

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

Present:

Chairman: Councillor L A Keen

Councillors: S H Beer
T A Bond
P D Jull (as substitute for Councillor D G Beaney)
M Rose
C A Vinson
R S Walkden
P Walker
C D Zosseider

Officers: Strategic Director (Corporate Resources)
Head of Planning, Regeneration and Development
Strategic Project Manager (Infrastructure)
Principal Heritage Officer
Planning Monitoring Officer
Principal Infrastructure Planner
Partnership Director
Democratic Services Manager
Democratic Services Officer

62 **APOLOGIES**

An apology for absence was received from Councillor D G Beaney.

63 **APPOINTMENT OF SUBSTITUTE MEMBERS**

It was noted that in accordance with Council Procedure Rule 4, Councillor P D Jull had been appointed as substitute member for Councillor D G Beaney.

64 **DECLARATIONS OF INTEREST**

Councillor T A Bond declared an Other Significant Interest (OSI) in Minute No. 71 (East Kent Housing Update) by reason of his position as a Director of East Kent Housing to which he was appointed by the Council.

65 **MINUTES**

The Minutes of the meeting held on 11 November 2019 were approved as a correct record and signed by the Chairman.

66 **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 2 December 2019 were noted.

67 **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.

68 **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.

69 **NOTICE OF FORTHCOMING KEY DECISIONS**

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

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

70 **SCRUTINY WORK PROGRAMME**

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

RESOLVED: That the Work Programme be noted.

71 **EAST KENT HOUSING UPDATE**

The Chief Executive (East Kent Housing) presented the Compliance Report for East Kent Housing to the Committee. She also introduced the interim Director of Property Services to the Committee.

The Compliance Report covered both communal blocks and domestic properties and reported the following levels of compliance:

Communal Properties

- Gas – 100.00%
- Asbestos – 72.34%
- Electrical Installation Condition Report (EICRs) – 35.29%
- Passenger Lifts – 100.00%
- Fire Alarms – 100.00%
- Legionella Risk Assessment – 100.00%
- Emergency Lighting – 100.00%

In respect of Asbestos, the historic data had now been downloaded and 89% of the downloaded data has been uploaded to the new portal. The remainder would take approximately one month to complete. The contractor (PA Group) had completed approximately 48.86% of asbestos management surveys (129 of 264 completed since April) and would be up to date by the end of the financial year. EKH operated a ‘no touch’ policy in place where no asbestos was held.

In respect of Fire Risk Assessments (FRA) there were 1444 outstanding actions ranging from trivial to substantial. The work on these was due to commence in December 2019. It was noted that several materials were in high demand and had a lead in time accordingly associated with them. EKH was providing the Council with a delivery programme that was being reviewed weekly.

Members were advised that all communal fire alarms had been serviced and tested.

There were 438 outstanding Water Hygiene Actions (WHA) although all properties (excluding Norman Tailyour House which only went into occupation in November) had current legionella risk assessments.

Domestic Properties

- Gas (LGSRs) – 99.95%
- Asbestos – 29.50%
- Electrical Installation Condition Report (EICRs) – 13.95%
- Smoke Detectors – 88.75%

The Committee noted with dissatisfaction that there had been no significant progress in respect of EICRs. Members were advised that discussions were ongoing between EKH and the Council as to the best way to accelerate completion of the EICR programme.

In respect of fire alarms, the Committee was advised that the Council was legally compliant but not meeting best practice standards were not being met.

Capital Programme 2019/20 Update

Members were advised that, as at 31 October 2019, the forecast spend against budget was 98% (£3,326,990 against a budget of £3,375,000). However, a number of risks existed around matters such as weather, contractor performance, procurement delays and scope of works which meant that the final outturn was likely to be lower (c.80%).

In respect of a question from Councillor C A Vinson, the Chief Executive (East Kent Housing) stated that the variation in performance over previous years was due to each year involving different areas and contracts. In previous years contracts had been in the process of being renewed whereas for this year they were already in place.

Councillor C A Vinson expressed concern that consistent underspending could lead to asset deterioration and the Committee was advised that EKH only had a stock condition survey in place for 30% of its properties. However, 99% of the stock met the Decent Homes Standard.

In response to a question from Councillor S H Beer it was stated that there was a backlog of referrals from the Health Service for disabled adaptations.

