

## ENVIRONMENT & TRANSPORT CABINET COMMITTEE

MINUTES of a meeting of the Environment & Transport Cabinet Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 19 January 2023.

PRESENT: Mr S Holden (Chairman), Mr N J Collor (Vice-Chairman), Mr N Baker, Mr M Baldock, Mr T Bond, Mr D Crow-Brown, Mr M Dendor, Mr A R Hills, Mrs S Hudson, Mr B H Lewis, Mr H Rayner, Mr A Sandhu, MBE and Mr D Watkins

ALSO PRESENT: Mr D L Brazier (Cabinet Member for Highways and Transport) and Mr M A J Hood

IN ATTENDANCE: Mr S Jones (Corporate Director of Growth, Environment and Transport), Ms H Chughtai (Director of Highways and Transportation), Mr M Smyth (Director of Environment and Waste) and Mr M Dentten (Democratic Services Officer)

IN ATTENDANCE VIRTUALLY: Mr I Chittenden

### UNRESTRICTED ITEMS

#### **123. Declarations of Interest by Members in items on the Agenda** *(Item 3)*

No declarations were made.

#### **124. Minutes of the meeting held on 8 November 2022** *(Item 4)*

RESOLVED that the minutes of the meeting held on 8 November 2022 were an accurate record and that they be signed by the chairman.

#### **125. Verbal Updates by Cabinet Members and Corporate Director** *(Item 5)*

*Apologies for absence were received from Miss Carey, Cabinet Member for Environment.*

1. Mr Brazier gave a verbal update. He told members that his first Highways and Transport member newsletter would be circulated in the coming days. He explained that he had discussed the successes of 20mph zones in Kent in an interview on BBC Radio Norfolk, with recent schemes in Faversham highlighted. Concerning winter weather, he verified that 64 gritters had been used and that the weather had impacted the network. Members were reminded that temporary highway repairs were used to ensure highway safety and would be permanently repaired when the weather improved. He confirmed that an all-member briefing on road closures, including KCC's powers to act,

was being planned. He noted that a successful £560,000 active travel bid, to create schemes which encourage walking and cycling, had been made.

2. Mr Jones gave a verbal update. He confirmed that Kent had received £121m from round 2 of the Levelling Up Fund with schemes in Dover, Canterbury, Folkestone and Hythe, Swale and Canterbury receiving funding. Concerning the proposed Lower Thames Crossing he reminded members that the project was at the pre-examination stage, which included local representations from KCC, and agreed to update members on future developments. Regarding winter operations, he told members that in excess of 2,500 flooding enquires had been received and acted upon; over 1,700 gritting runs had taken place, with 98% on timetable; in excess of 1,800 salt bins had been refilled; and responses to over 8,000 defects dealt with.

RESOLVED to note the updates.

## **126. Performance Dashboard**

*(Item 6)*

*Rachel Kennard (Chief Analyst) was in attendance for this item.*

1. Ms Kennard gave a verbal summary of the performance dashboard up to October 2022. She confirmed that of the 17 key performance indicators within the remit of environment and transport, 10 had been RAG rated green, 6 amber and 1 red. She explained that two indicators were amber due to increased targets whilst another was a new indicator, with the target set an aspirational level. On the red indicator, WM01 (Municipal waste recycled and composted), she reminded members that recycling and composting had been negatively affected by the loss of wood recycling at Household Waste Recycling Centres (HWRCs) because of changes to government regulations that meant wood that could previously been recycled was now used as waste to energy and that there had also been lower volumes of organic waste than expected, following dry summer weather. She assured the committee that this reflected good overall performance.
2. Members asked whether there was an indicator to monitor the time taken to fix drainage issues and for an indication of long term pothole repair performance. Mr Jones confirmed that the Highways Asset Management Plan set out how highways drainage assets were maintained, with drainage faults tracked, and that long term performance could be supplied for Mr Brazier's future Cabinet Member newsletters. He assured members that contractors were financially penalised for poor performance.
3. Mr Sandhu asked that the total volume of potholes repaired in 28 calendar days be reported in addition to the percentage. Mr Jones assured the committee that figures would be reported in future newsletters to members.

RESOLVED to note the Performance Dashboard.

