

Minutes of the meeting of the **OVERVIEW AND SCRUTINY COMMITTEE** held at the Council Offices, Whitfield on Monday, 9 September 2019 at 6.00 pm.

Present:

Chairman: Councillor L A Keen

Councillors: S H Beer
T A Bond (Minutes 14 - 23 only)
P M Brivio (as substitute for Councillor C D Zosseder)
D P Murphy
O C de R Richardson
J Rose
M Rose
C A Vinson

Also Present: Councillor P D Jull
Chief Executive (East Kent Housing)
Director of Customer Services (East Kent Housing)
Partnership Director (Civica)

Officers: Chief Executive
Strategic Director (Corporate Resources)
Head of Commercial Services
Policy and Projects Manager
Principal Policy Officer
Democratic Services Manager

14 APOLOGIES

Apologies for absence were received from Councillors D P Murphy, P Walker and C D Zosseder.

15 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that in accordance with Council Procedure Rule 4, Councillor P M Brivio had been appointed as substitute member for Councillor C D Zosseder.

16 DECLARATIONS OF INTEREST

Councillor T A Bond declared an Other Significant Interest (OSI) in Minute No. 24 (East Kent Housing Update), 26 (Performance Report) and 27 (Tenant Engagement on Withdrawal From East Kent Housing Arm's-Length Management Organisation) by reason of his position as a Director of East Kent Housing to which he was appointed by the Council.

17 MINUTES

The Minutes of the meeting held on 6 August 2019 were approved as a correct record and signed by the Chairman.

18 DECISIONS OF THE CABINET RELATING TO RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

The decisions of the Cabinet relating to recommendations made by the Overview and Scrutiny Committee at its meeting held on 6 August 2019 were noted.

19 ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, OR ANOTHER COMMITTEE

The Democratic Services Manager advised that there were no issues referred to the Committee by Council, Cabinet or another Committee.

20 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:

- A review of property purchases (to be scheduled for April/May 2020)

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

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

21 SCRUTINY WORK PROGRAMME

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

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

- A general review of the leisure centre including information on the geographic spread of the users and public transport links to/from Whitfield (to be held February/March 2020)
- A review of the council's policy and enforcement regime in relation to unauthorised encampments (to be held before Christmas 2019)

RESOLVED: That the Work Programme be noted, subject to the inclusion of items on the leisure centre and unauthorised encampments.

22 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.

23 LOCAL PLAN HOUSING POLICIES

The Policy and Projects Manager presented the report on Local Plan Housing Policies.

Members were advised that the Council was in the early stages of producing a new Local Plan for the Dover District. The Local Plan was a Development Plan

Document that set out the vision and framework for the future development of the Dover District over the next 20 years and would, once adopted, be the starting point for the assessment and determination of all planning applications, unless material considerations indicated otherwise.

The Local Plan would also set out the Council's strategy for delivering new homes in the District over the plan period, including as a minimum, making provision for the objectively assessed needs for housing within the District. The minimum annual housing need figure, using the Government's standard method, for the Dover District was currently 629 dwellings per annum, which over a 20 year period, equated to providing a minimum of 12,580 dwellings and this requirement would be taken forward in the new Local Plan. To deliver this the Council had commenced work on a Housing and Economic Land Availability Assessment (HELAA) which would identify a future supply of land which was suitable, available and achievable for housing and economic uses over the period of the Local Plan.

The HELAA comprised a number of stages as followed:

- Stage 1: Identification of sites through a 'call for sites', review of existing land allocations in the Core Strategy and Land Allocations Local Plan, review of planning permissions (including those which were unimplemented, withdrawn or refused), review of previous sites identified in the Strategic Housing and Land Availability Assessment and a desk top review of other data sources
- Stage 2: Site assessment to determine whether a site was (a) suitable, (b) available and (c) deliverable.
- Stage 3: Windfall assessment
- Stage 4: Assessment review

The Council had completed Stage 1 of this process and was currently undertaking Stage 2(a). Once Stage 2 had been completed the assessed sites would be considered by the Local Plan Project Advisory Group.

