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01 July 2019

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE** on Tuesday 2 July 2019 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

4 **MINUTES** (Pages 2 - 9)

To confirm the Minutes of the meeting of the Committee held on 4 June 2019.

Yours sincerely

A handwritten signature in black ink, appearing to be "N. Smith", is written over the text "Chief Executive". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Chief Executive

Minutes of the meeting of the **SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE** held at the Council Offices, Whitfield on Tuesday, 4 June 2019 at 6.00 pm.

Present:

Chairman: Councillor L A Keen

Councillors: S H Beer
T A Bond
D P Murphy
O C de R Richardson
J Rose
M Rose
C A Vinson
P Walker
C D Zosseder

Officers: Chief Executive
Strategic Director (Corporate Resources)
Strategic Director (Operations and Commercial)
Head of Regulatory Services
Head of Commercial Services
Strategic Housing Manager
Chief Executive (East Kent Housing)
Director of Customer Services (East Kent Housing)
Director of Property Services (East Kent Housing)
Democratic Services Manager

1 APOLOGIES

There were no apologies for absence.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 MINUTES

The Minutes of the meeting held on 2 April 2019 were approved as a correct record and signed by the Chairman.

5 PUBLIC SPEAKING

The Democratic Services Manager advised that no members of the public had registered to speak on items on the agenda to which the public speaking protocol applied.

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

There were no decisions of the Cabinet relating to the recommendations of the Scrutiny (Policy and Performance) Committee.

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

There were no items referred to the Committee.

8 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 of business.

9 NOTICE OF FORTHCOMING KEY DECISIONS

The Democratic Services Manager presented the Notice of Forthcoming Key Decisions to the Committee for its consideration.

Members identified the following items for inclusion within the work programme:

- Hackney Carriage and Private Hire vehicles - access for wheelchair users
- Demolition of Dover Leisure Centre
- To approve the use of Building Foundations for Growth Fund and to authorise the completion of an appropriate legal agreement
- Approval of project to purchase land adjacent to The Ark, Noah's Ark Road, Dover for affordable interim housing
- Purchase of affordable housing in Aylesham

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

(b) That the items identified above be included within the work programme.

10 SCRUTINY WORK PROGRAMME

The Democratic Services Manager presented the Scrutiny Work Programme to the Committee for its consideration.

Members identified the following items for inclusion in the work programme:

- Policy for housing (including the development of an executive housing policy)
- Housing performance indicators
- Waste and recycling rates
- Business Rate Retention Pilot
- DDC Engagement and consultation policy
- Major Capital Expenditure update (including the leisure centre and St James)

Members also identified matters within the remit of the other scrutiny committee that it was agreed would be referred to that committee with a view to being included within its work programme as follows:

- Local Health Services

RESOLVED: That the Work Programme be noted.

11 PUBLIC SPACES PROTECTION ORDER

The Head of Regulatory Services presented the report on the Public Spaces Protection Order.

Dover District Council's first Public Space Protection Order (PSPO) had come into force on 27 July 2015 and created 4 offences as followed:

- Failing to remove dog faeces (covering the whole district);
- Failing to put a dog on a lead after a request by an authorised officer (covering the whole district);
- Failing to keep a dog on a lead in specified places; and
- Allowing a dog into specified areas where dog exclusion applies.

The PSPO was renewed for a further 3 years in July 2018. However, during the renewal process consultees identified 7 areas, outlined below, which were not included in the initial consultation. These were as followed:

- St. Augustine's Church in East Langdon (requested to be dogs on leads only);
- Gazen Salts Nature Reserve, Sandwich (requested that current requirement for dogs on leads be changed to exclusion);
- St Clements in Sandwich (requested to be dogs on leads only);
- Sandwich/Pegwell Bay & Princes Golf Course dunes (requested a dogs on lead and dogs exclusion area is added in the area around);
- Whitfield Recreation Ground (extend the area of dog exclusion to include the now enclosed children's play area);
- Hamilton Road Cemetery (extend the dogs on lead area to cover additional area used for burials); and
- Kearsney Abbey (extend the dogs on lead area in to cover the area known as Mill Ruins).

In response to this, the Council had undertaken consultation on the seven areas above and had received 275 comments in total. These broke down as follows:

- 43% were in favour;
- 15% partly in favour;
- 41% against; and
- 1% not specifying for or against.

There were concerns expressed that in the case of some of the proposed PSPOs there was a balance between the number of supporting and objecting comments and that without the detail of the comments it was difficult to assess the justification for the decisions being recommended by officers. The exceptions to this were the Children's Play Area Whitfield Recreation Ground, the St Augustine's Churchyard, East Langdon and Hamilton Road Cemetery, Deal where the responses where there was a clear outcome in the consultation and the consensus of opinion amongst Members was supportive of these proposals.

