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Minutes of the meeting of the **SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 20 September 2016 at 6.00 pm.

Present:

Chairman: Councillor K Mills

Councillors: M I Cosin
R J Frost
B J Glayzer
J M Heron
M J Holloway
S C Manion
D A Sargent

Officers: Chief Executive
Director of Environment and Corporate Assets
Director of Finance, Housing and Community
Director of Governance
Chief Executive - East Kent Housing
Director of Shared Services
Head of Finance
Environmental Protection Manager
Principal Infrastructure and Delivery Officer
Principal Community and Leisure Officer
Team Leader – Democratic Support

51 APOLOGIES

An apology for absence was received from Councillor T A Bond.

52 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

53 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

54 MINUTES

The Minutes of the meetings held on 12 July 2016 and 2 August 2016 were approved as a correct record and signed by the Chairman.

55 PUBLIC SPEAKING

The Team Leader – Democratic Support advised that no members of the public had registered to speak on items on the agenda to which the public speaking protocol applied.

56 DECISIONS OF THE CABINET RELATING TO RECOMMENDATIONS FROM THE SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE

There were no items of business for consideration.

57 ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE OR ANOTHER COMMITTEE

There were no items of business for consideration.

58 ITEMS CALLED-IN FOR SCRUTINY OR PLACED ON THE AGENDA BY A MEMBER OF THE COMMITTEE, ANY INDIVIDUAL NON-EXECUTIVE MEMBERS OR PUBLIC PETITION

There were no items for consideration.

59 NOTICE OF FORTHCOMING KEY DECISIONS

The Team Leader – Democratic Support presented the Notice of Forthcoming Key Decisions to the Committee for its consideration.

RESOLVED: That the Notice of Forthcoming Key Decisions be noted.

60 SCRUTINY WORK PROGRAMME

The Team Leader – Democratic Support presented the Scrutiny Work Programme to the Committee for its consideration.

RESOLVED: That the Work Programme be noted subject to the inclusion of any items identified at the meeting held on 13 September 2016.

61 PUBLIC SPACE PROTECTION ORDER UPDATE

The Environmental Protection Manager provided an oral update to the Committee on the Public Space Protection Order (PSPO) during its first year of operation.

Members were advised that while the Council had adopted a zero tolerance approach in respect of the PSPO, some discretion was applied to the issuance of Fixed Penalty Notices (FPN) for leash offences. The FPN was £75 but if not paid it could result in a penalty of up to £1000 in court.

A total of 21 warnings and 57 FPNs had been issued in the first twelve months of the PSPO for various offences. This had resulted in 43 FPNs being paid and 1 prosecution of an individual who had committed 12 offences resulting in a £575 fine in court. In addition, a further prosecution was pending.

The Committee was that the main areas for leash offences were the beaches in Dover and Deal, Crabble Athletic ground and Deal Pier. The majority of the 8 FPNs issued for fouling offences had been in Deal and the Council was working with the Deal dog community to try and foster behavioural change.

As part of the educational campaign, the Council had microchipped 90 dogs for free and visited 9 schools where the PSPO had been discussed with children. There had also been stickers containing QR codes placed on bins and signs.

The Council currently had 2 of the 3 envirocrime officer positions on the Council filled and 100 officers had been trained to use the Incident Report Scheme books to

record offences. In response to a question the Committee was advised that if the Council wanted to outsource the enforcement function it would need approval from the Cabinet.

RESOLVED: That the update be noted.

62 LORRY PARKING UPDATE REPORT

The Director of Environment and Corporate Assets advised the Committee that Kent County Council had recently completed a lorry parking count and once the information was released there would be a clearer picture of the size of the problem in the district and wider county.

The Chief Executive advised that as part of Operation Fennell, the Council was part of a multi-agency group which included hauliers and that any long term solution to the district's transport issues required national level assistance.

The Committee was advised that the difficulty in changing driver behaviour needed to be recognised as despite warnings to the contrary, drivers still kept trying to come to Dover rather than park elsewhere overnight.

In response to frustration expressed by Members over the slow pace of enforcement action in Coombe Valley, it was stated that the Council had to operate within the legal framework.

RESOLVED: (a) That the update be noted.

- (b) That the results of the most recent survey on lorry parking in the district be reported to a meeting of the Scrutiny (Policy and Performance) Committee in the next 2 months and that future surveys also consult with district members and not just parish councils.
- (c) That regular updates on transport issues, including lorry parking, be included within the Committees work programme.
- (d) That it be recommended to the Cabinet that given the importance of the district as the gateway to the UK and the Continent, the Minister for Transport be lobbied to introduce measures to make it easier for the Council to take enforcement action against illegal and dangerous lorry parking in the district.