Councillor L A Keen requested an update on Environmental Improvement Programme works to a future meeting.

Members acknowledged the progress that had been made in some areas of compliance but requested that the Committee continue to receive updates as there had been a lack of significant progress in areas as EICRs.

RESOLVED: That East Kent Housing be requested to provide the following information:

- (a) An update on the stock condition;
- (b) Information on the maintenance programme for communal floor coverings;
- (c) An update to the next meeting on the Environmental Improvement Programme;

- (d) A breakdown of the 'moderate' fire risks including the actions being taken and the timeframe for resolution;
- (e) An update on the actions being taken in respect of EICRs and asbestos in domestic properties; and
- (f) That the next edition of the Compliance Report include the addition of trend indicators with the figures.

(Councillor T A Bond declared an Other Significant Interest (OSI) in Minute No. 71 (East Kent Housing Update) 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.)

72 BUSINESS RATES RETENTION PILOT 2018/19

The Strategic Director (Corporate Resources) presented the report on the Business Rates Retention (BRR) Pilot 2018/19.

Members discussed the report and the Strategic Director (Corporate Resources) provided clarification on the report in response to questions.

RESOLVED: That the reported be noted.

73 COUNCIL TAX SUPPORT SCHEME 2020/21

The Strategic Director (Corporate Resources) presented the report on the Council Tax Support Scheme 2020/21.

Members were advised that the operation of Universal Credit, with its frequent changes in entitlement based on changes in income from month to month, did not fit well with the Council's current Council Tax Support Scheme where entitlement was based on an exact assessment of claimant income.

This presented a number of risks as followed:

- (a) Uncertainty for the claimant;
- (b) The potential for direct debit deadlines being missed and payments not being made correctly;
- (c) The generation of arrears and the requirement for recovery action; and
- (d) Undue administrative effort, taking resources away from assisting claimants on more constructive work.

The introduction of a banding scheme, which was used elsewhere in Kent, was proposed to address these issues. The impact of the switch to a banding scheme would be cost neutral overall, although there would be a small number of winners and losers within the scheme. Members were advised that the Council would continue to maintain its exceptional hardship scheme to assist those in the most need.

The consultation had been undertaken by Canterbury City Council on behalf of the East Kent authorities and the responses received to the proposed changes had

been mostly supportive of the proposals. The consultation had sent out 7,000 letters to which 233 responses were received. All responses had been given equal weight. Councillor L A Keen asked if future reports could contain the details of the responses.

In response to concerns expressed by Members that self-employed people on low hours who didn't achieve the anticipated level of income would be better off on benefits rather than working as a result of this scheme, it was stated that Universal Credit was also a working benefit. There would also potentially be an assessment to see if self-employment on low hours was sustainable.

The issue of the non-dependant deduction was raised in respect of adults in full time education living with parents and Members were advised that this would only be applied where it was appropriate to do so.

RESOLVED: That it be recommended to the Cabinet:

- (a) That it recommended to the Council that it adopt the revised Council Tax Support Scheme as set out in the report.
- (b) That it recommended to the Council that it approve the adoption of the revised Council Tax Support Scheme (including the Exceptional Hardship Scheme) as set out in Option C.

74 AUTHORITY MONITORING REPORT

The Chairman, Councillor L A Keen, proposed that the consideration of the Authority Monitoring Report be deferred until the next meeting to allow Members more time to read the report.

Members debated whether the whole report should be deferred or whether a summary of the main changes should be prepared as an alternative. It was agreed that the report should be deferred and considered in full at the next meeting.

The Democratic Services Manager explained the difference between call-in and deferring a decision, emphasising that the deferment of its consideration did not stop the decision being implemented by Cabinet.

Councillor L A Keen asked Members to submit questions for the next meeting and that these should be collated by the Democratic Services Manager.

RESOLVED: That consideration of the Authority Monitoring Report be deferred until the next meeting of the Overview and Scrutiny Committee.

75 DOVER DISTRICT COUNCIL LOCAL DEVELOPMENT SCHEME

The Policy and Projects Manager presented the Dover District Council Local Development Scheme report. The Planning and Compulsory Purchase Act 2004 (as amended) placed a statutory duty on the Council to maintain an up-to-date Local Development Scheme (LDS). The LDS set out the project timetable to produce the Council's Local Plan.

In response to questions from Members, the Head of Planning, Regeneration and Development advised that the report was based on the required statutory processes.

