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15 December 2016

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE** on Monday 19 December 2016 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

4 **MINUTES** (Pages 2 - 8)

To confirm the Minutes of the meeting of the Committee held on 15 November 2016 (attached) and 22 November 2016 (published with the agenda).

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over a white background. 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, 15 November 2016 at 6.00 pm.

Present:

Chairman: Councillor K Mills

Councillors: T A Bond
R J Frost
B J Glayzer
P J Hawkins (as substitute for Councillor M I Cosin)
J M Heron
S C Manion
M Rose
D A Sargent

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

77 APOLOGIES

Apologies for absence were received from Councillors M I Cosin and M J Holloway.

78 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that in accordance with Council Procedure Rule 4, Councillor P J Hawkins had been appointed as substitute member for Councillor M I Cosin.

79 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

80 MINUTES

The Minutes of the meetings held on 20 September 2016 and 11 October 2016 were approved as a correct record and signed by the Chairman.

81 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.

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

Members received the decisions of the Cabinet relating to recommendations made by the Committee.

RESOLVED: That the decisions be noted.

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

There were no items of business for consideration.

84 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 for consideration.

85 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.

86 SCRUTINY WORK PROGRAMME

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

Councillor R J Frost proposed that Deal Pier be included in the work programme and considered at the 13 December 2016 meeting. It was agreed that he would email his concerns to the Team Leader – Democratic Support.

Councillor B J Glayzer raised concerns over health and safety issues relating to scaffolding in Tower Hamlets and the response of Kent County Council and asked that the matter be included within the work programme.

Councillor B J Glayzer also raised concerns over safety issues on Stagecoach buses. Members agreed that this would be a matter better suited to the Dover Joint Transportation Board and the Quality Bus Partnership.

RESOLVED: That the Work Programme be noted subject to the inclusion of the matter relating to Kent County Council's actions in respect of health and safety concerns raised by the erection of scaffolding in Tower Hamlets.

87 LORRY PARKING SURVEY UPDATE

The Director of Environment and Corporate Assets presented the update on the Lorry Parking Survey. The update set out the activities undertaken by Civil Enforcement Officers over the past month with regard to HGV parking and the action taken, if any, in each instance.

Members were advised that proposals for the prohibition of lorry parking in Hawkesbury Street and Poulton Close would be considered by the Dover Joint Transportation Board at its meeting to be held on 8 December 2016 and if approved, would be implemented early in the New Year.

The Director of Environment and Corporate Assets was unable to provide Members with an update in respect of the illegal lorry park or the progress of Kent Police in rolling out training to police officers to enable them to issue Fixed Penalty Notices with on the spot fines.

Councillor M Rose advised that in Lydden measures had been taken to try and deter lorry parking at inappropriate locations.

In respect of the Ashford clamping trial, Councillor S C Manion advised that the matter had been raised at Kent County Council and it had been stated that extra powers were wanted from Government. It was agreed that a copy of the question asked at Kent County Council would be circulated to Members.

Members of the Public

The Chairman advised that with the consent of the Committee he would allow the Members of the Public present to speak at the meeting in respect of matter.

The key points raised were as followed:

- That while much of the on-street lorry parking in Coombe Valley Road was legal it was anti-social and causing obstructions.

In response, the Director of Environment and Corporate Assets advised that the new restrictions being considered by the Dover Joint Transportation Board would have the effect of causing some currently legal on-street parking to become illegal.

- That the noise of vehicles parking overnight, particularly those with refrigerated loads, was disrupting the sleep of local people. In addition, drivers were drinking during the night and leaving waste behind when they departed the next day. There were also reports of drivers being seen naked.

This had raised concerns that lorry drivers were departing the next morning while still over the limit.

The Chairman, Councillor K Mills, agreed to raise the matter of drink-driving lorry drivers with Kent Police.

The members of the public present were advised that the processes involved took time to complete but once done would allow the Council to take action.

Members discussed the limit of the powers available to the Council's Civil Enforcement Officers and the need for additional powers to enforce obstruction and move vehicles on.

The Environmental Protection Manager advised that there was legislation relating to vehicle noise that the Council could issue fines for and it was agreed that an officer could be sent to check the noise of vehicles. The Council also operated an out-of-hours service for noise disturbance.

It was agreed that once the parking restrictions had been considered by the Dover Joint Transportation Board there would still be a need for the Committee to continue to review the matter and the outcomes of enforcement action.

- RESOLVED: (a) That the update be noted.
- (b) That the next enforcement survey includes reports for a full 24 hour period (i.e. 11pm – 4am).
 - (c) That the Cabinet be requested to write to the Member of Parliament for Dover to ask:
 - (i) That he lobby for changes to the Traffic Management Act to give the Council's Civil Enforcement Officers the power to take enforcement action in respect of obstruction on the highway.
 - (ii) That he provide an update on the national parking strategy.
 - (iii) That he speak with the Home Office and Foreign Office about liaising with European counterparts to ensure foreign registered vehicles pay parking fines.
 - (d) That the Chairman of the Scrutiny (Policy and Performance) Committee be asked to write to VOSA to confirm the duration of time that drivers can stay in their cabs without a break.