## **127. Draft Ten Year Capital Programme, Revenue Budget 2023-24 and Medium Term Financial Plan 2023-26**

*(Item 7)*

*Mr P Oakford (Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services) and Zena Cooke (Corporate Director of Finance) were in attendance for this item.*

1. Mr Oakford presented the Draft Ten Year Capital Programme, Revenue Budget 2023-24 and Medium Term Financial Plan 2023-26 to the committee. He acknowledged that whilst the local government finance settlement from government had exceeded original expectations, it did not significantly alleviate the Council's budgetary pressures. He told members that until government resolved social care funding, the authority's budget as a whole would be severely strained, with the impact felt across all directorates. Further explaining that the draft budget was the most challenging in recent years, Mr Oakford highlighted the significant budgetary pressures caused by inflation. He confirmed that £40m of savings would be required in the 2023/24 financial year. He recognised that achieving savings objectives in previous financial years had been a challenge and underscored that there was little margin for failure in the next year. The proposed 4.99% increase in Council Tax, including the adult social care levy, was drawn to the committee's attention. He noted that the administration continued to lobby government for further funding and that the highest Council Tax increase was considered necessary for realistic negotiations. Further details of proposed savings were shared, including the Community Asset Programme, which aimed to save the Council £6m annually, whilst also reducing building maintenance by £7m, he reminded members that the Programme was in the consultation phase. He concluded by explaining that overspend in the 2022/23 financial year would be covered by the risk reserve up to £25m and general reserve beyond that point.
2. Following a series of questions from the committee, Ms Cooke explained the implications of a Section 114 notice and reassured the committee that such notice was not anticipated so long as the proposed budget, including its planned spending reductions and additional funding were achieved. She reminded members that the Council was legally required to set a balanced budget.
3. Members commented that a breakdown of the anticipated impact of the proposed budgetary changes would enhance members' consideration. An additional request to include a year-by-year comparison in future draft budgets was made. Mr Rayner added that further detail on the impact of budgetary changes was important for assisting members' consultation with community organisations on draft budget proposals. He noted that he had struggled to explain what impact proposed changes to the funding of KCC's subsidised bus passes would have on the cost of passes to residents, due to a lack of information in the report.
4. Mr Baldock raised concerns at the differential between the Council Tax and adult social care levy uprate cap of 5% and inflation, in excess of 10%, noting that demand would further outstrip funding if inflation continued to outstrip KCC's revenue raising abilities. He recognised that this was a national challenge.

5. Mrs Hudson asked whether agreement with government on the Safety Value would be in place by Budget County Council on 9 February. Ms Cooke advised that an agreement in principle with DfE was expected for the end of January, with a final agreement expected in mid-February. She explained the legal statutory override currently in place.

RESOLVED to comment on the draft capital and revenue budgets relevant to the committee including responses to consultation.

### **128. 22/00110 - Thames Way Scheme - Kent Thameside Strategic Infrastructure Programme**

*(Item 8)*

*This item was considered following item 12 (Projects and initiatives at the Household Waste Recycling Centres - Update).*

*Lee Burchill (Local Growth Fund Programme Manager) and Abigail Roscoe (Project Manager) were in attendance for this item.*

1. Mr Brazier introduced his proposed decision to progress, to the detailed design stage, the Thames Way Scheme in Ebbsfleet, as a project within the Kent Strategic Transport Infrastructure Programme. He explained that recent modelling indicated that there had been a modal shift which made the original scheme unnecessary and made a smaller and less costly scheme viable. Mr Burchill further explained that the scheme would deliver a junction improvement at the Thamesway-Springhead Road junction.

RESOLVED to endorse the Cabinet Member for Highways and Transport on the proposed decision to give approval to progress the Thames Way scheme through the stages of development and delivery as indicated below and specifically for:

- I. Approval to delegate the scope change decision, required to allow the scheme to proceed through to detailed design and for the Ebbsfleet Central Application to be determined, to the Corporate Director of Growth, Environment & Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member.
- II. Approval to delegate the decisions to enter into the appropriate land, development and funding agreements, and all other acts, consents and any subsidiary contracts required to allow the scheme to be progressed to the appropriate Corporate Director.
- III. Approval to carry out any public engagement or consultation required for the Thames Way scheme; and
- IV. Approval for any further decisions required to allow the scheme to proceed through to detailed design to be taken by the Corporate Director of Growth, Environment & Transport under the Officer Scheme of Delegations following prior consultation with the Cabinet Member.