It was expected that a report would go to Cabinet in December setting out the revised timetable for the Local Plan, with the Regulation 18 consultation period expected to take place in spring 2020.

In addition to dealing with strategic issues, such as housing need and distribution, the Local Plan was also required to set out more detailed development management policies for housing to guide the determination of planning applications. These included:

- Affordable housing development
- Self and Custom Build Housing
- Gypsies and Traveller sites
- Windfall development
- Setting out the Council's approach to delivering a wide range of housing types and sizes
- Residential extensions and annexes
- Rural exception sites

In response to the request of scrutiny concerning the Council's plans for Executive Housing, officers were aware that Ashford Borough Council had identified a need in its Local Plan for the provision of such housing. Members expressed the view that such housing could support business growth in the district and suggested that it be included as part of the self and custom build strategy for Dover District Council's Local Plan.

The Principal Policy Planner advised Members that the Council was working on a new website for the Local Plan as part of its efforts to make it accessible to a wide audience. The new website would launch in 2020 with the next stage of consultation. In response to a question as to how the stages in the process could be communicated to Members, the Democratic Services Manager advised that it could be publicised in the Members' Weekly News and it would be made clear that Members were able to attend the Policy Advisory Group meetings.

RESOLVED: That it be recommended to the Cabinet that provision for executive housing be addressed via the self and custom build housing policy.

24 EAST KENT HOUSING UPDATE

The Chief Executive (East Kent Housing) presented the Compliance Report to the Committee as part of the East Kent Housing (EKH) Update. The report covered both communal blocks and domestic properties.

The report showed the following levels of compliance:

Communal Properties

- Gas – 100.00%
- Asbestos – 31.55%
- Passenger Lifts – 100.00%
- Fire Risk Assessment – 100.00%
- Fire Alarms – 95.58%
- Legionella Risk Assessment – 100.00%
- Emergency Lighting – 98.31%

Domestic Properties

- Electrical Safety Certificates (EICR) – 58.66%
- Asbestos – 29.17%
- Gas – 100.00%
- Smoke Detectors – 88.77%

Members were advised that the figures in the compliance report only accounted for what documentation could be physically evidenced in the possession of EKH. In instances where the works had been undertaken by contractors but EKH did not hold a copy of the information, this was not accounted for in the report.

In respect of asbestos, a 'no touch' policy had been implemented for properties that did not have asbestos survey information. A new contract commenced on 1 April 2019 and a gap analysis process was being undertaken in order to complete asbestos management surveys. The data from these surveys would be held on a

portal owned by the Council rather than, as was historically the case, the information being held by the contractor.

There were a number of actions outstanding for Fire Risk Assessments, Legionella and EICRs separate from the figures for compliance. In respect of the fire risks, a contractor was not yet in place to deliver these actions. Members asked to be provided with details of the outstanding actions for all areas in order to understand the overall performance and outstanding risks. The importance of ensuring EKH were fulfilling all legal requirements was also emphasised.

In response to concerns expressed that it was unacceptable that nearly 42% (1786 properties) of EICRs were non-compliant, Members were advised that there was currently no contract to undertake rolling EICRs but that EKH was considering the use of its repairs contractor, Mears, to undertake the work. It was expected that this approach would result in the outstanding EICRs being resolved by Christmas.

- RESOLVED: (a) That East Kent Housing be requested to provide an update on the performance of all indicators in the compliance report, including the measures being taken to ensure full compliance, and a breakdown of all of the outstanding actions for each area.
- (b) That the information be provided in time for the agenda publication on 4 October 2019 so that it could be considered at the next meeting of the Overview and Scrutiny Committee on 14 October 2019.

(Councillor T A Bond declared an Other Significant Interest (OSI) by reason of his position as a Director of East Kent Housing to which he was appointed by the Council and withdrew from the meeting for the consideration of this item of business.)

25 VARIATION IN AGENDA ORDER

The Chairman, with the consent of the Members present, agreed to vary the running order of the agenda to take the Performance Report as the next item of business.

RESOLVED: That the agenda order be varied.

