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Minutes of the meeting of the **SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE** held at the Council Offices, Whitfield on Monday, 13 March 2017 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
M Rose
D A Sargent

Also Present: Councillor M R Eddy
Councillor P J Hawkins
Councillor P A Watkins
Road Works Co-Ordinator Dover District (Kent County Council)

Officers: Chief Executive
Director of Environment and Corporate Assets
Director of Finance, Housing and Community
Director of Governance
Head of Assets and Building Control
Head of Leadership Support
Team Leader – Democratic Support

159 APOLOGIES

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

160 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

161 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

162 MINUTES

The Minutes of the meeting held on 14 February 2017 were approved as a correct record and signed by the Chairman.

163 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.

164 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.

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

There were no items of business for consideration.

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

(1) Scaffolding – Tower Hamlets, Dover

Councillor B J Glayzer informed Members that he had asked for this matter to come to scrutiny due to concerns over scaffolding erected in Tower Hamlets Street in Dover. In particular his concerns related to a lack of signage, general site safety and personal protection equipment (PPE) used by the builders.

The Road Works Co-Ordinator Dover District (Kent County Council) and the Head of Assets and Building Control (Dover District Council) were in attendance to answer questions from Members in respect of the matter.

Members were advised that the role of Dover District Council's building control department was to inspect the 'product' (i.e. repairs to the roof, etc.) and that they had no role in respect of PPE and site safety as this was a matter for the Health and Safety Executive (HSE). Despite this, when contacted by a member of the public about concerns over the work being carried out in Tower Hamlets Street the Council did contact the builders to remind them of HSE requirements.

The role of Kent County Council was to issue the licence for the scaffolding with basic conditions. However, as the concerns raised were not related to the erection of the scaffolding itself but rather site safety it would be a matter for the HSE.

Members were advised that if anyone had concerns over health and safety they could report them directly to the health and safety executive.

There was concern expressed by Members that despite four inspections of the site by Kent County Council there was no action taken in respect of potential breaches of the scaffolding licence in respect of signage, walkway access and safety lighting.

Members emphasised the importance of ensuring that this situation did not reoccur again and the need for officers to refer concerns to the HSE if the matters related to areas outside of their responsibility.

Councillor S C Manion offered to take up this matter directly with the appropriate Kent County Council Cabinet Member.

- RESOLVED:
- (a) That it be noted that the Head of Assets and Building Control had agreed to place the contact details for the Health and Safety Executive on the Building Control website pages.
 - (b) That the photographic evidence in relation to the scaffolding in Tower Hamlets, Dover be forwarded to the Health and Safety Executive by the Head of Assets and Building Control.
 - (c) That the Team Leader - Democratic Support be requested to circulate the link to the scaffold licence to members of the Scrutiny (Policy and Performance) Committee.
 - (d) That the matter be included within the work programme for consideration at a future date and that representatives from the Health and Safety Executive be invited to attend.
 - (e) That Kent County Council be requested to investigate including the builders details on the scaffolding licence.

(2) East Kent Councils Merger

It was agreed that Councillor B J Glayzer's proposals for a public meeting as part of the decision route for the proposed Single East Kent Council would be considered as part of the discussions for Minute No. 169 (Business Case – Single East Kent Council).

167 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.

168 SCRUTINY WORK PROGRAMME

The Team Leader – Democratic Support presented the Scrutiny Work Programme

to the Committee for its consideration.

Members requested that updates on Deal Pier and lorry parking be added to the agenda.

RESOLVED: That the Work Programme be noted subject to the addition of updates on Deal Pier and Lorry Parking to future meetings.

169 BUSINESS CASE - SINGLE EAST KENT COUNCIL

The Chief Executive and the Director of Finance, Housing and Community presented the report on the Business Case for a Single East Kent Council.

The presentation set out the financial position facing the Council and the case for a forming a single East Kent Council composed of the areas currently served by Canterbury City Council, Dover District Council, Shepway District Council and Thanet District Council.

The Chief Executive advised that doing nothing in the face of the financial pressures facing the Council was not an option and the Council would have to do something to balance its budget in future.

Members were advised that the proposals were not for the creation of a Unitary Council but rather a new District Council serving the area of the four authorities. In governance terms the proposed new authority would be run on the Committee Model as opposed to the Leader and Cabinet Model with area panels for planning and licensing decisions.