In response the Head of Regulatory Services advised that she would ensure that Members were provided with a breakdown of all the responses received.

Members queried whether, given the restrictions on green spaces where dog walking was permitted, the Council had considered the creation of a dog park specifically for this purpose and were advised that the possibility of such an area had been investigated by officers.

The Chairman suggested that if Members still had concerns with the proposed PSPOs following the circulation of the full responses they could call it in.

RESOLVED: That it be recommended to Cabinet:

- (a) That the variation of the Public Spaces Protection Order (Dover District Council) 2018 for the Children's Play Area Whitfield Recreation Ground, the St Augustine's Churchyard, East Langdon and Hamilton Road Cemetery, Deal be endorsed.
- (b) That the Head of Regulatory Services be requested to provide a copy of the responses to the other locations to the members of the committee prior to the expiry of the call-in deadline.

12 2019-2022 REVISED STATEMENT OF POLICY AND PRINCIPLES ISSUED UNDER THE GAMBLING ACT 2005

The Head of Regulatory Services presented the report on the revised statement of policy and principles under the gambling act 2005.

Members were advised that the statement of policy and procedures had to be reviewed every three years. It was proposed that the period of consultation for the review would be 6 weeks after which, subject to any changes arising from the consultation, the policy would be referred to the full Council for consideration.

The new statement to be consulted upon had been drafted using a new countywide template that officers had decided to adopt. However, other than the format change the only textual changes within the document reflected changes in legislation. In response to a question from Members as to whether a tracked change copy of the statement could be made available or whether the proposed changes could be listed in the report, the Head of Regulatory Services advised that the new template for the statement was significantly different from the original document which made it impractical to show as a tracked change document.

The issue of whether there was a measurement framework was raised and the Head of Regulatory Services advised that she would look into it but wasn't sure that there was sufficiently robust local figures to compare with national figures. It was suggested that the gambling commission or the voluntary sector could provide information on the local level of gambling.

The Chairman asked officers to ensure that paper copies of the consultation document be made available to those members of the public who couldn't access it online.

A typographical error was highlighted on page 74, paragraph 154 which referred to 'Folkestone and Hythe District Council' instead of 'Dover District Council'. The Head

of Regulatory Services advised that this would be corrected prior to the document going to consultation.

RESOLVED: That it be recommended to Cabinet that Decision CAB5 be endorsed as follows:

- (a) That the draft revised Statement of Policy and Principles under the Gambling Act 2005, and the commencement of a period of public consultation between 10 June and 22 July 2019, be approved.
- (b) That the Portfolio Holder for Transport and Licensing be authorised in the following terms:
 - (i) In the event that no consultation responses are received, that the Portfolio Holder proposes adoption of the Statement of Policy and Principles to the full Council without modification.
 - (ii) In the event that limited consultation responses are received, that the Portfolio Holder proposes adoption of the Statement of Policy and Principles to the full Council with modification.
 - (iii) In the event that significant consultation responses are received, that the Portfolio Holder refers the matter back to Cabinet in order that it may make a proposal to full Council.

13 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - REQUEST FOR INCREASE IN HACKNEY CARRIAGE FARE TARIFF

The Head of Regulatory Services presented the report on the Local Government (Miscellaneous Provisions) Act 1976 – Request for Increase in Hackney Carriage Fare Tariff.

Members were advised that the fixing of fares in respect of hackney carriages was a statutory function of the Council under the provisions of Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. The Council had received a request from some members of the Dover Federation of Taxi Operators to increase the maximum tariff chargeable, although this was not universally supported amongst Federation members. It was therefore proposed by officers that the Council undertake a preliminary non-statutory consultation in advance of the undertaking the formal statutory consultation procedures. This would provide an opportunity for those hackney proprietors who objected to the proposed increase to submit their views. The proposals did not affect private hire vehicle operators.

Members expressed concern that the format of the consultation document appeared to imply that the Council was endorsing the proposals without that being the case. In addition, there were concerns that the comparisons provided with other districts tariffs were not comprehensive as they did not include all areas of East Kent and the proposals for consultation did not accurately represent the impact of the proposed increase on longer journeys.

The Head of Regulatory services advised that she understood the concerns of Members and would ensure that it would be made clear in the consultation that the proposed tariffs came from the Federation and were not being endorsed by the Council. She also reassured Members that the preliminary non-statutory consultation was only the first stage in the process and if the Council was to proceed further with the proposals there would need to be statutory consultation undertaken.

RESOLVED: That the Head of Regulatory Services be requested to include within the consultation prior its publication, examples relating to fares for (a) day; (b) night; and (c) 1, 2, 3, 4, 5 and 10 mile journeys. There should also be included a comparison with fares in the other East Kent Authorities.

14 IMPROVEMENT WORKS TO DEAL DEPOT

The Head of Parks and Open Spaces presented the report on the improvement works to the Deal Depot.