26 PERFORMANCE REPORT - QUARTER 1 2019-20

The Performance Report – Quarter 1, 2019-20 had 5 red performance indicators, which were as followed:

- Civica: KPI06-D (Average call waiting time in seconds)
- East Kent Housing: EKHL1 (Average time taken to re-let council dwellings)
- East Kent Housing: EKHC2 (Rent arrears as % of annual debit)
- East Kent Housing: EKHC3 (Former tenant arrears as % of annual debit)
- Corporate Resources: HOU010a (Number of households living in temporary accommodation including B&B)

Civica

In response to concerns raised by Members about the Quarter 1 performance of KPI06-D (Average call waiting time in seconds) at 349 seconds (against a target of 233 seconds and an outturn in 2018/19 of 74 seconds), the Partnership Director (Civica) advised that the way the indicator had been calculated had been changed in order to give a more accurate indication of the customer experience.

The method of calculation for the indicator in 2018/19 included (1) switchboard calls (2) automated calls and (3) service calls (i.e. speaking to a customer services team member) while the indicator for 2019/20 only included service calls. If the performance indicator for Quarter 1 was calculated using all three components, it would have resulted in an outturn of 106 seconds.

Members welcomed the more accurate reporting of the wait time for customers calling the Council but questioned whether performance of 233 seconds was an acceptable target from the perspective of residents. The Partnership Director (Civica) advised that customer services had 60 members (increasing to 63 shortly) of staff. These were funded from within the resourcing levels set by the Council. The distribution of the staff was split between revenue and corporate and work was being undertaken to ensure that those in the corporate section could deal with calls for all areas. This would increase performance in the longer term but in the short term it meant that members of staff were being taken off the telephones to undergo the necessary training.

It was expected that Quarter 2 performance would not be within the target as while July 2019 and September 2019 (to date) had been on target, the performance for August had missed the target. In response to a question from Councillor L A Keen, Members were advised that the mailboxes of individual officers were not part of the system that Civica were responsible for dealing with.

The Partnership Director (Civica) invited Members to visit customer services during one of the National Customer Service week open days in October 2019.

East Kent Services

Members queried why performance indicator EKS02d.1 (percentage of incidents resolved within 1 working day) had a target for 2019/20 of 60% when the outturn for 2018/19 was 72% and requested an explanation as to the rationale behind the target setting.

East Kent Housing

The Chief Executive (East Kent Housing) advised Members that the performance of EKHL1 (Average time taken to re-let council dwellings) in July 2019 was 6.83 days and it was expected that Quarter 2 would show improved performance.

Members were advised that delayed payments by the DWP had affected the performance of EKHC2 (Rent arrears as % of annual debit).

A query was also raised as to whether the target for EKHC2 was 2.50% or 4.55% as there seemed to be a contradiction between the indicator and director comments.

Councillor C A Vinson queried why for IMP02 (Percentage of capital procurements (projects) delivered) there was a historical and current under delivery. The Chief Executive (East Kent Housing) advised that the capital works covered a variety of works such as kitchen and bathroom replacement, which was often cyclical. There had been problems with contract procurement as it was either EKH + 1 council or

EKH + 4 councils. An example was quoted of the lack of a pitch roof works contract which was holding up the procurement of the flat roof contract.

In addition, although property components (i.e. kitchen or bathroom) had a specified lifespan it did not necessarily mean that at the end of the lifespan the condition of the property components had deteriorated to the stage where they had to be replaced. However, as EKH only had 30% of the stock condition information that it needed, it was not always able to identify works that needed to be undertaken and there were efforts underway to improve the stock condition knowledge.

In respect of IMP15 (Garage arrears as % garage rental income), Members were advised by the Director of Customer Services (East Kent Housing) that performance had improved and arrears were now within £700 of the target.

Councillor P M Brivio questioned how REP04 (Percentage of tenants satisfied with day to day repairs) was calculated given the 100% performance achieved for Quarter 1, 2019-20. The Chief Executive (East Kent Housing) advised that tenant representatives had tested it with mystery shopping. Members requested a report for the next meeting as to how EKH tested tenant satisfaction, including the methodology used and examples of any forms that tenants had to complete.