88 RESTORATION OF MAISON DIEU, DOVER

The Director of Environment and Corporate Assets presented the report on the Restoration of Maison Dieu, Dover.

- RESOLVED: (a) That it be recommended to Cabinet that decision CAB73 be endorsed and that the submission of a Round One Application to the Heritage Lottery Fund for a Heritage Grant for Maison Dieu (Dover Town Hall) be approved.

- (b) That it be recommend to Council that the Budget and Policy Framework be amended to increase the monies allocated to this project in the Capital Programme from £2 to £3 million.

89 ENVIRONMENTAL ENFORCEMENT SERVICE DELIVERY OPTIONS

The Environmental Protection Manager presented the report on Environmental Enforcement Service Delivery Options.

Members were advised that the Council had an issue retaining Environmental Enforcement Officers (EEO) due to the stress involved with the confrontational nature of the position and that during the last 3 years the team had only been fully staffed for a total of six months. Since July 2016 there had been a vacant position for an EEO and this presented the opportunity to review the arrangements. The Cabinet had agreed a mixed public/private approach, using the vacant post to fund the use of 2 external contractors for a 12 month trial period. This would also permit officers to dedicate more time to dealing with dog fouling and litter issues.

The Environmental Protection Manager stated that all Fixed Penalty Notices (FPN) issued by the contractor would be reviewed by the Council and the contractor would only be paid if the FPNs were properly issued. The contractors would have to work to the Council's policy which stated that litter must be deliberately left to be the subject of a FPN.

RESOLVED: That it be recommended to the Cabinet that decision CAB75 be endorsed and that Option 2A (a combination of directly employed Environmental Enforcement Officers and external contractors to supplement the service with the contractor retaining 62% of each Fixed Penalty Notice they successfully issued) be agreed.

90 INTRODUCTION OF FIXED PENALTY NOTICES (FPNS) FOR FLY-TIPPING

The Environmental Protection Manager presented the report on the introduction of Fixed Penalty Notices for fly-tipping.

Members welcomed the additional deterrent that this would bring.

RESOLVED: That it be recommended to the Cabinet that Decision CAB76 be endorsed as follows:

- (a) That the issue of Fixed Penalty Notices (FPNs) for small scale fly-tipping offences, contrary to Section 33(1)(a) of the Environmental Protection Act 1990, be approved.
- (b) That the level of the FPNs be set at £400.
- (c) That powers be delegated to the Head of Regulatory Services to authorise persons to act as 'authorised officers' under Section 33ZA (12) of the Environmental Protection Act 1990 for the purposes of issuing FPNs.

91 PERFORMANCE REPORT

The Director of Governance presented the Performance Report – Quarter 2 2016/17. The focus for Quarter 2 was the Kearsney Park project.

There were 23 Green, 3 Amber and 8 Red Performance Indicators for Quarter 2, 2016/17. Members discussed the following red performance indicators:

- HOU010a Number of households living in Temporary Accommodation including B&BP
- HOU010b Number of households in bed and breakfast (The data provided in HOU010a and b shows the number of households on the last day of the quarter)
- PSH007 Number of DFG applications completed
- WAS003 Number of collections missed per 100,000 collections of household waste
- WAS010 Residual household waste per household
- WAS011 Household waste sent for reuse, recycling or composting
- 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
- PLA001 The percentage of appeals against planning decisions which were successful for the applicant

In respect of indicator HOU010a, Members were advised that this was part of a national trend. The Council was working to try to prevent homelessness occurring in the first instance and also to keep children out of bed and breakfast accommodation. To this end a number of properties had been purchased to use as temporary accommodation.

In response to a question from Councillor B J Glayzer, it was stated that the Council worked with a number of other partners such as Porchlight. It was agreed that a list of these partners would be provided to Councillor B J Glayzer.

In respect of indicator WAS010, Members were advised that the Dover District was in the top 5% nationally and 2nd in Kent for its recycling rate.

In respect of indicator WAS003, it was stated that there had been a spike in missed bins in August but this had since reduced and the Council continued to monitor performance.

Members were advised that in respect of indicators PLA001 and PLA002, the Council would be recruiting 2 new planning trainees.

RESOLVED: That it be recommended to the Cabinet that Decision CAB78 be endorsed and that the Council's Performance Report and Actions for the Second Quarter 2016/17 be noted.

92 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor S C Manion, duly seconded 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.

93 GAS SERVICING AND HEATING INSTALLATIONS/ EFFICIENCY CONTRACT 2017-2022

The Chief Executive (East Kent Housing) introduced the report on the Gas Servicing and Heating Installations/Efficiency Contract 2017-22.

RESOLVED: That it be recommended to the Cabinet that Decision CAB81 be endorsed as followed:

- (a) That the award of a new heating contract to P&R Installations Co Ltd be approved, subject to the 30-day notice period required by Section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003.
- (b) That the Head of Strategic Housing be authorised to discharge functions associated with the award of a long-term agreement (including having regard to observations received prior to awarding the contract), as required by Section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003, and to confirm the award of the contract (or report further to Cabinet as appropriate).

The meeting ended at 7.31 pm.