The proposed works would permit the Parks and Open Spaces department to improve a depot facility by way of installing a hard concrete standing to allow the facility to be used year round and in all weather. It would also enable the department to manage its green waste, store materials and operate more efficiently.

RESOLVED: That the report be endorsed.

15 PERFORMANCE REPORT – QUARTER 4, 2018/19

The Strategic Director (Corporate Resources) introduced the Performance Report – Quarter 4, 2018/19.

Members were advised that there were 22 Green, 7 Amber and 4 Red Performance Indicators for Quarter 4. This compared to 23 Green, 5 Amber and 5 Red Performance Indicators for Quarter 3. The 4 Red Performance Indicators were:

- EKHL1 (Average time taken to re-let council dwellings)
- EKHC2 (Rent arrears as % of annual debit)
- EKHC3 (Former tenant arrears as % of annual debit)
- HOU010a (Number of households living in Temporary Accommodation including B&B)

During the course of considering the Performance Report, Members raised the following points:

KPI06-D (Average call waiting time in seconds)

It was requested by members that the performance indicator be represented consistently as the target was set out in minutes and seconds while the quarterly indicators were represented purely in seconds. It was also requested that clarity be provided as to whether the time measurement was from when a caller first connected to the options menu or from when they first connected to the council.

EKHL1 (Average time taken to re-let council dwellings)

The Director of Customer Services (East Kent Housing) advised that the reason this indicator was red was down to a variety of factors such as the state of the properties when handed back to the council, contractor workload, asbestos survey and removal and the refusal of tenants to accept properties offered to them. East Kent Housing (EKH) was working with the contractors to speed up refurbishment works and asbestos clearance and with DDC's Housing Options team to ensure that tenants had the correct information on the property being offered to them.

EKHC2 (Rent arrears as % of annual debit) and EKHC3 (Former tenant arrears as % of annual debit)

The Director of Customer Services (East Kent Housing) advised that he was working with the Council in respect of the impact of Universal Credit arrears. It took on average 18 months for tenants to get out of debt arising from Universal Credit and the council was not expecting to write off the arrears. Members expressed concern that only a small number of tenants had switched over to Universal Credit in the district and that arrears would significantly increase as part of a full switchover.

The Director of Property Services (East Kent Housing) advised Members that all but 6 of the 23 outstanding LGSRs mentioned in the Performance Report had now been resolved. In respect of the 6 outstanding LGSRs, 2 had appointments for the contractor to undertake the LGSR and 4 would be the subject of forced entry.

The Chief Executive (Dover District Council) advised that the four East Kent authorities had made additional resources available to EKH and had indicated that resolving this matter was a priority. However, the number of outstanding LGSRs was now 133 as of 5.00pm on Monday 3 June 2019.

Members expressed concern to EKH that the situation had worsened in the 6 weeks from the end of Quarter 4 to present.

It was proposed by Councillor C D Zosseder, duly seconded by Councillor T A Bond and

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involve the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the Act.

Members discussed the steps being undertaken by EKH to resolve the issue of the outstanding LGSRs.

It was agreed that an update be provided to the Members of the committee in 2 weeks' time on the outstanding number of LGSRs and that EKH attend the next meeting of the committee on this matter and the full range of performance indicators, including electrical and fire safety.

RESOLVED: That the public be readmitted.

GOV001 (Number of working days/shifts lost due to sickness absence per FTE) and GOV002 (Number of working days/shifts lost due to long term sickness absence over 10 days per FTE)

Members requested a breakdown of the reasons for both long and short terms sickness. The Chief Executive advised that this would be circulated to members of the committee prior to the next meeting.

HOU011 (The number of households presenting as homeless where a duty to re-house is accepted) and HOU012 (The number of children in B&B and nightly paid)

Members were advised that the majority of households were housed within the district but didn't rule out offering accommodation outside of the district as it was preferable to being homeless. It was emphasised that this would not affect their housing list points.

The Homelessness PAG met quarterly to consider the performance of the council in dealing with homelessness.

Car Parking Budget Pressures

Members were advised that the end of the management contract for Sainsbury's car park, the removal of charges at the Tides Car Park and the closure of the old Dover leisure centre had reduced parking income.

RESOLVED: That it be recommended to Cabinet that new performance indicators are added to East Kent Housing in respect of electrical and fire safety.

16 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor C D Zosseder, duly seconded by Councillor T A Bond and

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the items to be considered involved the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12A of the Act.

17 PURCHASE OF NEW AFFORDABLE HOUSING AT 113 FOLKESTONE ROAD

The Strategic Director (Corporate Resources) presented the report on the Purchase of New Affordable Housing at 113 Folkestone Road, Dover.

Members discussed how the accommodation would be used and the financing of the purchase.

RESOLVED: That the report be noted.

The meeting ended at 9.26 pm.