Members were advised that one of the challenges facing the creation of a new council would be the decision as to the level for Council Tax to be harmonised at given the variation in levels currently charged in the four authorities. Harmonising at the level of the lowest of the four authorities (Dover) would be financially challenging whereas harmonising at the level of one of the other authorities would be more sustainable. This would potentially result in an increase for residents of the Dover District and reductions for residents of other authorities depending on the final level of harmonisation. However, that decision was one for the Single East Kent Council and not any of the existing Councils.

In equality terms, the biggest challenge would be the harmonisation of the Council Tax Reduction Scheme.

The Medium Term Financial Plan (MTFP) would include provision for the one-off costs involved in creating the new authority and there would be proposals for the handling of each authorities reserves as part of the new authority.

Members would be asked at the meeting of full Council to be held on 22 March 2017 to make a decision on undertaking a consultation and engagement exercise between 24 March 2017 and 19 May 2017. The consultation would be undertaken using ORS and would include consultation with town and parish councils. There was some concern expressed by members of the Committee over the size of the consultation, the lack of face-to-face consultation events and whether those people consulted had enough information to make informed responses.

A presentation on the consultation and engagement exercise would be made to Members on Friday 17 March 2017. In response to concerns that the consultation clashed with purdah for the Kent County Council elections the Chief Executive stated that there was sufficient time after the end of purdah for Kent County Council to make a response to the consultation.

The Council would be involved in 2 further decisions in respect of the creation of a Single East Kent Council. The first in July 2017 would be for the Cabinet after receiving guidance from the Council to resolve to make a submission to the Department for Communities and Local Government (DCLG) to ask for the creation of the new authority and the second in Autumn 2017 would be for the Council to dissolve Dover District Council having received the necessary order from the DCLG. It is proposed that the elections for the new Council would be held in May 2019.

It was recognised that as part of proposals for devolving powers to parish council level there would need to be assistance provided to build capacity and there would be a cost to the parishes. Where neighbourhood plans were in place some planning matters could be devolved and parishes could be federated to deal with bigger issues.

Members discussed concerns over fairness as part of the creation of a single East Kent Council and the settlement in terms of debts and assets between the four authorities. In response, it was stated that there were no cast iron guarantees for transitional arrangements but it was expected that the Secretary of State with the backing of local Members of Parliament would provide relief and the Council would still have the choice in the Autumn 2017 not to proceed if it was unhappy with the arrangements.

The issue of democratic deficit and where the new authority would be based was raised as part of concerns that the new authority would be more distant from constituents. In response Members were advised that the Committee system would deal with some of the concerns over democratic deficit and that it was not known at this point where the new authority would be based.

It was expected as part of the creation of the new authority, Dover District Council would lose 8% of its existing staff.

Councillor B J Glayzer advised that the concerns that he prompted his earlier motion were related to doubts as to whether the report was fit for public consultation. However, following the discussions at the meeting he would withdraw his motion.

RESOLVED: That it be recommended to Cabinet:

- (a) That the dates of the consultation events be circulated to all members of the Council.
- (b) That the Scrutiny (Policy and Performance) Committee be provided with the full detail of the consultation results.

170 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor M I Cosin, 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.

171 YOUR LEISURE FUNDING ARRANGEMENTS

In the absence of the Chairman, the Vice-Chairman assumed the Chair for this item of business.

The Director of Environment and Corporate Assets presented a report on proposals for the funding arrangements for Your Leisure.

RESOLVED: That it be recommended to Cabinet that Decision CAB163 be endorsed as follows:

- (a) That the Council should cease all funding to Your Leisure for the operation of Dover Leisure Centre from 31 March 2018, the result of which will be the ending of the lease on that date.
- (b) That the Director of Environment and Corporate Assets be authorised, in consultation with the Portfolio Holder for Property Management and Public Protection, to negotiate and agree the terms with Your Leisure for the extension of the lease for Tides Leisure and Indoor Tennis Centre in Deal.
- (c) That a comprehensive assessment be carried out to: (i) clarify the nature and cost of works required to improve facilities at Tides Leisure Centre; and (ii) identify the likely future capital and maintenance costs of the Centre. A further report shall then be submitted to Cabinet.

(Councillor K Mills declared an Other Significant Interest in Minute No. 171 by reason of his daughter's employment with Your Leisure and withdrew from the meeting for the consideration of this item.)

The meeting ended at 8.35 pm.