DDC Corporate Resources

In response to questions from Members about the performance of ENH015 (Number of Fixed Penalty Notices issued for dog fouling) and ENH016 (Number of Envirocrime prosecutions completed), the Strategic Director (Corporate Resources) advised that he would find out why performance amounted to 1 Fixed Penalty Notice and 1 prosecution respectively for Quarter 1.

The Strategic Director (Corporate Resources) emphasised to Members that that Council would not reject any valid homelessness presentations and that this was reflected in the performance of indicators HOU010a (Number of households living in Temporary Accommodation including B&B) and HOU010b (Number of households in bed & breakfast), which were Red and Amber status respectively. The Council had created extra interim accommodation and the number of households in Bed and Breakfast remained stable. However, there was some evidence that private landlords were leaving the market which reduced the amount of private rental accommodation available.

In respect of a question concerning the end of the business rate pilot, it was stated that this had been treated as a windfall and therefore did not have an on-going impact on the Council's baseline.

- RESOLVED:
- (a) That an explanation be provided for how the target of 60% was set for performance indicator EKS02d.1 (percentage of incidents resolved within 1 working day).
 - (b) That a report be submitted to the next meeting explaining how performance indicator REP04 (Percentage of tenants satisfied with day to day repairs) was calculated including details of the methodology and examples of any forms that tenants had to complete.
 - (b) That key contacts within customer services be provided to Members.

- (c) That the Democratic Services Manager be requested to put information on the open days in customer services on the Members' Weekly News.
- (d) That the Strategic Director (Corporate Resources) would provide further information on the performance of indicators ENH015 (Number of Fixed Penalty Notices issued for dog fouling) and ENH016 (Number of Envirocrime prosecutions completed) for Quarter 1, 2019-20.

(Councillor T A Bond declared an Other Significant Interest (OSI) by reason of his position as a Director of East Kent Housing to which he was appointed by the Council and withdrew from the meeting for the consideration of this item of business.)

27 TENANT ENGAGEMENT ON WITHDRAWAL FROM EAST KENT HOUSING ARM'S-LENGTH MANAGEMENT ORGANISATION

The Strategic Director (Corporate Resources) presented the report on Tenant Engagement on Withdrawal from East Kent Housing Arm's-Length Management Organisation (ALMO). An additional recommendation had been made by Cabinet from those set out in the agenda papers which approved the payment of an extra management fee to East Kent Housing for further compliance work.

Members were advised that the primary concern was the welfare of the tenants and the need to deliver services effectively. It was noted that recent events elsewhere had demonstrated that while housing services might be delivered through an external organisation (such as an ALMO) with little direct control able to be exercised by the local authority, ultimately the Council would still be held accountable for its performance. Nationally, a number of local authorities had withdrawn from ALMO arrangements.

In response to questions about the potential loss of economies of scale by not procuring for four authorities together, the Chief Executive pointed out that nothing prevented joint contracts in the future without an ALMO. The example of the joint waste contract was cited as an example of local authorities co-operating in procurement.

RESOLVED: That it be recommended to Cabinet:

- (a) That the commencement of engagement (in the form set out at paragraph 4.10 of the report) with tenants (and leaseholders as required) on withdrawal from East Kent Housing be approved.
- (b) That Cabinet delegates to the Strategic Director (Corporate Resources), in consultation with the Portfolio Holder for Housing and Health, the details and basis of the engagement and also of any subsequent formal consultation.
- (c) That Cabinet delegate to the Strategic Director (Corporate Resources) authority to approve additional management fee payments to East Kent Housing, in consultation with the Portfolio Holders for Finance & Governance and Housing & Health, providing that this remains within overall Housing Revenue

Account resources for 2019/20 and the Budget and Policy Framework.

(Councillor T A Bond declared an Other Significant Interest (OSI) by reason of his position as a Director of East Kent Housing to which he was appointed by the Council and withdrew from the meeting for the consideration of this item of business.)

The meeting ended at 8.23 pm.