Councillor T A Bond proposed that all Members have access to the list of RAG (Red, Amber, Green) sites with the supporting paperwork prior to the sites going to public consultation. The Head of Planning, Regeneration and Development advised that there would be ward based meetings with District Councillors and Parish Councils to discuss the sites proposed to go to consultation under Regulation 18.

The advantages of holding a series of informal briefing meetings for Members on the full list of RAG sites prior to any consultation was discussed. This would be structured on a ward basis over a series of three meetings held after 20 January 2020.

RESOLVED: That it be recommended to the Cabinet:

- (a) That the Local Development Scheme be accepted.
- (b) That, prior the town and parish councils being briefed on the proposed site allocations and the Local Plan PAG making a decision on the final 'RAG' (Red, Amber, Green) status of sites, a series of 3 informal briefing meetings, structured by area, are held for Members.

76

PUBLIC REALM IMPROVEMENTS PROJECT - MARKET SQUARE, DOVER

The Strategic Delivery Manager (Infrastructure) presented the report on Public Realm Improvements Project – Market Square, Dover.

Members welcomed the project as a way of boosting tourism in Dover and supporting the Council's tourism strategy.

Councillor L A Keen questioned the current lack of cycle racks in Market Square given its position at the end of the Dour cycle route.

RESOLVED: That it be recommended to the Cabinet:

- (a) That the project be approved in principle, and the Council be permitted to receive the grant of £2.44 million and to act as the accountable body to the Ministry of Housing, Communities and Local Government in relation to the grant.
- (b) That the expenditure of £350,000 allocated within the current capital programme be approved as match funding for the project.
- (c) That the Strategic Director (Operations and Commercial) be authorised, in consultation with the Portfolio Holder for Transport and Licensing, to: (i) Enter into any agreements necessary to deliver the project; (ii) Take all necessary steps to work with Kent

County Council to deliver the highways elements of the project; and (iii) Expend the grant for the purpose of delivering public realm improvements at the Market Square, Dover.

(Councillor T A Bond declared a Disclosable Pecuniary Interest by reason of his position as a director of Dover Town Team and withdrew from the meeting for the consideration of this item of business.)

77 ADOPTION OF VICTORIA ROAD AND WELLINGTON ROAD CONSERVATION AREA CHARACTER APPRAISAL

The Principle Heritage Officer presented the report on the Adoption of Victoria Road and Wellington Road Conservation Area Character Appraisal.

Members welcomed the report.

RESOLVED: That it be recommended to the Cabinet:

- (a) That the proposed responses to the representations received, and the resulting modifications to the Deal Victoria Road and Wellington Road Conservation Area Character Appraisal, as set out at Appendix 2 to the report, be approved.
- (b) That the Deal Victoria Road and Wellington Road Conservation Area Character Appraisal, as set out at Appendix 1 to the report, be adopted as a material consideration for planning purposes.
- (c) That guidelines be developed to inform Conservation Area residents how they can implement measures to address climate change issues whilst adhering to restrictions imposed by an Article 4 Direction.
- (d) That the Head of Planning, Regeneration and Development be authorised to make any necessary editorial changes to the Appraisal to assist with clarity, consistency, explanation and presentation, in consultation with the Portfolio Holder for Planning and Regulatory Services.

78 ADOPTION OF UPPER DEAL CONSERVATION AREA CHARACTER APPRAISAL

The Principal Heritage Officer presented the report on the Adoption of Upper Deal Conservation Area Character Appraisal.

Members welcomed the report.

RESOLVED: That it be recommended to the Cabinet:

- (a) That the proposed responses to the representations received, and the resulting modifications to the Upper Deal

Conservation Area Character Appraisal, as set out at Appendix 2 to the report, be approved.

- (b) That the Upper Deal Conservation Area Character Appraisal, as set out at Appendix 1 to the report, be adopted as a material consideration for planning purposes.
- (c) That guidelines be developed to inform Conservation Area residents how they can implement measures to address climate change issues whilst adhering to restrictions imposed by an Article 4 Direction.
- (d) That the Head of Planning, Regeneration and Development be authorised to make any necessary editorial changes to the Appraisal to assist with clarity, consistency, explanation and presentation, in consultation with the Portfolio Holder for Planning and Regulatory Services.

The meeting ended at 9.28 pm.