduced the report that set out the content and progress of the Section 31 Grant provided by the Department for Transport (DfT) to Kent County Council Highways in order to prepare for Brexit on 29<sup>th</sup> March 2019. Mr Whiting paid tribute to Mr S Jones (Director of Highways, Transportation and Waste) for the work he had done to secure the money and to the officers for the speed in which they had delivered the work.
2. Supplementary to this, Mr Loosemore paid further tribute to the Highways team for the extensive amount of work completed within a 3-month time frame to ensure completion by the 29<sup>th</sup> March deadline. Mr Loosemore informed the Committee that demand for road space to undertake works had been at a premium due to Brexit works and this coupled with increased demand by utility

companies had placed enormous pressure on the teams co-ordinating work on the highway. Mr Loosemore recognised that communication had not always been as good as it could have and apologised for this, however, the necessity to deliver a substantial volume of work within a critical timeframe took precedence.

3. The officers and Cabinet Member for Planning, Highways, Transport and Waste responded to comments and questions from Members, including the following: -

(a) Mr Whiting confirmed that there would need to be 10,000 Heavy Good's Vehicles within Kent before full capacity was reached in order to use the M26. He assured Members that Kent County Council would continue to use all endeavours possible to work with the DfT and Highways England to ensure that the M26 remained open.

(b) In response to the work of utilities companies, Mr Loosemore said that it the work of the utilities company was equally as important as the work carried out by the Highways team and work was being undertaken to carefully coordinate the utilities work due to be carried out across the county. The work was due to commence during the school holiday period to reduce traffic congestion.

(c) Mr Loosemore said that the Council had not put further matrix signage up, however, had a number of other temporary signage to assist road users. With regards to Automatic Number Plate Recognition, the Council had not been given authority by the DfT to undertake enforcement, however, additional CCTV cameras had been installed to help the Highways team monitor the road network.

(d) Mrs B Cooper (Corporate Director of Growth, Environment and Transport) responded to comments regarding Manston and said that the DfT held the contract with the site owner and that Kent County Council was undertaking work on behalf of DfT to ensure the site was ready. Mrs Cooper said that there was no a specific time limit, however the Council had been given instruction from Government to plan for three months of disruption and three months of recovery.

(e) In response to operation Brock, Mrs Cooper referred Members to page 351 of the agenda pack which provided detail of the trigger points and advised the Committee that the Council reserved the rights to vary the trigger points should issues arise. With regard to a potential M26 closure, Mrs Cooper confirmed that one lane would remain open to allow for blue light services to attend any potential incidents.

4. RESOLVED that the report be noted.

## **170. Work Programme**

*(Item 18)*

RESOLVED that the work programme be noted, subject to the inclusion of an item on the Pollinating Action Plan.

## **171. 19/00018 - Part 1 - Renewal of contract for Coroners Service body removals and body transfers.**

*(Item 19)*

*Stephanie Holt-Castle (Interim Director of Environment, Planning and Enforcement), Mike Overbeke (Group Head – Public Protection) and Debbie Large (Head of Coroner Service) were in attendance for this item.*

1. Mr Overbeke introduced the report that set out the proposal for the renewal of contracts for the body removal and body transfer services that Kent County Council were legally obliged to provide on behalf of the Kent and Medway Senior Coroners.
2. As a supplement to this, Ms Large said that the current contract was due to expire on 22<sup>nd</sup> May 2019 and that following the completion of an Official Journal of the European Union (OJEU) complaint tendering exercise, Kent County Council were in a position to award contracts to the successful bidders. However, a significant change in the renewal of the contracts was that providers were unwilling to re-bid in the tendering process if Kent County Council continued to deliver the Body Removal service and body transfer service under pone contract and for this reason, a decision was made to create two separate contracts. Historically providers had either fully or partially subsidised the service as they were able to absorb the costs as a loss leader on the basis that they would recuperate the money through the funeral costs, however, this proved to be an unsustainable mechanism for coroner services and as a result, increased budget allocations were required to support services in carrying in out their statutory functions.
3. RESOLVED that the proposed decision (19/00018) to be taken by the Cabinet Member for Community and Regulatory Services to:
  - (a) award contracts for coroners body removals and body transfers for the Kent and Medway coroner areas for the period 23 May 2019 to 22 May 2022 with the option to extend the contracts for two further one-year terms to 22 May 2023 and 22 May 2024; and
  - (b) delegate authority to the Director of EPE in consultation with the Cabinet Member for Community and Regulatory Services to conclude the contracts for coroners body removals and body transfers for the Kent and Medway coroner areas for the period 23 May 2019 to 22 May 2022 with the option to extend the contracts for two further one year terms to 22 May 2023 and 22 May 2024,

be endorsed.