63 FUTURE FUNDING FOR DOMESTIC ABUSE SERVICE

The Director of Environment and Corporate Assets presented the report on the Future Funding for the Domestic Abuse Service.

Members were advised that the Council had contributed £11,900 per year from the Housing Revenue Account since 2014 to support the work of Independent Domestic Violence Advisors who provided specialist advice and support to the most serious domestic abuse cases.

A redesign of the service had been undertaken by Kent Police and Kent County Council with a view to addressing the increased demand currently being experienced by the service through a jointly commissioned integrated domestic abuse service. The service would not only support victims of domestic abuse and their families but also reduce the risk of harm. Kent County Council was seeking a contribution of £14,051 per year over a five year period at a total cost of £70,255 from the Council towards the cost of the service. It was intended that this would be funded from the Housing Revenue Account given the likely benefits to the service area.

Members welcomed the proposals and the benefits that the service had brought to the district. The links with social services and the importance of providing advice on the ability to opt out of the open electoral register were also discussed.

RESOLVED: That it be recommended to the Cabinet that Decision CAB38 be endorsed and that funding of £14,051 per annum for a 5-year period be approved towards the future provision of a domestic abuse service.

64 PERFORMANCE REPORT - QUARTER 1, 2016/17

The Director of Governance presented the Performance Report for Quarter 1, 2016/17.

There were 22 Green, 5 Amber and 7 Red Performance Indicators for Quarter 1, 2016/17. Members discussed the following red indicators:

<u>Indicator</u>		<u>Comment</u>
HOU010a	Number of households living in temporary accommodation including B&B	Members were advised that the increased number of homeless presentations was part of a regional and national trend. The Council was working with partners to increase the level of alternatives to B&B accommodation and investigating options such as modular housing.
HOU010b	Number of households in bed and breakfast	
PSH007	The number of DFG applications completed	
LIC005	The percentage of licensed premises inspections completed by target date.	Members were advised that this had been due staff sickness and the section was now fully staffed.
PLA002	Percentage of major planning applications determined in 13 weeks (exc. Section 106 agreements) or within an agreed extension of time or Planning Performance Agreement	Members were advised that there was a national shortage of suitably qualified planning officers. Despite this a number of planning applications only missed the deadline by a

PLA004	Percentage of other planning applications determined in 8 weeks (exc. Section 106 agreements) or within an agreed extension of time or Planning Performance Agreement	day and better case management and the use of extensions could have resulted in improved performance.
PLA001	The percentage of appeals against planning decisions which were successful for the applicant	Members were informed that this was a concern and decision making would be reviewed if the indicator continued not to be met. A quarterly report to the Planning Committee covered these matters in greater detail.

Members also discussed the Homes and Communities Agency's (HCA) proposals for Connaught Barracks and were advised that this would need to go through the planning process. The Council was also considering its position in respect of the recent court decision in respect of the proposed Western Heights development.

RESOLVED: That it be recommended to the Cabinet that Decision CAB44 be endorsed and that the Council's Performance Report and Actions for the First Quarter 2016/17 be noted.

65 DOVER LEISURE CENTRE

The Director of Environment and Corporate Assets and the Director of Finance, Housing and Community gave a presentation to the Committee on the proposals for the new Dover Leisure Centre.

The funding options and in particular the use of reserves against the interest rate on any loan was discussed by Members.

Members were advised that the Whitfield site had been selected as it was available and offered the opportunity to provide all facilities on one site. To provide a similar range of services in Dover would have required the facilities to be spread across several sites given the lack of available land in Dover for a single site. In addition, the number of car parking spaces was considered key to the viability of the new Leisure Centre and the feedback from operators was that the proposed 250 parking spaces was the minimum required.

The Director of Environment and Corporate Assets confirmed that the building needed to be energy efficient both in terms of retention and usage.

The Council had started consulting with Kent County Council and transport operators on the transport plan for the Leisure Centre and consideration was being given not just to travel from Dover but also the wider district such as Deal.

In respect of links to Dover, it was stated that while there was no proposed road connection to Buckland as part of the proposals there could be the opportunity for a pedestrian/cycle connection.

Members discussed the facilities mix and whether Amateur Swimming Association competitions would be held at a county standard pool. It was agreed that the potential use of the all-weather pitches for rugby would be investigated.