### **129. 22/00111 - Folkestone 'A Brighter Future' Levelling Up Fund Round 2 bid**

*(Item 9)*

*Lee Burchill (Local Growth Fund Programme Manager) and Kerry Clarke (Senior Project Manager) were in attendance for this item.*

1. Mr Brazier introduced the proposed decision to deliver the transport and public realm elements of the Folkestone 'A Brighter Future' scheme. He confirmed that there was no revenue or capital cost to KCC and clarified that KCC would be the delivery agent for the scheme.

RESOLVED to endorse the Cabinet Member for Highways and Transport on the proposed decision, subject to a successful bid to Department for Levelling Up, Housing and Communities (DLUHC) for Levelling Up Fund Round 2 (LUF2) for £19,791,819 to deliver the Folkestone 'A Brighter Future' scheme to:

- I. Delegate to the Corporate Director of Finance the authority to enter into a delivery partner agreement with Folkestone and Hythe District Council, to deliver the transport and public realm elements of the Folkestone 'A Brighter Future' scheme aimed at improving gateway to town centre, public realm, and town centre connections.
- II. Delegate to the Corporate Director of Growth, Environment & Transport the authority to enter into the appropriate land and development agreements, commission detailed design and relevant surveys and the award of the construction contract, and all other acts and consents and any subsidiary contracts required to allow the scheme to be implemented.
- III. Delegate to the Corporate Director of Growth, Environment & Transport, under the Officer Scheme of Delegations following prior consultation with the Cabinet Member, any further or other decisions as may be appropriate to deliver the Folkestone 'A Brighter Future' LUF scheme.

### **130. 22/00112 - M20 Junction 7 Capacity Improvements**

*(Item 10)*

*Lee Burchill (Local Growth Fund Programme Manager) and Kerry Clarke (Senior Project Manager) were in attendance for this item.*

1. Mr Brazier provided an overview of his proposed decision to, subject to grant funding, approve a scheme to improve the A249 roundabout at Junction 7 of the M20. He explained that the area was undergoing rapid development, which included the Kent Medical Campus, and required highway capacity improvements in order to accommodate a greater volume of traffic.
2. Mr Burchill informed the committee that the Department for Levelling Up, Housing and Communities had confirmed, on the day of the meeting, that the bid for £7.3m from the Levelling-up Fund, to go contribute towards funding the scheme, had been unsuccessful. He assured the committee that alternative funding sources, including a community infrastructure mirror bid, would be investigated.
3. In response to a question from Mr Chittenden on whether there would be an additional opportunity to secure funding for the scheme, Mr Burchill explained

that a further Levelling-up Fund round was anticipated, but not confirmed by the Department for Levelling Up, Housing and Communities.

4. Following the confirmation from Mr Burchill that the £7.3m bid to the Levelling-up Fund had been unsuccessful, the chairman moved an amendment, to remove “I) Subject to a successful bid, delegate to the Corporate Director of Finance the authority to accept up to £7.3m of Levelling-up Funding from Government (Department for Levelling up, Housing and Communities) to deliver the M20 Junction 7 Capacity Improvements scheme aimed at reducing congestion, queuing, and air pollution” from the motion.
5. The amendment was approved without a vote.

RESOLVED to endorse the Cabinet Member for Highways & Transport on sections ii, iii, iv, and v of the proposed decision to give approval, subject to a successful bid, to:

- II. Delegate to the Corporate Director of Finance the authority to accept up to £5.4m of Community Infrastructure Levy funding from Maidstone Borough Council to deliver the M20 Junction 7 Capacity Improvements scheme aimed at reducing congestion, queuing, and air pollution.
- III. Adopt the M20 Junction 7 Capacity Improvements scheme shown on Drg. Nos. 70040984-GA-0101 T01 and 70040984-GA-0102 T01 for implementation.
- IV. Delegate to the Corporate Director of Growth, Environment & Transport the authority to enter into the appropriate land, development and funding agreements and the award of the construction contract, and all other acts and consents and any subsidiary contracts required to allow the scheme to be implemented.
- V. Delegate to the Corporate Director of Growth, Environment & Transport, under the Officer Scheme of Delegations following prior consultation with the Cabinet Member, any further or other decisions as may be appropriate to deliver the M20 Junction 7 scheme.

### **131. 22/00113 - Review and revision of charges for non-household waste received at Household Waste Recycling Centres**

*(Item 11)*

*This item was considered following item 15 (Kent Resource Partnership - Presentation).*

*David Beaver (Head of Waste Management) was in attendance for this item.*

1. Mr Hills, as Deputy Cabinet Member for Environment, provided an overview of the Cabinet Member for Environment’s proposed decision to increase disposal charges levied at HWRCs for non-household waste materials and through delegation, for the Director of Environment and Waste to annually review and publish charges in line with changing operational costs. He emphasised the need to bring prices in line with costs in order to avoid subsidisation.

2. Mr Beaver reminded the committee that the policy to charge for the disposal of non-household materials, including soil, rubble, hardcore and plasterboard was introduced in June 2019. He noted that prices had not increased since the policy was agreed and that costs to KCC had increased during the intervening period.
3. Mr Lewis raised concerns that an increase in disposal charges levied at the HWRCs for non-household waste materials could lead to a loss of revenue, due to lower use, and cause an increase in fly tipping across the county.
4. Mr Rayner commented that the disposal charges levied at the HWRCs for non-household waste materials by should be increased by 42%, with profits to be used to bolster KCC's reserves.
5. Mr Rayner moved and Mr Baldock seconded a motion "that the Cabinet Committee recommend that the Cabinet Member for Environment increase disposal charges levied at the HWRCs for non-household waste materials by 42%."
6. Members voted on the motion. The motion failed.
7. Members raised concerns that the officer delegation included within the proposed decision did not allow for sufficient member oversight of future charging changes.
8. Mr Baker commented that public communications needed to clearly set out what KCC did and did not levy charges on for disposals at HWRCs.
9. Mr Beaver confirmed, following a question from Mr Chittenden, that plaster board disposal at HWRC had reduced from 33,000 tonnes, before implementation of the policy, to 4,700 tonnes in the previous year. He added that £360,000 income was forecast for the coming year and that the fly-tying of materials related to policy had decreased.
10. Mrs Hudson moved and Mr Baldock seconded a motion "that the Cabinet Committee recommend that the Cabinet Member for Environment does not increase disposal charges levied at the HWRCs for non-household waste materials."
11. Members voted on the motion. The motion failed.
12. The Chairman moved a motion 'to endorse the Cabinet Member for Environment on the proposed decision to increase disposal charges levied at the HWRCs for non-household waste materials and through the main delegations, via the Officer Scheme of Delegation, for the Director of Environment and Waste to annually review and publish charges in line with changing operational costs.'
13. Members voted on the motion. The votes cast were as follows:

For (7)

Mr N Collor, Mr D Crow-Brown, Mr M Dendor, Mr T Hills, Mr S Holden, Mr A Sandhu MBE, Mr D Watkins

Against (5)

Mr M Baldock, Mr T Bond, Mrs S Hudson, Mr H Rayner, Mr B Lewis

Abstain (1)

Mr B Sweetland

14. The motion passed.

RESOLVED to endorse the Cabinet Member for Environment on the proposed decision to increase disposal charges levied at the HWRCs for non-household waste materials and through the main delegations, via the Officer Scheme of Delegation, for the Director of Environment and Waste to annually review and publish charges in line with changing operational costs.

**132. Projects and initiatives at the Household Waste Recycling Centres - Update**  
*(Item 12)*

*David Beaver (Head of Waste Management) and Hannah Allard (Waste Business Development Manager) were in attendance for this item.*

RESOLVED to note the report and appendices.