It was proposed by Councillor M I Cosin and duly seconded that:

- (a) That it be recommended to the Cabinet:
 - (i) That the proposal to construct a new leisure centre on a new site at Whitfield identified in Annex 1 of the report, and to then close the existing Dover Leisure Centre at Townwall Street, Dover on completion, be approved.
 - (ii) That the Director of Environment and Corporate Assets be authorised to appoint Faithful & Gould, as lead consultancy team, using the Scape National Asset Management, Surveying and Design Services Framework or a similar framework should that be available and advantageous to the Council.
 - (iii) That the proposed facility mix at Table 1 and the recommendation of the Dover Leisure Centre Project Advisory Group, made at its meeting held on 26 July 2016 (Minute No 26), that 'a further report be commissioned to explore the addition of a spa facility', be approved, and the Director of Environment and Corporate Assets be authorised to appoint a specialist spa consultant to assess the feasibility of including a spa in the facility mix and a report be brought back to Cabinet in December 2016.
 - (iv) That the decision on the split between borrowing and use of reserves to finance the project be delegated to the Director of Finance, Housing and Community, in consultation with the Leader of the Council, the Portfolio Holder for Corporate Resources and Performance and a member of the Main Opposition Group.
 - (v) That the Director of Environment and Corporate Assets be authorised to prepare an application for planning consent for a new leisure centre at Whitfield (including negotiation of possible development contributions) and report back to Cabinet prior to submission.
 - (vi) That the Director of Environment and Corporate Assets be authorised to select the contractor using the Southern Construction Framework as set out in this report and, subject to a further report to Cabinet and planning permission being granted, the Director of Environment and Corporate Assets then be authorised to make the necessary appointment.
 - (vii) That the Director of Environment and Corporate Assets be authorised, at the appropriate times and in the appropriate sequence, to:

- (A) tender the contract to manage the new leisure centre on the open market, and to include management of the Tides Leisure Centre complex in the tendered management contract.
- (B) Terminate the leases of Dover Leisure Centre and Tides Leisure Centre complex by service of 12 months' notice under the break clauses in the leases.
- (C) Appoint The Sports Consultancy to manage the tendering of the leisure management contract for Dover Leisure Centre and Tides Leisure & Indoor Tennis Centre and provide ancillary legal services.

(b) It was agreed to recommend to Council that the Budget and Policy Framework be amended to include this project in the Capital Programme.

On being put to the vote, and with there being an equality of votes, the Chairman used his casting vote in favour and the motion was CARRIED.

RESOLVED: That it be recommended to the Cabinet:

(c) It was agreed:

- (viii) That the proposal to construct a new leisure centre on a new site at Whitfield identified in Annex 1 of the report, and to then close the existing Dover Leisure Centre at Townwall Street, Dover on completion, be approved.
- (ix) That the Director of Environment and Corporate Assets be authorised to appoint Faithful & Gould, as lead consultancy team, using the Scape National Asset Management, Surveying and Design Services Framework or a similar framework should that be available and advantageous to the Council.
- (x) That the proposed facility mix at Table 1 and the recommendation of the Dover Leisure Centre Project Advisory Group, made at its meeting held on 26 July 2016 (Minute No 26), that 'a further report be commissioned to explore the addition of a spa facility', be approved, and the Director of Environment and Corporate Assets be authorised to appoint a specialist spa consultant to assess the feasibility of including a spa in the facility mix and a report be brought back to Cabinet in December 2016.
- (xi) That the decision on the split between borrowing and use of reserves to finance the project be delegated to the Director of Finance, Housing and Community, in consultation with the Leader of the Council, the Portfolio Holder for Corporate Resources and Performance and a member of the Main Opposition Group.

- (xii) That the Director of Environment and Corporate Assets be authorised to prepare an application for planning consent for a new leisure centre at Whitfield (including negotiation of possible development contributions) and report back to Cabinet prior to submission.
- (xiii) That the Director of Environment and Corporate Assets be authorised to select the contractor using the Southern Construction Framework as set out in this report and, subject to a further report to Cabinet and planning permission being granted, the Director of Environment and Corporate Assets then be authorised to make the necessary appointment.
- (xiv) That the Director of Environment and Corporate Assets be authorised, at the appropriate times and in the appropriate sequence, to:
 - (D) tender the contract to manage the new leisure centre on the open market, and to include management of the Tides Leisure Centre complex in the tendered management contract.
 - (E) Terminate the leases of Dover Leisure Centre and Tides Leisure Centre complex by service of 12 months' notice under the break clauses in the leases.
 - (F) Appoint The Sports Consultancy to manage the tendering of the leisure management contract for Dover Leisure Centre and Tides Leisure & Indoor Tennis Centre and provide ancillary legal services.
- (d) It was agreed to recommend to Council that the Budget and Policy Framework be amended to include this project in the Capital Programme.

The meeting ended at 6.51 pm.