**133. 22/00114 - Transport for the South East (TfSE) - Strategic Investment Plan**  
*(Item 13)*

*This item was considered following item 10 (22/00112 - M20 Junction 7 Capacity Improvements).*

*Joseph Ratcliffe (Transport Strategy Manager) and Mark Welch (Principal Transport Planner) were in attendance for this item.*

1. Mr Watkins, as Deputy Cabinet Member for Highways and Transport and KCC's representative on Transport for the South East's Board, provided an overview of the Leader's proposed decision to endorse Transport for the South East's Strategic Investment Plan and support the Plan's implementation. He explained the need for KCC to endorse the Plan as constituent member of the non-statutory sub-national transport body.
2. Following a question from Mr Baldock, Mr Watkins addressed the need for core funding for highways to be supported; the schemes included within the plan; and strong relationship enjoyed between Transport for the South East and the Department for Transport, which had garnered positive outcomes. Mr Ratcliffe explained that no schemes had been removed since previous discussion of Transport for the South East by committee at its previous meeting.

RESOLVED to endorse the Leader in respect of the proposed decision to:



- I. Endorse the Strategic Investment Plan prepared by Transport for the South East and support TfSE with its implementation.
- II. Delegate to the Corporate Director Growth, Environment and Transport to take, in consultation with the Cabinet Member for Highways and Transport, the actions necessary to implement the decision.

### **134. Ash Dieback in Kent - Update**

*(Item 14)*

*Tony Harwood (Resilience and Emergency Planning Manager) was in attendance for this item.*

1. Mr Harwood provided an overview of the report, noting that a science-led approach, including targeted health and safety interventions, continued to be used in Kent to mitigate the impact of ash die back. He explained that Kent had not experienced the costs originally anticipated as a result of the disease and compared favourably to other areas of the country. The impact of climate change and secondary attack through infection was addressed. He informed members that DEFRA's strategic ash die back group had been repurposed to the tree health strategic coordinating group, which reflected the lessened threat of ash die back and variety of other risks to trees. Concerning geology, he told the committee that chalk downs and Wealden clay areas were disproportionately affected by the disease.
2. Members asked that future annual reports address bio-security and tree health, in order to provide a broader overview of the threats to Kent's wildlife, including and beyond ash die back.

RESOLVED to:

- I. note the significant threat Ash Dieback poses to the environment and economy of Kent and the leadership role being played by the County Council in the response to the outbreak; and
- II. endorse the monitoring, planning, and response strategy outlined within this report.

### **135. Kent Resource Partnership - Presentation**

*(Item 15)*

*This item was considered following item 7 (Draft Ten Year Capital Programme, Revenue Budget 2023-24 and Medium Term Financial Plan 2023-26).*

*David Beaver (Head of Waste Management), Sally Ward (Kent Resource Partnership Manager) and Hannah Allard (Waste Business Development Manager) was in attendance for this item.*

1. Ms Ward gave a presentation. The contents of the presentation included: increasing the quantity and quality of kerbside recycling; general waste composition analysis; flats recycling and bin store improvements; Podback; paint recycling ambitions; days of action; and fly tipping trends.

2. Following a series of questions from Members, Mr Beaver, Ms Ward and Ms Allard confirmed that:
- a) KCC as a disposal authority measured fly tipped materials by tonnage and that there had been a decline in recent years, with 2022 the lowest year for over a decade;
  - b) the Partnership had entered into discussions with Tesco on public plastic film recycling points at stores, and that Sainsburys and Aldi had also been engaged in the past month;
  - c) DEFRA's proposed resources and waste strategy, which formed part of the Environment Act, would guide national policy on consistency in waste collection services, with it noted that KCC submitted responses to the consultation;
  - d) district recycling education officers worked closely with schools to educate children on recycling and avoiding single use plastic;
  - e) concerning the Partnership's communication with businesses, further engagement was planned with responses to fly-tipping a priority;
  - f) Tetra Pak recycling continued to be expensive, as there was only 1 plant in England equipped to recycle the product, it was noted that regional facilities would be required to reduced recycling costs;
  - g) further information on blister pack recycling would be circulated in the coming year; and
  - h) there was a joint initiative, organised through the National Association of Waste Disposal Officers, which continued to lobby the Sentencing Council for broader sentencing for fly tipping offences.

RESOLVED to note the contents of the presentation.

### **136. Work Programme**

*(Item 16)*

RESOLVED that the work programme be agreed.